

Calendar No. 701

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 118-295

PLUM ISLAND PRESERVATION ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 5099

TO PRESCRIBE REQUIREMENTS RELATING TO THE MANAGEMENT
OF THE FEDERAL PROPERTY COMMONLY KNOWN AS
PLUM ISLAND, NEW YORK, AND FOR OTHER PURPOSES



DECEMBER 16, 2024.—Ordered to be printed

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 5099]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 5099) to prescribe requirements relating to the management of the Federal property commonly known as Plum Island, New York, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 5099, the *Plum Island Preservation Act*, would protect in perpetuity the federal asset commonly known as Plum Island, New York, and all associated real and personal property, for ecological conservation, discovery and celebration of the historical cultural heritage of the island, and maintaining access to the island. The bill would require federal agencies, in consultation with state agencies, tribal governments, and other relevant stakeholders, to initiate a process within 180 days of enactment to commence formal visioning sessions that may form the basis for a future ecological management plan for Plum Island. Finally, the bill would require reports describing the results of the visioning sessions, beginning

two years after the visioning sessions are initiated and continuing annually until one year after completion of the sessions.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Plum Island is a federally-owned 840-acre island in the Long Island Sound between Connecticut and New York. It is home to hundreds of bird species, a seal population, and a diverse range of flora and fauna, including 111 species of conservation concern.¹ The island also houses the historically significant Fort Terry and Plum Island lighthouse.²

Since 1956, Plum Island has housed an animal disease laboratory. Originally operated by the Department of Agriculture, in 2002, the *Homeland Security Act of 2002* transferred ownership of the island to the Department of Homeland Security (DHS).³ The *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009* provided for the transfer and sale of the Plum Island Animal Disease Center.⁴ The following year, the *Department of Homeland Security Appropriations Act of 2010* appropriated \$32 million to create a new facility in Kansas.⁵ In 2020, a modified version of the *Plum Island Conservation Act*, led by Senators Blumenthal, Schumer, Murphy, and Gillibrand, was passed into law in the end-of-year omnibus; this legislation repealed the mandate that Plum Island be sold.⁶

Operation of DHS's new facility is tentatively scheduled for Fiscal Year 2031, although the timeline has been pushed back several times.⁷ Once mission transfer occurs, Plum Island will be declared excess property of the federal government, which would initiate the disposal process through the Government Services Administration (GSA)—potentially resulting in a private sale of the island if no federal, state, or non-profit entities express interest in it.⁸

The Connecticut and New York congressional delegations have engaged in extensive conversations with DHS, GSA, and the Department of the Interior over the future of Plum Island.⁹ The *Plum Island Preservation Act* would: (1) require Plum Island to be preserved in perpetuity for the purposes of ecological conservation, the discovery and celebration of the historical and cultural heritage of the island, and public access; (2) direct GSA to initiate a process with federal and non-federal stakeholders to commence formal

¹*Plum Island Scientific Dive Report Catalogs 126 Species of Flora and Fauna, 'a Surprising Diversity of Life,'* Save the Sound (Apr. 1, 2022) (<https://www.savethesound.org/2022/04/01/plum-island-scientific-dive-report-catalogs-126-species-of-flora-and-fauna-a-surprising-diversity-of-life/>).

²*Fort Terry, Plum Island, N.Y.*, Henry L. Ferguson Museum (2020) (<https://fergusonmuseum.org/2020/06/fort-terry-plum-island/>).

³*Major Contributions of the Plum Island Animal Disease Center (1954–2024)*, Department of Homeland Security (July 24, 2024) (https://www.dhs.gov/sites/default/files/2024-07/24_0725_st_piadc_timeline.pdf).

⁴Sec. 540 of Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110–329, 122 Stat. 3574 (2008).

⁵Title IV of Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111–83, 123 Stat. 2167 and 123 Stat. 2181 (2009).

⁶Title V of Consolidated Appropriations Act, 2021, Pub. L. No. 116–260, 134 Stat. 1182 (2020).

⁷*Science and Technology Directorate Budget Overview*, page 94, Department of Homeland Security, (https://www.dhs.gov/sites/default/files/2024-04/2024_0308_science_and_technology.pdf) (accessed September 18, 2024).

⁸*Id.*

⁹*Blumenthal, Schumer, Murphy, & Gillibrand Introduce Legislation to Manage & Preserve Plum Island*, Richard Blumenthal (Sept. 24, 2024) (https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-schumer-murphy-and-gillibrand-introduce-legislation-to-manage_preserve-plum-island).

visioning sessions that may form the basis for a future ecological management plan for Plum Island, which would take effect once DHS leaves the island; and (3) require GSA, in consultation with other stakeholders, to submit annual reports to Congress on the progress of these joint visioning sessions, as well as the recommendations from those sessions when completed.

III. LEGISLATIVE HISTORY

Senator Richard Blumenthal (D–CT) introduced S. 5099, the *Plum Island Preservation Act*, on September 18, 2024, with original cosponsors Senators Charles E. Schumer (D–NY), Kirsten Gillibrand (D–NY), and Christopher Murphy (D–CT). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 5099 at a business meeting on September 25, 2024. At the business meeting, Senator Blumenthal offered a substitute amendment to the bill and a modification to the substitute amendment. The substitute amendment, as modified, required that the Secretary of Homeland Security and Secretary of Interior be included in the visioning sessions for Plum Island. The substitute amendment also incorporated minor changes to align the bill with federal property acquisition processes.

The Committee adopted the modification to the substitute amendment, and the substitute amendment as modified, by unanimous consent, with Senators Peters, Hassan, Sinema, Rosen, Blumenthal, Butler, Paul, Lankford, and Hawley present. The bill was ordered reported favorably by roll call vote of 8 yeas to 2 nays, with Senators Peters, Carper, Hassan, Sinema, Rosen, Blumenthal, Butler, and Hawley voting in the affirmative, and with Senators Paul and Lankford voting in the negative. Senators Ossoff and Scott voted yea by proxy, for the record only. Senators Johnson, Romney, and Marshall voted nay by proxy, for the record only.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “Plum Island Preservation Act.”

Section 2. Permanent preservation of Plum Island, New York.

Subsection (a) provides that Plum Island, and all associated real and personal properties, shall be protected in perpetuity for ecological conservation, discovery and celebration of the historical and cultural heritage of the island, and maintaining access to the island.

Subsection (b) requires that within 180 days of the bill’s enactment, the Administrator of General Services, in consultation with the Secretary of Homeland Security, the Secretary of the Interior, and relevant federal and state agencies, tribal governments, and stakeholders, initiate a process to commence formal visioning sessions that may form the basis for a future ecological management plan for Plum Island in accordance with subsection (a).

Subsection (c) requires that 2 years after the process to commence formal visioning sessions is initiated, and annually thereafter, the Administrator of General Services shall submit a report describing the visioning sessions to relevant congressional commit-

tees (the Senate Committee on Homeland Security and Governmental Affairs, Senate Committee on Energy and Natural Resources, and House Committees on Natural Resources, Energy and Commerce, and Oversight and Accountability). The reports must describe stakeholders consulted, items discussed or reviewed, expected outcomes, estimates timelines, and recommendations from the visioning sessions once completed. The reports must continue until one year after the visioning sessions are completed.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, there are no changes to existing law.

