

111TH CONGRESS
2D SESSION

H. R. 6276

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Ms. SHEA-PORTER (for herself and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildlife Disease Emer-
5 gency Act of 2010”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

1 (1) authorize the Secretary of the Interior to
2 identify and declare wildlife disease emergencies;

3 (2) establish a fund through which the Sec-
4 retary may coordinate rapid response to these emer-
5 gencies; and

6 (3) prepare for, identify, and address diseases
7 adversely affecting wildlife populations and biodiver-
8 sity through strategic and coordinated actions be-
9 tween the Federal agencies and State and local
10 agencies, Indian tribes, and nongovernmental organi-
11 zations.

12 **SEC. 3. DECLARATION OF WILDLIFE DISEASE EMERGENCY.**

13 (a) IN GENERAL.—The Secretary of the Interior, in
14 consultation with the Governor of a potentially affected
15 State or States, may declare within such State or States
16 a wildlife disease emergency for disease that is—

17 (1) occurring within the United States; or

18 (2) occurring outside the United States with
19 the potential to enter the United States.

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

22 (1) the level of threat the disease poses to af-
23 fected wildlife populations, based on the—

24 (A) relative threat to population levels;

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

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

5 (D) priority of affected species or eco-
6 systems, including—

7 (i) species listed under the Endan-
8 gered Species Act of 1973 (16 U.S.C.
9 1531 et seq.);

10 (ii) species protected by the Migratory
11 Bird Treaty Act (16 U.S.C. 703 et seq.),
12 Marine Mammal Protection Act of 1972
13 (16 U.S.C. 1361 et seq.), or other Federal
14 statutes;

15 (iii) species and habitats identified as
16 priorities through the National Fish and
17 Wildlife Climate Adaptation Plan or other
18 Federal, State or local laws, regulations,
19 and conservation plans; and

20 (iv) wildlife located on Federal lands;

21 (2) the sufficiency of resources available in the
22 Wildlife Disease Emergency Fund established under
23 section 4;

24 (3) the ability of the Department of the Interior
25 and other Federal, State, and local agencies, tribal

1 governments, and other stakeholders to address and
2 coordinate response to the disease through other au-
3 thorities; and

4 (4) the request of any State Governor to make
5 such a declaration.

6 (c) RESPONSE COORDINATION.—

7 (1) IN GENERAL.—Upon a declaration of a
8 wildlife disease emergency by the Secretary, the Sec-
9 retary shall lead a coordinated response to the emer-
10 gency that shall include appropriate Federal agen-
11 cies, State and local governments, Indian tribes,
12 nongovernmental organizations, or other stake-
13 holders.

14 (2) GRANT PROGRAM.—The Secretary shall de-
15 velop and implement a grant program to provide
16 funding to State wildlife agencies and Indian tribes
17 to address wildlife disease emergencies.

18 **SEC. 4. WILDLIFE DISEASE EMERGENCY FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 Treasury of the United States a separate account, which
21 shall be known as the “Wildlife Disease Emergency Fund”
22 and shall consist of—

23 (1) such amounts as are appropriated to the
24 Secretary for activities to address wildlife disease
25 emergencies authorized by this Act; and

1 (2) any amounts received by the Secretary as
2 donations, gifts, or contributions identified for use to
3 address wildlife disease emergencies.

4 (b) EXPENDITURES FROM FUND.—Subject to the
5 availability of appropriations, amounts in the fund shall
6 be available to the Secretary for use in carrying out activi-
7 ties authorized by this Act.

8 **SEC. 5. WILDLIFE DISEASE COMMITTEE.**

9 (a) ESTABLISHMENT.—The Secretary may establish
10 a Wildlife Disease Committee. The purpose of the Com-
11 mittee shall be to assist the Secretary in increasing the
12 level of preparedness of the United States to address
13 emerging wildlife diseases.

14 (b) PURPOSE.—The Committee shall—

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

19 (2) draft reports, recommendations, plans, or
20 other documents toward accomplishment of these
21 purposes as appropriate.

22 (c) MEMBERSHIP.—Members of the Committee—

23 (1) shall be appointed by the Secretary from
24 among individuals who are qualified by education,
25 training, and experience; and

1 (2) shall include—

2 (A) individuals employed by Federal and
3 State agencies and tribal entities who have ex-
4 pertise in wildlife health, biology, ecology, wild-
5 life conservation, and natural resource manage-
6 ment; and

7 (B) representatives of public and private
8 organizations who have such expertise.

9 (d) COMMITTEE CHAIR.—The Committee shall be
10 chaired by the Secretary or a designee of the Secretary.

11 (e) STAFFING AND ASSISTANCE.—The Secretary
12 shall make available to the Committee any staff, informa-
13 tion, administrative services, or assistance the Secretary
14 determines is reasonably required to enable the Committee
15 to carry out its functions.

16 (f) RENEWAL.—Notwithstanding the Federal Advi-
17 sory Committee Act (5 U.S.C. 5 et al.), the Secretary may
18 renew the Committee beyond the date it would otherwise
19 terminate under that Act.

20 **SEC. 6. RAPID RESPONSE TEAMS.**

21 The Secretary, in consultation with the Committee as
22 appropriate, may convene rapid response teams to address
23 any particular wildlife disease emergency.

24 **SEC. 7. SAVINGS CLAUSE.**

25 Nothing in this Act shall be construed to—

1 (1) limit the Secretary’s authority to respond to
2 wildlife disease events that are not declared wildlife
3 disease emergencies under this Act; or

4 (2) limit, repeal, supersede, or modify any pro-
5 vision of Federal, State, local, or tribal laws and reg-
6 ulations.

7 **SEC. 8. DEFINITIONS.**

8 In this Act:

9 (1) DISEASE.—The term “disease” means an
10 infectious or noninfectious, pathological condition oc-
11 curring in a susceptible population of wildlife, and
12 that is not zoonotic.

13 (2) FUND.—The term “fund” means the Wild-
14 life Disease Emergency Fund as established by sec-
15 tion 4.

16 (3) INDIAN TRIBE.—The term “Indian tribe”
17 has the meaning given that term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b).

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (5) STATE.—The term “State” means any
23 State, the District of Columbia, American Samoa,
24 Guam, the Commonwealth of the Northern Mariana

1 Islands, Puerto Rico, and the United States Virgin
2 Islands.

3 (6) UNITED STATES.—The term “United
4 States” includes the States and the territories and
5 possessions of the United States.

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

10 (8) WILDLIFE DISEASE EMERGENCY.—The
11 term “wildlife disease emergency” means a disease
12 that is—

13 (A) infectious and caused by a newly dis-
14 covered pathogen or a known infectious disease
15 that is expanding its geographic range, species
16 impacted, or other recognized impacts;

17 (B) posing significant threats to the sus-
18 tainability of a wildlife species;

19 (C) spreading rapidly; or

20 (D) posing a significant threat to the
21 health of a functioning ecosystem in a priority
22 landscape identified as part of the National
23 Fish and Wildlife Climate Change Adaptation

- 1 Plan or another Federal, State, local, or tribal
- 2 law, regulation, or conservation plan.

