

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5156

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2014

Ms. SHEA-PORTER (for herself and Mr. DEFAZIO) 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

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## 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 2014”.

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 2013, 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 2013, 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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