

117TH CONGRESS
1ST SESSION

H. R. 5608

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

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

1 chronic wasting disease in regionally diverse loca-
2 tions necessitates an escalation in research, surveil-
3 lance, monitoring, and management activities fo-
4 cused on containing and managing chronic wasting
5 disease.

6 (2) A focus on research into the transmission
7 of, resistance to, diagnosis of, and epidemiology of
8 chronic wasting disease is needed to inform future
9 policies to combat the disease and ensure the health
10 of cervid populations.

11 (3) Because States and Tribes have diverse
12 policies for addressing chronic wasting disease, the
13 Federal Government, in consultation with the
14 Chronic Wasting Disease Task Force established by
15 section 104 of America’s Conservation Enhancement
16 Act (Public Law 116–188), should coordinate finan-
17 cial and technical support to States and Tribes,
18 State and Tribal departments of agriculture, State
19 and Tribal wildlife agencies, institutions of higher
20 education, and research centers conducting scientific
21 research on chronic wasting disease.

22 (4) Pursuant to State and Federal law, the
23 States retain primacy and policymaking authority
24 with regard to wildlife management.

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

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

6 **SEC. 3. CHRONIC WASTING DISEASE RESEARCH AND MAN-**
7 **AGEMENT PROGRAM.**

8 (a) RESEARCH PROGRAM.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date on which funds are made available to carry
11 out this section, the Secretary of Agriculture shall
12 establish a program under which the Secretary shall
13 offer to enter into cooperative agreements or other
14 legal instruments, as authorized under 10413 of the
15 Animal Health Protection Act (7 U.S.C. 8312), with
16 eligible entities to conduct research on the trans-
17 mission of, resistance to, and diagnosis of chronic
18 wasting disease.

19 (2) CRITERIA FOR SELECTION.—In entering
20 into cooperative agreements or other legal instru-
21 ments pursuant to paragraph (1), the Secretary
22 shall give priority to eligible entities that shall con-
23 duct research relating to—

24 (A)(i) methods and products to effectively
25 detect infectious chronic wasting disease prions

1 in live cervids, cervid excreta, the environment,
2 and inorganic surfaces, and to decontaminate
3 such infectious prions; or

4 (ii) testing methods that significantly im-
5 prove sensitivity and accelerate timelines for
6 test results on non-live cervids;

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

9 (C) determination markers for genetic re-
10 sistance to chronic wasting disease and strate-
11 gies for using genetic resistance to combat the
12 spread of the disease;

13 (D) sustainable cervid harvest management
14 practices to reduce chronic wasting disease oc-
15 currence and to prevent or limit spatial spread
16 of chronic wasting disease; or

17 (E) factors contributing to local emergence
18 of chronic wasting disease, increased prevalence
19 of chronic wasting disease, and distribution of
20 chronic wasting disease, including mechanisms
21 of disease transmission and effective barriers to
22 transmission.

23 (3) SIZE OF AWARDS.—To the maximum extent
24 practicable, individual cooperative agreements or
25 other legal instruments entered into under para-

1 graph (1) shall be not less than two percent and not
2 more than 10 percent of the funds appropriated to
3 carry out this section.

4 (4) ADMINISTRATIVE COSTS BY ELIGIBLE ENTI-
5 TIES.—Of the amount of a cooperative agreement or
6 other legal instrument entered into with an eligible
7 entity under paragraph (1), the eligible entity may
8 use not more than 10 percent of such amounts for
9 administrative costs incurred by the eligible entity in
10 carrying out the research described in such para-
11 graph.

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

14 (1) IN GENERAL.—Subject to the availability of
15 appropriations, the Secretary shall offer to enter
16 into cooperative agreements or other legal instru-
17 ments, as authorized under section 10413 of the
18 Animal Health Protection Act (7 U.S.C. 8312), with
19 State or Tribal wildlife agencies and departments of
20 agriculture to provide direct financial assistance to
21 support the efforts of such State or Tribal wildlife
22 agencies and departments of agriculture to develop
23 and implement management strategies to address
24 chronic wasting disease within their respective juris-
25 diction.

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

7 (3) FUNDING PRIORITIES.—In allocating funds
8 made available to carry out this subsection for a fis-
9 cal year among State and Tribal wildlife agencies or
10 departments of agriculture that submit an applica-
11 tion for direct financial assistance under this sub-
12 section, the Secretary shall give priority to States
13 and Indian tribes that have—

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

16 (B) shown the greatest financial commit-
17 ment to managing, monitoring, surveying, and
18 researching chronic wasting disease;

19 (C) comprehensive policies and programs
20 focused on chronic wasting disease management
21 that have integrated the programs and policies
22 of all involved agencies related to chronic wast-
23 ing disease management;

1 (D) the greatest risk of an initial occur-
2 rence of chronic wasting disease originating
3 from surrounding areas; or

4 (E) the greatest need for response to new
5 outbreaks of chronic wasting disease occurring
6 in—

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

9 (ii) areas with first infections, with
10 the intent of containing chronic wasting
11 disease in any new area of infection.

12 (4) RAPID RESPONSE.—If a State or Indian
13 tribe detects chronic wasting disease in a cervid pop-
14 ulation within its jurisdiction that was not previously
15 infected, the Secretary may, notwithstanding para-
16 graphs (2) and (3), immediately issue funds made
17 available under subsection (e), in an amount to be
18 determined by the Secretary, to support State and
19 Tribal efforts to immediately control the spread of
20 chronic wasting disease within that population.

21 (5) PUBLIC EDUCATION ON CHRONIC WASTING
22 DISEASE.—The Secretary, in consultation with State
23 and Tribal departments of agriculture and wildlife
24 agencies, organizations representing the farmed
25 cervid industry, and organizations representing deer

1 hunters, shall develop and maintain materials based
2 on the latest scientific knowledge to be used to edu-
3 cate the public on chronic wasting disease and tech-
4 niques to help prevent the spread of the disease.

5 (c) DEFINITIONS.—In this section:

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

9 (A) is a transmissible disease of the nerv-
10 ous system resulting in distinctive lesions in the
11 brain; and

12 (B) belongs to the group of diseases known
13 as transmissible spongiform encephalopathies,
14 which includes scrapie, bovine spongiform
15 encephalopathy, and Cruetzfeldt-Jakob disease.

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

18 (A) a State or Tribal department of agri-
19 culture;

20 (B) a State or Tribal wildlife agency;

21 (C) a Tribal research facility;

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

1 (E) a research center conducting or quali-
2 fied to conduct scientific research on chronic
3 wasting disease.

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

11 (1) minimizing or eliminating the interaction of
12 captive and wild deer;

13 (2) reviewing and updating indemnity practices,
14 including the use of live testing, to ensure the timely
15 and targeted removal of chronic wasting disease
16 positive deer from the landscape; and

17 (3) increasing participation in the herd certifi-
18 cation program.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Secretary to carry out this sec-
22 tion \$70,000,000 for each of fiscal years 2022
23 through fiscal year 2028, to remain available until
24 expended.

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

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

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

16 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed as interfering with, or otherwise
18 affecting, the authority of the Federal Government or
19 States to manage wildlife and livestock on land within
20 their respective jurisdictions, including managing, sur-
21 veying, and monitoring the incidence of chronic wasting
22 disease.

1 **SEC. 4. TECHNICAL AMENDMENT.**

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

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