

115TH CONGRESS
2D SESSION

S. 3681

To amend the Animal Health Protection Act to establish an Animal Disease and Disaster Prevention, Surveillance, and Rapid Response Program and a National Livestock Vaccine Bank, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2018

Ms. KLOBUCHAR (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Health Protection Act to establish an Animal Disease and Disaster Prevention, Surveillance, and Rapid Response Program and a National Livestock Vaccine Bank, 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 “Animal Disease and
5 Disaster Prevention, Surveillance, and Rapid Response
6 Act of 2018”.

1 **SEC. 2. ANIMAL DISEASE AND DISASTER PREVENTION, SUR-**
2 **VEILLANCE, AND RAPID RESPONSE PRO-**
3 **GRAM.**

4 Section 10409A of the Animal Health Protection Act
5 (7 U.S.C. 8308a) is amended—

6 (1) by striking the section heading and insert-
7 ing “**ANIMAL DISEASE AND DISASTER PREVEN-**
8 **TION, SURVEILLANCE, AND RAPID RESPONSE**
9 **PROGRAM.**”;

10 (2) in subsection (a), by striking “section” and
11 inserting “subsection”;

12 (3) in subsection (b)—

13 (A) by striking the subsection heading and
14 inserting “**REQUIREMENT.—**”;

15 (B) in paragraph (2), by redesignating
16 subparagraphs (A) through (E) as clauses (i)
17 through (v), respectively, and indenting appro-
18 priately; and

19 (C) by redesignating paragraphs (1)
20 through (3) as subparagraphs (A) through (C),
21 respectively, and indenting appropriately;

22 (4) by redesignating subsections (a) through (c)
23 as paragraphs (1) through (3), respectively, and in-
24 denting appropriately;

25 (5) by inserting before paragraph (1) (as so re-
26 designated) the following:

1 “(a) IN GENERAL.—

2 “(1) ESTABLISHMENT.—To prevent the intro-
3 duction into or the dissemination within the United
4 States of any pest or disease of animals affecting the
5 economic interests of the livestock industry and re-
6 lated industries of the United States (including the
7 maintenance and expansion of export market poten-
8 tial), the Secretary shall establish a program, to be
9 known as the ‘Animal Disease and Disaster Preven-
10 tion, Surveillance, and Rapid Response Program’
11 (referred to in this section as the ‘Program’).

12 “(2) ACTIVITIES.—The Program shall support
13 activities to prevent, detect, and rapidly respond to
14 animal pests and diseases, including—

15 “(A) enhancing animal pest and disease
16 analysis and surveillance;

17 “(B) expanding education and outreach;

18 “(C) targeting domestic inspection activi-
19 ties at vulnerable points in the safeguarding
20 continuum;

21 “(D) enhancing and strengthening threat
22 identification and technology;

23 “(E) improving biosecurity;

24 “(F) enhancing emergency response time
25 and mitigation capacity, including hiring and

1 training additional emergency response per-
2 sonnel;

3 “(G) conducting technology development to
4 enhance electronic sharing of animal health
5 data for risk analysis between State and Fed-
6 eral animal health officials;

7 “(H) enhancing the development and effec-
8 tiveness of animal health technologies to treat
9 and prevent disease, including—

10 “(i) veterinary biologics;

11 “(ii) animal drugs for minor use and
12 minor species; and

13 “(iii) animal medical devices; and

14 “(I) such other activities as the Secretary,
15 in consultation with entities with which the Sec-
16 retary enters into an agreement under para-
17 graph (3), determines are appropriate.

18 “(3) COOPERATIVE AGREEMENTS.—

19 “(A) IN GENERAL.—In carrying out the
20 Program, the Secretary shall offer to enter into
21 1 or more cooperative agreements or other legal
22 instruments with 1 or more entities described in
23 subparagraph (B) to carry out activities de-
24 scribed in paragraph (2).

1 “(B) ELIGIBLE ENTITIES.—An entity re-
2 ferred to in subparagraph (A) is any of the fol-
3 lowing entities:

4 “(i) A State department of agri-
5 culture.

6 “(ii) A chief veterinary officer of a
7 State.

8 “(iii) A land-grant college or univer-
9 sity or an NLGCA Institution (as those
10 terms are defined in section 1404 of the
11 National Agricultural Research, Extension,
12 and Teaching Policy Act of 1977 (7 U.S.C.
13 3103)).

14 “(iv) A representative of a college of
15 veterinary medicine.

16 “(v) A representative of a State or na-
17 tional livestock producer organization with
18 a direct and significant economic interest
19 in livestock production.

20 “(vi) A representative of a State, na-
21 tional, allied, or regional veterinary organi-
22 zation or specialty board recognized by the
23 American Veterinary Medical Association.

24 “(C) PRIORITY FOR STATES.—In entering
25 into cooperative agreements or other legal in-

1 struments under subparagraph (A), the Sec-
2 retary shall give priority to, as appropriate—

3 “(i) a State department of agri-
4 culture; or

5 “(ii) the chief veterinary officer of the
6 State.

7 “(D) FEDERAL ADVISORY COMMITTEE
8 ACT.—The entities with which the Secretary en-
9 ters into an agreement under subparagraph (A)
10 shall not be considered an advisory committee
11 for purposes of the Federal Advisory Committee
12 Act (5 U.S.C. App.).

13 “(4) CONSULTATION.—For purposes of estab-
14 lishing priorities for activities under the Program,
15 the Secretary shall consult with entities with which
16 the Secretary enters into an agreement under para-
17 graph (3).

18 “(b) NATIONAL ANIMAL HEALTH LABORATORY NET-
19 WORK.—”; and

20 (6) by striking subsection (d) and inserting the
21 following:

22 “(c) NATIONAL LIVESTOCK VACCINE BANK.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish a National Livestock Vaccine Bank.

“(2) REQUIREMENTS.—Under the National Livestock Vaccine Bank, the Secretary shall—

“(A) leverage, as appropriate, the mechanisms and infrastructure that have been developed for the management, storage, and distribution of the National Veterinary Stockpile; and

“(B) maintain a sufficient quantity of animal vaccine, antiviral, or therapeutic products—

“(i) to appropriately respond to the most damaging animal diseases affecting human health and the economy; and

“(ii) that will be capable of deployment within 24 hours of an outbreak of an animal disease described in clause (i).

“(3) FOOT-AND-MOUTH DISEASE PRIORITY.—

“(A) IN GENERAL.—In carrying out paragraph (2), the Secretary shall give priority to the maintenance of a sufficient quantity of foot-and-mouth disease vaccine, and accompanying diagnostic reagents, covering, to the maximum extent practicable, all known foot-and-mouth disease serotypes and strains for which vaccine antigen concentrate is available.

“(B) CONTRACTS.—The Secretary shall offer to enter into 1 or more contracts with 1 or more entities that produce foot-and-mouth disease vaccine—

“(i) to maintain a bank of viral antigen concentrate for, to the maximum extent practicable, all circulating foot-and-mouth disease serotypes (as determined by the Secretary) for which antigen concentrate is available; and

“(ii) to maintain a sufficient surge production capacity to produce, as quickly as practicable, the quantity of foot-and-mouth disease vaccine necessary to address a foot-and-mouth disease outbreak.

“(d) ADMINISTRATION.—

“(1) DEFINITION.—In this subsection:

“(A) AGREEMENT.—The term ‘agreement’ means a contract, grant, cooperative agreement, or other legal instrument, as applicable, entered into under subsection (a) or (b).

“(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

1 “(i) with respect to the Program, an
2 entity described in subsection (a)(3)(B);
3 and

4 “(ii) with respect to subsection (b), an
5 eligible laboratory (as defined in paragraph
6 (1) of that subsection).

7 “(2) APPLICATIONS.—

8 “(A) IN GENERAL.—An eligible entity
9 seeking to enter into an agreement shall submit
10 to the Secretary an application containing such
11 information as the Secretary may require.

12 “(B) NOTIFICATION.—The Secretary shall
13 notify an eligible entity that submits an applica-
14 tion under paragraph (1) of—

15 “(i) any requirements to be imposed
16 on the eligible entity for the auditing of,
17 and reporting on, the use of any amounts
18 provided by the Secretary under the agree-
19 ment; and

20 “(ii) any criteria to be used to ensure
21 that activities carried out under the agree-
22 ment are based on—

23 “(I) sound scientific data; or

24 “(II) thorough risk assessments.

1 “(C) CONSIDERATION OF NON-FEDERAL
2 SHARE.—The Secretary shall not consider the
3 ability of an eligible entity to provide non-Fed-
4 eral funding to carry out an agreement in de-
5 ciding whether to approve an application sub-
6 mitted under paragraph (1).

7 “(3) USE OF FUNDS.—

8 “(A) SUBAGREEMENTS.—Nothing in this
9 section prohibits an eligible entity from using
10 amounts received under an agreement to enter
11 into a subagreement with another organization
12 or political subdivision of a State that has legal
13 responsibility relating to animal disease and
14 disaster prevention, surveillance, or rapid re-
15 sponse.

16 “(B) ADMINISTRATIVE COSTS.—An eligible
17 entity that receives amounts under an agree-
18 ment shall use not more than 10 percent of the
19 amounts for administrative costs incurred by
20 the eligible entity, as determined by the Sec-
21 retary.

22 “(C) BUILDINGS AND FACILITIES.—None
23 of the amounts made available under this sec-
24 tion shall be used for the construction of a new
25 building or facility or the acquisition or expan-

1 sion of an existing building or facility (including
2 site grading and improvement and architect
3 fees).

4 “(4) REPORTING REQUIREMENT.—Not later
5 than 90 days after the date of completion of an ac-
6 tivity carried out under an agreement, the eligible
7 entity shall submit to the Secretary a report that de-
8 scribes the purposes and results of the activity.

9 “(e) FUNDING.—

10 “(1) ANIMAL DISEASE AND DISASTER PREVEN-
11 TION, SURVEILLANCE, AND RAPID RESPONSE PRO-
12 GRAM.—There is authorized to be appropriated to
13 carry out the Program \$70,000,000 for each fiscal
14 year.

15 “(2) NATIONAL ANIMAL HEALTH LABORATORY
16 NETWORK.—There is authorized to be appropriated
17 to carry out subsection (b) \$30,000,000 for each of
18 fiscal years 2019 through 2023.

19 “(3) NATIONAL LIVESTOCK VACCINE BANK.—
20 There is authorized to be appropriated to carry out
21 subsection (c) \$150,000,000 for each fiscal year, to
22 remain available until expended.

23 “(4) ADMINISTRATIVE COSTS.—The Secretary
24 shall retain not more than 4 percent of amounts
25 made available under this subsection to pay for ad-

- 1 ministrative costs incurred by the Secretary under
- 2 this section.”.

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