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SENATE

{ REPORT
112-214

WILDLIFE DISEASE EMERGENCY ACT OF 2011

SEPTEMBER 19, 2012.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 357]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 357) 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, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Wildlife diseases present a threat to threatened and endangered species in the United States. One particularly devastating disease is white-nose syndrome (WNS), which affects hibernating bats and has spread rapidly across the U.S. in recent years. WNS has killed more than 5.5 million bats in the Northeast and Canada. Eleven species of cave-hibernating bats, including four endangered species and subspecies, are already affected by or are potentially at risk from WNS.

The disease was first documented in New York in the winter of 2006–2007 and has spread rapidly across the eastern United States and Canada. It has now been detected as far west as Oklahoma. At the end of the 2010–2011 hibernating season, WNS had been documented in 19 states.

The Wildlife Disease Emergency Act of 2011 seeks to respond to the threat of wildlife disease, such as WNS, by authorizing the Secretary of the Interior to declare a wildlife disease emergency in one or more states. The bill directs the Secretary, upon making such

a declaration, to lead a coordinated response to the emergency. The bill also authorizes the Secretary to implement a grant program to provide grants to state wildlife agencies and Indian tribes to coordinate the response to and address such declared emergencies.

S. 357 directs the Secretary to establish a Wildlife Disease Committee to assist the Secretary in increasing the level of preparedness needed to address emerging wildlife diseases and authorizes the Secretary to convene rapid response teams to address any wildlife disease emergency.

OBJECTIVES OF THE LEGISLATION

The Wildlife Disease Emergency Act of 2011 (S. 357) authorizes the Secretary of Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to such emergencies.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the ‘Wildlife Disease Emergency Act of 2011’.

Section 2. Purposes

Section 2 describes the purposes of the legislation.

Section 3. Definitions

Section 3 provides definitions of several terms used in the Act.

Section 4. Declaration of wildlife disease emergency

Section 4 authorizes the Secretary of the Interior (Secretary), in consultation with the Governor of a potentially affected State, to declare a wildlife disease emergency. This section outlines criteria the Secretary must consider in making a declaration.

Section 4 directs the Secretary to lead a coordinated response upon declaring a wildlife disease emergency. This section also authorizes the Secretary to develop and implement a grant program to provide grants to State wildlife agencies and Indian tribes to coordinate the response to and address a declared wildlife disease emergency.

Section 5. Wildlife Disease Emergency Fund

Section 5 establishes in the Treasury of the United States a Wildlife Disease Emergency Fund. The fund shall consist of such amounts as are appropriated to the Fund and such amounts as are received by the Secretary as donations, gifts, or contributions for addressing wildlife disease emergencies.

Amounts in the fund may only be used to respond to a wildlife disease emergency declared under Section 4.

This section requires the Secretary to submit annual reports to Congress on the use of the Fund.

Section 6. Wildlife Disease Committee

Section 6 establishes a Wildlife Disease Committee to assist the Secretary in increasing the level of preparedness of the United States to address emerging wildlife diseases and outlines the duties

of the Committee. This section also includes criteria for the selection of members of the Committee by the Secretary.

Section 7. Rapid response teams

Section 7 authorizes the Secretary to convene rapid response teams to address any wildlife disease emergency.

Section 8. Administration

Section 8 clarifies that nothing in this Act—(1) limits the authority of the Secretary to respond to wildlife disease events that are not declared wildlife disease emergencies; (2) affects the authority, jurisdiction or responsibility of any State to manage, control, or regulate fish or resident wildlife under any State law; (3) grants authority to any public agency to acquire private property or conservation easements or otherwise infringes on private property rights; or (4) limits, repeals, supersedes, or modifies any provision of Federal, State, local, or tribal law (including regulations).

LEGISLATIVE HISTORY

S. 357 was introduced by Senators Lautenberg, Leahy, Sanders, and Bingaman on February 15, 2011. The bill was received, read twice, and referred to the Committee on Environment and Public Works. On July 25, 2012, the full Committee on Environment and Public Works met to consider the bill. The bill was ordered reported favorably, as amended, by voice vote.

HEARINGS

On April 24, 2012, the Water and Wildlife Subcommittee of the Senate Environment and Public Works Committee held a legislative hearing on multiple bills, including S. 357.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 357 on July 25, 2012. An amendment offered by Sen. Lautenberg was adopted by voice vote. The bill, as amended, was ordered reported favorably by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 357 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee noted that the Congressional Budget Office has found, “S. 357 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

AUGUST 14, 2012.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: As you requested, the Congressional Budget Office has prepared the enclosed cost estimate for S. 357, the Wildlife Disease Emergency Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 357—Wildlife Disease Emergency Act of 2011

S. 357 would authorize the Secretary of the Interior to declare wildlife disease emergencies and to spend certain appropriated funds to address the effects of those diseases. The bill also would authorize the Secretary to establish a committee to assist the Department of the Interior (DOI) in preparing federal agencies to respond to such diseases.

Based on information provided by DOI, CBO expects that the agency would apply the emergency designation established under the bill to newly discovered diseases rather than known diseases. Based on information regarding the historical costs of mitigating the effects of severe outbreaks of wildlife diseases, such as white nose syndrome (which affects bats), CBO estimates that implementing the legislation would cost \$2 million a year over the 2012–2017 period, assuming appropriation of the necessary amounts. Enacting S. 357 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 357 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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CHAPTER 11 OF TITLE 31, UNITED STATES CODE

§ 1101. Definitions

In this chapter—

- (1) “agency” includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) * * *

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§ 1105. Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government.

(2) * * *

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(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*

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