To authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES
FEBRUARY 15, 2011
Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL
To authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Wildlife Disease Emergency Act of 2011”.

SEC. 2. PURPOSES.

The purposes of this Act are—
(1) to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies;

(2) to establish a fund through which the Secretary may coordinate rapid response to those emergencies; and

(3) to prepare for, identify, and address diseases adversely affecting wildlife populations and biodiversity through strategic and coordinated actions among Federal, State, and local agencies, Indian tribes, and nongovernmental organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term “Committee” means the Wildlife Disease Committee established under section 6(a).

(2) DISEASE.—The term “disease” means an infectious or noninfectious, pathological condition that—

(A) occurs in a susceptible population of wildlife; and

(B) is not zoonotic.

(3) FUND.—The term “Fund” means the Wildlife Disease Emergency Fund established by section 5.
(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) **UNITED STATES.**—The term “United States” includes—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(8) **WILDLIFE.**—The term “wildlife” means any species native to the United States, including non-
domesticated mammals, fish, birds, amphibians, reptiles, mollusks, and arthropods.

(9) **Wildlife Disease Emergency.**—The term “wildlife disease emergency” means a disease that—

(A) is infectious and caused by—

(i) a newly discovered pathogen; or

(ii) a known infectious disease that is expanding in geographic range, species impacted, or other recognized impacts;

(B) poses significant threats to the sustainability of a wildlife species;

(C) is spreading rapidly; or

(D) poses a significant threat to the health of a functioning ecosystem in a priority landscape identified in—

(i) the national fish and wildlife climate change adaptation plan entitled “Rising to the Urgent Challenge: Strategic Plan for Responding to Accelerating Climate Change” and dated September 2010; or

(ii) a similar Federal, State, local, or tribal law, regulation, or conservation plan.
SEC. 4. DECLARATION OF WILDLIFE DISEASE EMERGENCY.

(a) IN GENERAL.—The Secretary, in consultation with the Governor of a potentially affected State, may declare within that State a wildlife disease emergency for a disease that affects wildlife—

(1) within the United States; or

(2) outside the United States, but has the potential, as determined by the Secretary, to enter the United States.

(b) CONSIDERATIONS.—In making a declaration under subsection (a), the Secretary shall consider—

(1) the level of threat the disease poses to affected wildlife populations, based on—

(A) the relative threat to population levels;

(B) the relative strength of the contagion and spread of the disease;

(C) the observed rate of morbidity or mortality of the disease; and

(D) the priority of affected species, ecosystems, or habitats, including—

(i) species under—

(I) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(II) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);
(III) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); or

(IV) any other applicable Federal law (including regulations);

(ii) species and habitats identified as priorities in—

(I) the national fish and wildlife climate change adaptation plan entitled “Rising to the Urgent Challenge: Strategic Plan for Responding to Accelerating Climate Change” and dated September 2010; or

(II) a similar Federal, State, local, or tribal law, regulation, or conservation plan; and

(iii) wildlife located on Federal land;

(2) the sufficiency of resources available in the Fund;

(3) the ability of the Department of the Interior and other Federal, State, and local agencies, tribal governments, and other stakeholders to address and coordinate response to the disease through other means; and
(4) the request of any State Governor to make such a declaration.

(c) Response Coordination.—Upon a declaration of a wildlife disease emergency by the Secretary, the Secretary shall lead a coordinated response to the emergency that shall include, to the maximum extent practicable, appropriate Federal, State, and local agencies, Indian tribes, nongovernmental organizations, or other stakeholders.

(d) Grant Program.—The Secretary may develop and implement a grant program to provide grants to State wildlife agencies and Indian tribes to coordinate the response to and address declared wildlife disease emergencies.

SEC. 5. WILDLIFE DISEASE EMERGENCY FUND.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund to be known as the “Wildlife Disease Emergency Fund”, to be administered by the Secretary, to be available without fiscal year limitation, and subject to appropriation, to carry out this Act.

(b) Transfers to Fund.—The Fund shall consist of—

(1) such amounts as are appropriated to the Fund; and
(2) such amounts as are received by the Secretary as donations, gifts, or contributions for the purpose of addressing wildlife disease emergencies.

(c) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than to respond to a wildlife disease emergency declared under section 4.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

(2) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

(A) A statement of the amounts deposited into the Fund.

(B) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(C) Recommendations for additional authorities to fulfill the purpose of the Fund.
(D) A statement of the balance remaining in the Fund at the end of the fiscal year.

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(39) a separate statement for the Wildlife Disease Emergency Fund established under section 5 of the Wildlife Disease Emergency Act of 2011, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

SEC. 6. WILDLIFE DISEASE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary may establish a Wildlife Disease Committee to assist the Secretary in increasing the level of preparedness of the United States to address emerging wildlife diseases.

(b) DUTIES.—The Committee shall—

(1) advise the Secretary on risk assessment, preparation, monitoring, research, and response to wildlife diseases that may significantly impact the health and sustainability of wildlife populations; and

(2) as appropriate, draft reports, recommendations, plans, or other documents relating to risk as-
essment, preparation, monitoring, research, and response to wildlife diseases that may significantly impact the health and sustainability of wildlife populations.

(c) **Membership.**—

(1) **In general.**—Subject to paragraph (2), members of the Committee shall be appointed by the Secretary from among individuals who are qualified by education, training, or experience in topics such as wildlife health, biology, ecology, wildlife conservation, and natural resource management.

(2) **Inclusions.**—The Committee shall include—

(A) qualified individuals who are employed by Federal and State agencies and tribal entities; and

(B) qualified individuals who represent public and private organizations.

(d) **Committee Chair.**—The Secretary, or a designee of the Secretary, shall be the Chair of the Committee.

(e) **Staffing and Assistance.**—The Secretary shall make available to the Committee any staff, information, administrative services, or assistance the Secretary
determines is reasonably required to enable the Committee
to carry out the functions of the Committee.

(f) RENEWAL.—Notwithstanding section 14 of the
Federal Advisory Committee Act (5 U.S.C. App.), the Sec-
retary may renew the Committee for any period of time
that the Secretary determines to be appropriate.

SEC. 7. RAPID RESPONSE TEAMS.

The Secretary may convene rapid response teams to
address any wildlife disease emergency.

SEC. 8. ADMINISTRATION.

Nothing in this Act—

(1) limits the authority of the Secretary to re-
spond to wildlife disease events that are not declared
wildlife disease emergencies under this Act; or

(2) limits, repeals, supersedes, or modifies any
provision of Federal, State, local, or tribal law (in-
cluding regulations).