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H. R. 5608

[Report No. 117-]

To support research and state management efforts on chronic wasting disease.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mr. KIND (for himself and Mr. THOMPSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Agriculture

OCTOBER --, 2021

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

To support research and state management efforts on chronic
wasting disease.

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 “Chronic Wasting Dis-
5 ease Research and Management Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Chronic wasting disease, the fatal neuro-
9 logical disease found in cervids, is a fundamental
10 threat to the health and vibrancy of deer, elk, and
11 moose populations, and the increased occurrence of
12 chronic wasting disease in regionally diverse loca-
13 tions necessitates an escalation in research, surveil-
14 lance, monitoring, and management activities fo-
15 cused on containing and managing chronic wasting
16 disease.

17 (2) A focus on research into the transmission
18 of, resistance to, diagnosis of, and epidemiology of
19 chronic wasting disease is needed to inform future
20 policies to combat the disease and ensure the health
21 of cervid populations.

22 (3) Because States and Tribes have diverse
23 policies for addressing chronic wasting disease, the
24 Federal Government, in consultation with the
25 Chronic Wasting Disease Task Force established by

1 section 104 of America’s Conservation Enhancement
2 Act (Public Law 116–188), should coordinate finan-
3 cial and technical support to States and Tribes,
4 State and Tribal departments of agriculture, State
5 and Tribal wildlife agencies, institutions of higher
6 education, and research centers conducting scientific
7 research on chronic wasting disease.

8 (4) Pursuant to State and Federal law, the
9 States retain primacy and policymaking authority
10 with regard to wildlife management.

11 (5) Under current policies, chronic wasting dis-
12 ease remains a systemic threat to cervids.

13 (6) Scientific advances that lead to the ability
14 to stop transmission of chronic wasting disease are
15 needed to ensure the long-term viability of cervids.

16 **SEC. 3. CHRONIC WASTING DISEASE RESEARCH AND MAN-**
17 **AGEMENT PROGRAM.**

18 (a) RESEARCH PROGRAM.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date on which funds are made available to carry
21 out this section, the Secretary of Agriculture shall
22 establish a program under which the Secretary shall
23 offer to enter into cooperative agreements or other
24 legal instruments, as authorized under 10413 of the
25 Animal Health Protection Act (7 U.S.C. 8312), with

1 eligible entities to conduct research on the trans-
2 mission of, resistance to, and diagnosis of chronic
3 wasting disease.

4 (2) CRITERIA FOR SELECTION.—In entering
5 into cooperative agreements or other legal instru-
6 ments pursuant to paragraph (1), the Secretary
7 shall give priority to eligible entities that shall con-
8 duct research relating to—

9 (A)(i) methods and products to effectively
10 detect infectious chronic wasting disease prions
11 in live cervids, cervid excreta, the environment,
12 and inorganic surfaces, and to decontaminate
13 such infectious prions; or

14 (ii) testing methods that significantly im-
15 prove sensitivity and accelerate timelines for
16 test results on non-live cervids;

17 (B) the long-term suppression or eradi-
18 cation of chronic wasting disease; or

19 (C) determination markers for genetic re-
20 sistance to chronic wasting disease and strate-
21 gies for using genetic resistance to combat the
22 spread of the disease;

23 (D) sustainable cervid harvest management
24 practices to reduce chronic wasting disease oc-

1 currence and to prevent or limit spatial spread
2 of chronic wasting disease; or

3 (E) factors contributing to local emergence
4 of chronic wasting disease, increased prevalence
5 of chronic wasting disease, and distribution of
6 chronic wasting disease, including mechanisms
7 of disease transmission and effective barriers to
8 transmission.

9 (3) SIZE OF AWARDS.—To the maximum extent
10 practicable, individual cooperative agreements or
11 other legal instruments entered into under para-
12 graph (1) shall be not less than two percent and not
13 more than 10 percent of the funds appropriated to
14 carry out this section.

15 (4) ADMINISTRATIVE COSTS BY ELIGIBLE ENTI-
16 TIES.—Of the amount of a cooperative agreement or
17 other legal instrument entered into with an eligible
18 entity under paragraph (1), the eligible entity may
19 use not more than 10 percent of such amounts for
20 administrative costs incurred by the eligible entity in
21 carrying out the research described in such para-
22 graph.

23 (b) SUPPORT FOR STATE EFFORTS TO MANAGE AND
24 CONTROL CHRONIC WASTING DISEASE.—

1 (1) IN GENERAL.—Subject to the availability of
2 appropriations, the Secretary shall offer to enter
3 into cooperative agreements or other legal instru-
4 ments, as authorized under section 10413 of the
5 Animal Health Protection Act (7 U.S.C. 8312), with
6 State or Tribal wildlife agencies and departments of
7 agriculture to provide direct financial assistance to
8 support the efforts of such State or Tribal wildlife
9 agencies and departments of agriculture to develop
10 and implement management strategies to address
11 chronic wasting disease within their respective juris-
12 diction.

13 (2) APPLICATION.—A State or Tribal wildlife
14 agency or department of agriculture seeking direct
15 financial assistance under this subsection shall sub-
16 mit to the Secretary an application at such time and
17 manner, and containing such information as the Sec-
18 retary may require.

19 (3) FUNDING PRIORITIES.—In allocating funds
20 made available to carry out this subsection for a fis-
21 cal year among State and Tribal wildlife agencies or
22 departments of agriculture that submit an applica-
23 tion for direct financial assistance under this sub-
24 section, the Secretary shall give priority to States
25 and Indian tribes that have—

1 (A) within their respective jurisdictions,
2 the highest incidence of chronic wasting disease;

3 (B) shown the greatest financial commit-
4 ment to managing, monitoring, surveying, and
5 researching chronic wasting disease;

6 (C) comprehensive policies and programs
7 focused on chronic wasting disease management
8 that have integrated the programs and policies
9 of all involved agencies related to chronic wast-
10 ing disease management;

11 (D) the greatest risk of an initial occur-
12 rence of chronic wasting disease originating
13 from surrounding areas; or

14 (E) the greatest need for response to new
15 outbreaks of chronic wasting disease occurring
16 in—

17 (i) areas in which chronic wasting dis-
18 ease is already found; or

19 (ii) areas with first infections, with
20 the intent of containing chronic wasting
21 disease in any new area of infection.

22 (4) RAPID RESPONSE.—If a State or Indian
23 tribe detects chronic wasting disease in a cervid pop-
24 ulation within its jurisdiction that was not previously
25 infected, the Secretary may, notwithstanding para-

1 graphs (2) and (3), immediately issue funds made
2 available under subsection (e), in an amount to be
3 determined by the Secretary, to support State and
4 Tribal efforts to immediately control the spread of
5 chronic wasting disease within that population.

6 (5) PUBLIC EDUCATION ON CHRONIC WASTING
7 DISEASE.—The Secretary, in consultation with State
8 and Tribal departments of agriculture and wildlife
9 agencies, organizations representing the farmed
10 cervid industry, and organizations representing deer
11 hunters, shall develop and maintain materials based
12 on the latest scientific knowledge to be used to edu-
13 cate the public on chronic wasting disease and tech-
14 niques to help prevent the spread of the disease.

15 (c) DEFINITIONS.—In this section:

16 (1) CHRONIC WASTING DISEASE.—The term
17 “chronic wasting disease” means the animal disease
18 afflicting deer, elk, and moose populations that—

19 (A) is a transmissible disease of the nerv-
20 ous system resulting in distinctive lesions in the
21 brain; and

22 (B) belongs to the group of diseases known
23 as transmissible spongiform encephalopathies,
24 which includes scrapie, bovine spongiform
25 encephalopathy, and Cruetzfeldt-Jakob disease.

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State or Tribal department of agri-
4 culture;

5 (B) a State or Tribal wildlife agency;

6 (C) a Tribal research facility;

7 (D) an institution of higher education (as
8 defined in section 101 of the Higher Education
9 Act (20 U.S.C. 1001)); and

10 (E) a research center conducting or quali-
11 fied to conduct scientific research on chronic
12 wasting disease.

13 (d) REVIEW OF HERD CERTIFICATION PROGRAM
14 STANDARDS.—Not later than 18 months after the date
15 of the enactment of this Act, the Secretary shall publish
16 a notice in the Federal Register soliciting public feedback
17 on potential updates and improvements to the chronic
18 wasting disease herd certification program standards with
19 special consideration given to—

20 (1) minimizing or eliminating the interaction of
21 captive and wild deer;

22 (2) reviewing and updating indemnity practices,
23 including the use of live testing, to ensure the timely
24 and targeted removal of chronic wasting disease
25 positive deer from the landscape; and

1 (3) increasing participation in the herd certifi-
2 cation program.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the Secretary to carry out this sec-
6 tion \$70,000,000 for each of fiscal years 2022
7 through fiscal year 2028, to remain available until
8 expended.

9 (2) ALLOCATION AMONG PROGRAMS.—To the
10 extent practicable, the Secretary shall allocate the
11 funds made available under paragraph (1) evenly be-
12 tween the research program under subsection (a)
13 and the management program under subsection (b).

14 (3) SET-ASIDE FOR WILDLIFE AGENCIES.—The
15 Secretary shall ensure that, of the funds made avail-
16 able and allocated to carry out subsection (b), not
17 less than 75 percent of such funds are made avail-
18 able to State or Tribal wildlife agencies.

19 (f) ADMINISTRATIVE COSTS.—Of the funds made
20 available under subsection (e) for a fiscal year to carry
21 out this section, the Secretary may use not more than 10
22 percent of such funds for administrative costs incurred by
23 the Secretary in carrying out this section.

24 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed as interfering with, or otherwise

1 affecting, the authority of the Federal Government or
2 States to manage wildlife and livestock on land within
3 their respective jurisdictions, including managing, sur-
4 veying, and monitoring the incidence of chronic wasting
5 disease.

6 **SEC. 4. TECHNICAL AMENDMENT.**

7 Section 10403(8) of the Animal Health Protection
8 Act (7 U.S.C. 8302(8)) is amended by striking “(25
9 U.S.C. 450b)” and inserting “(25 U.S.C. 5304)”.