

117TH CONGRESS
2D SESSION

S. 4111

To support research and State management efforts relating to chronic wasting disease, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2022

Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. TESTER, Mr. DAINES, Ms. KLOBUCHAR, Mr. MARSHALL, Ms. SMITH, Mrs. HYDE-SMITH, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To support research and State management efforts relating to chronic wasting disease, 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 “Chronic Wasting Dis-
5 ease Research and Management Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) chronic wasting disease, the fatal neuro-
9 logical disease found in cervids, is a fundamental

1 threat to the health and vibrancy of deer, elk, and
2 moose populations, and the increased occurrence of
3 chronic wasting disease in regionally diverse loca-
4 tions necessitates an escalation in research, surveil-
5 lance, monitoring, and management activities fo-
6 cused on containing and managing chronic wasting
7 disease;

8 (2) a focus on research into the transmission of,
9 resistance to, diagnosis of, and epidemiology of
10 chronic wasting disease is needed to inform future
11 policies to combat chronic wasting disease and en-
12 sure the health of cervid populations;

13 (3) because States and Indian Tribes have di-
14 verse policies for addressing chronic wasting disease,
15 the Federal Government, in consultation with the
16 Chronic Wasting Disease Task Force established
17 under section 104 of America's Conservation En-
18 hancement Act (16 U.S.C. 667h), should coordinate
19 financial and technical support to States and Indian
20 Tribes, State and Tribal departments of agriculture,
21 State and Tribal wildlife agencies, institutions of
22 higher education, and research centers conducting
23 scientific research on chronic wasting disease;

1 (4) pursuant to State and Federal law, States
 2 retain primacy and policymaking authority with re-
 3 gard to wildlife management;

4 (5) under policies in effect on the date of enact-
 5 ment of this Act, chronic wasting disease remains a
 6 systemic threat to cervids; and

7 (6) scientific advances that lead to the ability to
 8 stop transmission of chronic wasting disease are
 9 needed to ensure the long-term viability of cervids.

10 **SEC. 3. CHRONIC WASTING DISEASE RESEARCH AND MAN-**
 11 **AGEMENT PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) CERVID.—The term “cervid” means any
 14 species within the family Cervidae.

15 (2) CHRONIC WASTING DISEASE.—The term
 16 “chronic wasting disease” means the animal disease
 17 afflicting cervid populations that—

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

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

1 (3) 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 that conducts or is
11 qualified to conduct scientific research on
12 chronic wasting disease.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Agriculture.

15 (b) 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 shall establish a pro-
19 gram (referred to in this subsection as the “pro-
20 gram”) under which the Secretary shall offer to
21 enter into cooperative agreements, or other legal in-
22 struments authorized under section 10413(a)(4) of
23 the Animal Health Protection Act (7 U.S.C.
24 8312(a)(4)), (referred to in this subsection as “cov-
25 ered agreements”) with eligible entities to conduct

1 research on the transmission of, resistance to, and
2 diagnosis of chronic wasting disease.

3 (2) CRITERIA FOR SELECTION.—In entering
4 into covered agreements under the program, the Sec-
5 retary shall give priority to eligible entities that will
6 conduct research on—

7 (A)(i) methods and products—

8 (I) to effectively detect infectious
9 chronic wasting disease prions in live
10 cervids, cervid excreta, the environment,
11 and inorganic surfaces; and

12 (II) to decontaminate those infectious
13 prions; or

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

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

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 chronic wasting disease;

23 (D) sustainable cervid harvest management
24 practices—

1 (i) to reduce chronic wasting disease
2 occurrence; and

3 (ii) to prevent or limit spatial spread
4 of chronic wasting disease; or

5 (E) factors that contribute to local emer-
6 gence of chronic wasting disease and increased
7 prevalence and distribution of chronic wasting
8 disease, including mechanisms of disease trans-
9 mission and effective barriers to transmission.

10 (3) AMOUNT OF AGREEMENT.—To the max-
11 imum extent practicable, a covered agreement en-
12 tered into by the Secretary with an eligible entity
13 under the program shall be for an amount that is
14 not less than 2 percent and not more than 10 per-
15 cent of the funds appropriated under subsection (h)
16 for the applicable fiscal year.

17 (4) ADMINISTRATIVE COSTS BY ELIGIBLE ENTI-
18 TIES.—An eligible entity that enters into a covered
19 agreement under the program shall use not more
20 than 10 percent of the amount of the covered agree-
21 ment for administrative costs.

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

24 (1) IN GENERAL.—Not later than 90 days after
25 the date on which funds are made available to carry

1 out this section, the Secretary shall offer to enter
2 into cooperative agreements, or other legal instru-
3 ments authorized under section 10413(a)(4) of the
4 Animal Health Protection Act (7 U.S.C.
5 8312(a)(4)), with eligible entities described in sub-
6 paragraphs (A) and (B) of subsection (a)(3) to pro-
7 vide direct financial assistance to support the efforts
8 of those eligible entities to develop and implement
9 management strategies to address chronic wasting
10 disease within the jurisdiction of the applicable State
11 or Indian Tribe.

12 (2) APPLICATION.—An eligible entity described
13 in paragraph (1) seeking direct financial assistance
14 under this subsection shall submit to the Secretary
15 an application at such time, in such manner, and
16 containing such information as the Secretary may
17 require.

18 (3) FUNDING PRIORITIES.—In providing direct
19 financial assistance under paragraph (1), the Sec-
20 retary shall give priority to eligible entities described
21 in that paragraph that have, with respect to the ap-
22 plicable State or Indian Tribe of the eligible entity—

23 (A) a high incidence of chronic wasting
24 disease;

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

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

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

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

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

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

21 (4) RAPID RESPONSE.—If a State or Indian
 22 Tribe detects, within the jurisdiction of the State or
 23 Indian Tribe, chronic wasting disease in a cervid
 24 population that was not previously infected, notwith-
 25 standing paragraphs (2) and (3), the Secretary may

1 immediately provide direct financial assistance, in an
2 amount to be determined by the Secretary, to sup-
3 port the efforts of the State or Indian Tribe, as ap-
4 plicable, to immediately control the spread of chronic
5 wasting disease within that cervid population.

6 (d) PUBLIC EDUCATION ON CHRONIC WASTING DIS-
7 EASE.—The Secretary, in consultation with the eligible en-
8 tities described in subparagraphs (A) and (B) of sub-
9 section (a)(3), organizations representing the farmed
10 cervid industry, and organizations representing deer hunt-
11 ers, shall develop and maintain materials based on the lat-
12 est scientific knowledge to educate the public on chronic
13 wasting disease and techniques to help prevent the spread
14 of chronic wasting disease.

15 (e) REVIEW OF HERD CERTIFICATION PROGRAM
16 STANDARDS.—Not later than 18 months after the date
17 of enactment of this Act, the Secretary shall publish a no-
18 tice in the Federal Register soliciting public feedback on
19 potential updates and improvements to standards under
20 the chronic wasting disease herd certification program,
21 with special consideration given to—

- 22 (1) minimizing or eliminating the interaction of
23 captive and wild cervids;
- 24 (2) reviewing and updating indemnity practices,
25 including the use of live testing, to ensure the timely

1 and targeted removal of cervids with chronic wasting
2 disease from the landscape; and

3 (3) increasing participation in the chronic wast-
4 ing disease herd certification program.

5 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion interferes with or otherwise affects the authority of
7 the Federal Government, a State, or an Indian Tribe to
8 manage wildlife and livestock on land within the respective
9 jurisdiction, including managing, surveying, and moni-
10 toring the incidence of chronic wasting disease.

11 (g) ADMINISTRATIVE COSTS.—Of the funds made
12 available under subsection (h) for a fiscal year, the Sec-
13 retary may use not more than 10 percent for administra-
14 tive costs.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to the Secretary to carry out this sec-
18 tion \$70,000,000 for each of fiscal years 2022
19 through 2028, to remain available until expended.

20 (2) ALLOCATION AMONG PROGRAMS.—Of the
21 funds made available under paragraph (1), to the
22 maximum extent practicable, the Secretary shall al-
23 locate an equal amount to carry out each of sub-
24 sections (b) and (c).

1 (3) SET-ASIDE FOR WILDLIFE AGENCIES.—Of
2 the funds used to carry out subsection (c), not less
3 than 75 percent shall be used to provide direct fi-
4 nancial assistance to eligible entities described in
5 subsection (a)(3)(B).

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)”.

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