

117TH CONGRESS  
1ST SESSION

# H. R. 5608

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

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## 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

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## 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-

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

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

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

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall offer to enter into cooperative agreements or other legal instruments, as authorized under section 10413 of the Animal Health Protection Act (7 U.S.C. 8312), with State or Tribal wildlife agencies and departments of agriculture to provide direct financial assistance to support the efforts of such State or Tribal wildlife agencies and departments of agriculture to develop and implement management strategies to address chronic wasting disease within their respective jurisdiction.

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;

(D) the greatest risk of an initial occurrence of chronic wasting disease originating from surrounding areas; or

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

(i) areas in which chronic wasting disease is already found; or

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

(4) RAPID RESPONSE.—If a State or Indian tribe detects chronic wasting disease in a cervid population within its jurisdiction that was not previously infected, the Secretary may, notwithstanding paragraphs (2) and (3), immediately issue funds made available under subsection (e), in an amount to be determined by the Secretary, to support State and Tribal efforts to immediately control the spread of chronic wasting disease within that population.

(5) PUBLIC EDUCATION ON CHRONIC WASTING DISEASE.—The Secretary, in consultation with State and Tribal departments of agriculture and wildlife agencies, organizations representing the farmed 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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