

117TH CONGRESS
1ST SESSION

H. R. 5608

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2021

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chronic Wasting Dis-
3 ease Research and Management Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

20 (3) Because States and Tribes have diverse
21 policies for addressing chronic wasting disease, the
22 Federal Government, in consultation with the
23 Chronic Wasting Disease Task Force established by
24 section 104 of America’s Conservation Enhancement
25 Act (Public Law 116–188), should coordinate finan-
26 cial and technical support to States and Tribes,

1 State and Tribal departments of agriculture, State
2 and Tribal wildlife agencies, institutions of higher
3 education, and research centers conducting scientific
4 research on chronic wasting disease.

5 (4) Pursuant to State and Federal law, the
6 States retain primacy and policymaking authority
7 with regard to wildlife management.

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

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

13 **SEC. 3. CHRONIC WASTING DISEASE RESEARCH AND MAN-**
14 **AGEMENT PROGRAM.**

15 (a) RESEARCH PROGRAM.—

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

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

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

11 (ii) testing methods that significantly im-
12 prove sensitivity and accelerate timelines for
13 test results on non-live cervids;

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

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

20 (D) sustainable cervid harvest management
21 practices to reduce chronic wasting disease oc-
22 currence and to prevent or limit spatial spread
23 of chronic wasting disease; or

24 (E) factors contributing to local emergence
25 of chronic wasting disease, increased prevalence

1 of chronic wasting disease, and distribution of
2 chronic wasting disease, including mechanisms
3 of disease transmission and effective barriers to
4 transmission.

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

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

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

21 (1) IN GENERAL.—Subject to the availability of
22 appropriations, the Secretary shall offer to enter
23 into cooperative agreements or other legal instru-
24 ments, as authorized under section 10413 of the
25 Animal Health Protection Act (7 U.S.C. 8312), with

1 State or Tribal wildlife agencies and departments of
2 agriculture to provide direct financial assistance to
3 support the efforts of such State or Tribal wildlife
4 agencies and departments of agriculture to develop
5 and implement management strategies to address
6 chronic wasting disease within their respective juris-
7 diction.

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

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

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

23 (B) shown the greatest financial commit-
24 ment to managing, monitoring, surveying, and
25 researching chronic wasting disease;

1 (C) comprehensive policies and programs
2 focused on chronic wasting disease management
3 that have integrated the programs and policies
4 of all involved agencies related to chronic wast-
5 ing disease management;

6 (D) the greatest risk of an initial occur-
7 rence of chronic wasting disease originating
8 from surrounding areas; or

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

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

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

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

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

10 (c) DEFINITIONS.—In this section:

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

14 (A) is a transmissible disease of the nerv-
 15 ous system resulting in distinctive lesions in the
 16 brain; and

17 (B) belongs to the group of diseases known
 18 as transmissible spongiform encephalopathies,
 19 which includes scrapie, bovine spongiform
 20 encephalopathy, and Cruetzfeldt-Jakob disease.

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

23 (A) a State or Tribal department of agri-
 24 culture;

25 (B) a State or Tribal wildlife agency;

1 (C) a Tribal research facility;

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

5 (E) a research center conducting or quali-
6 fied to conduct scientific research on chronic
7 wasting disease.

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

15 (1) minimizing or eliminating the interaction of
16 captive and wild deer;

17 (2) reviewing and updating indemnity practices,
18 including the use of live testing, to ensure the timely
19 and targeted removal of chronic wasting disease
20 positive deer from the landscape; and

21 (3) increasing participation in the herd certifi-
22 cation program.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There is authorized to be
25 appropriated to the Secretary to carry out this sec-

1 tion \$70,000,000 for each of fiscal years 2022
2 through fiscal year 2028, to remain available until
3 expended.

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

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

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

19 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed as interfering with, or otherwise
21 affecting, the authority of the Federal Government or
22 States to manage wildlife and livestock on land within
23 their respective jurisdictions, including managing, sur-
24 veying, and monitoring the incidence of chronic wasting
25 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)”.

Passed the House of Representatives December 8,
2021.

Attest: **CHERYL L. JOHNSON,**
Clerk.