

115TH CONGRESS
2D SESSION

H. R. 7005

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 28, 2018

Ms. SHEA-PORTER (for herself, Mr. CARTWRIGHT, Mr. DEFazio, Mr. NOLAN, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, 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 2018”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

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

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

8 (3) prepare for, identify, and address wildlife
9 diseases adversely affecting wildlife populations and
10 biodiversity through strategic and coordinated ac-
11 tions between the Federal agencies and State and
12 local agencies, Indian tribes, and nongovernmental
13 organizations.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

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

19 (2) FUND.—The term “Fund” means the Wild-
20 life Disease Emergency Fund established by section
21 5.

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

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (5) STATE.—The term “State” means any
4 State, the District of Columbia, and any other pos-
5 session of the United States.

6 (6) 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 (7) WILDLIFE DISEASE.—The term “wildlife
11 disease” means an infectious or noninfectious, path-
12 ological condition occurring in a susceptible popu-
13 lation of wildlife, that is not zoonotic.

14 (8) WILDLIFE DISEASE EMERGENCY.—The
15 term “wildlife disease emergency” means the occur-
16 rence of a wildlife disease that—

17 (A) is infectious and caused by a newly
18 discovered pathogen or a known infectious wild-
19 life disease that is expanding its geographic
20 range, the species impacted by the disease, or
21 other recognized impacts of the disease;

22 (B) poses significant threats to the sus-
23 tainability of wildlife; or

24 (C) poses a significant threat to the overall
25 health of a functioning ecosystem.

1 **SEC. 4. DECLARATION OF WILDLIFE DISEASE EMERGENCY.**

2 (a) IN GENERAL.—The Secretary of the Interior, in
3 consultation with the Governor of a potentially affected
4 State or States, may declare within such State or States
5 a wildlife disease emergency for any wildlife disease that
6 is—

7 (1) occurring in the United States; or

8 (2) occurring outside the United States with
9 the potential to enter the United States.

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

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

14 (A) relative threat to population levels;

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

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

19 (D) importance of affected species or eco-
20 systems, including—

21 (i) species and habitats identified as
22 priorities by the Federal Government, a
23 State, or local government, or a Federal,
24 State, or local conservation plan; and

25 (ii) wildlife located on Federal lands;

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

3 (3) the ability of the Department of the Interior
4 and other Federal, State, and local agencies, tribal
5 governments, and other stakeholders to address and
6 coordinate response to the disease through other au-
7 thorities;

8 (4) the request of any State Governor to make
9 such a declaration; and

10 (5) the economic consequences of a significant
11 population decline in the impacted species due to the
12 disease.

13 (c) RESPONSE COORDINATION.—Upon a declaration
14 of a wildlife disease emergency by the Secretary, the Sec-
15 retary shall lead a coordinated response to the emergency
16 that shall include appropriate Federal agencies, State and
17 local governments, Indian tribes, nongovernmental organi-
18 zations, or other stakeholders.

19 (d) GRANT PROGRAM.—The Secretary shall develop
20 and implement a grant program to provide funding to
21 State wildlife agencies and Indian tribes to address wildlife
22 disease emergencies.

23 **SEC. 5. WILDLIFE DISEASE EMERGENCY FUND.**

24 (a) ESTABLISHMENT.—There is established in the
25 Treasury of the United States a separate account, which

1 shall be known as the “Wildlife Disease Emergency Fund”

2 and shall consist of—

3 (1) such funds as are appropriated to the Sec-
4 retary for activities authorized by this Act to ad-
5 dress a wildlife disease emergency; and

6 (2) any funds received by the Secretary as a do-
7 nation, gift, or contribution identified by the person
8 providing the funds for use to address wildlife dis-
9 ease emergencies.

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

13 (c) ANNUAL REPORTS.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the end of each fiscal year beginning with fiscal year
16 2017, the Secretary shall submit to the Committee
17 on Appropriations of the House of Representatives,
18 the Committee on Appropriations of the Senate, the
19 Committee on Environment and Public Works of the
20 Senate, and the Committee on Natural Resources of
21 the House of Representatives a report on the oper-
22 ation of the Fund during the fiscal year.

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

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

3 (B) A description of the expenditures made
4 from the Fund, including the purpose of the ex-
5 penditures.

6 (C) Recommendations of additional au-
7 thorities to fulfill the purpose of the Fund.

8 (D) A statement of the balance remaining
9 in the Fund at the end of the fiscal year.

10 (d) SEPARATE APPROPRIATIONS ACCOUNT.—Section
11 1105(a) of title 31, United States Code, is amended by
12 adding at the end the following:

13 “(39) a separate appropriations account for the
14 Wildlife Disease Emergency Fund established under
15 section 5 of the Wildlife Disease Emergency Act of
16 2018, which shall include the estimated amount of
17 deposits into the Fund, and obligations and outlays
18 from the Fund.”.

19 **SEC. 6. WILDLIFE DISEASE COMMITTEE.**

20 (a) ESTABLISHMENT.—The Secretary may establish
21 a Wildlife Disease Committee. The purpose of the Com-
22 mittee shall be to assist the Secretary in increasing the
23 level of preparedness of the United States to address
24 emerging wildlife diseases.

25 (b) DUTIES.—The Committee shall—

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

5 (2) draft reports, recommendations, plans, or
6 other documents to assist the Secretary in carrying
7 out this Act.

8 (c) MEMBERSHIP.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 members of the Committee shall be appointed by the
11 Secretary from among individuals who are qualified
12 by education, training, or experience in topics such
13 as wildlife health, biology, ecology, wildlife conserva-
14 tion, and natural resource management.

15 (2) INCLUSIONS.—The Committee shall in-
16 clude—

17 (A) qualified individuals who are employed
18 by Federal agencies;

19 (B) at least 8 qualified individuals who are
20 employed by a State fish and wildlife agency,
21 each of whom shall be employed in a different
22 region of the 8 regions of the United States
23 Fish and Wildlife Service;

24 (C) qualified individuals employed by other
25 State agencies and tribal entities; and

1 (D) qualified individuals who represent
2 public and private organizations.

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

5 (e) STAFFING AND ASSISTANCE.—The Secretary
6 shall make available to the Committee any staff, informa-
7 tion, administrative services, or assistance the Secretary
8 determines is reasonably required to enable the Committee
9 to carry out its functions.

10 (f) RENEWAL.—Notwithstanding the Federal Advi-
11 sory Committee Act (5 U.S.C. App.), the Secretary may
12 renew the Committee beyond the date it would otherwise
13 terminate under that Act.

14 **SEC. 7. RAPID RESPONSE TEAMS.**

15 The Secretary, in consultation with the Committee as
16 appropriate, may convene rapid response teams to address
17 any particular wildlife disease emergency.

18 **SEC. 8. ADMINISTRATION.**

19 Nothing in this Act shall be construed to—

20 (1) limit the Secretary's authority to respond to
21 wildlife disease events that are not declared wildlife
22 disease emergencies under this Act;

23 (2) affect the authority, jurisdiction, or respon-
24 sibility of the States to manage, control, or regulate

1 fish and resident wildlife under any State laws and
2 regulations;

3 (3) grant authority to any public agency to ac-
4 quire private property or conservation easements or
5 otherwise infringe any use of private property; or

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

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