

Inspection Service, to carry out activities to fund research under subsection (c).

(Pub. L. 116-188, title I, §104, Oct. 30, 2020, 134 Stat. 911; Pub. L. 118-198, title I, §103, Dec. 23, 2024, 138 Stat. 2680.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (b)(1). Pub. L. 118-198, §103(1)(A), struck out “after the completion of the study required by subsection (c)” before period at end.

Subsec. (b)(5)(A). Pub. L. 118-198, §103(1)(B), substituted “90 days after December 23, 2024. The efforts of the Task Force shall not be contingent on the completion of the study required by subsection (c)” for “180 days after the date on which the study is completed under subsection (c)”.

Subsec. (d)(1). Pub. L. 118-198, §103(2), substituted “2030” for “2025”.

### § 667i. Chronic wasting disease research and management program

#### (a) Research program

##### (1) In general

Not later than 90 days after the date on which funds are made available to carry out this section, the Secretary of Agriculture shall establish a program under which the Secretary shall offer to enter into cooperative agreements or other legal instruments, as authorized under<sup>1</sup> 8312 of title 7, with eligible entities to conduct research on the transmission of, resistance to, and diagnosis of chronic wasting disease.

##### (2) Criteria for selection

In entering into cooperative agreements or other legal instruments pursuant to paragraph (1), the Secretary shall give priority to eligible entities that shall conduct research relating to—

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

(ii) testing methods that significantly improve sensitivity and accelerate timelines for test results on non-live cervids;

(B) the long-term suppression or eradication of chronic wasting disease; or<sup>2</sup>

(C) determination markers for genetic resistance to chronic wasting disease and strategies for using genetic resistance to combat the spread of the disease;

(D) sustainable cervid harvest management practices to reduce chronic wasting disease occurrence and to prevent or limit spatial spread of chronic wasting disease; or

(E) factors contributing to local emergence of chronic wasting disease, increased prevalence of chronic wasting disease, and distribution of chronic wasting disease, including mechanisms of disease transmission and effective barriers to transmission.

##### (3) Size of awards

To the maximum extent practicable, individual cooperative agreements or other legal

instruments entered into under paragraph (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 8312 of title 7, 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.

#### (2) Application

A State or Tribal wildlife agency or department of agriculture seeking direct financial assistance under this subsection shall submit to the Secretary an application at such time and manner, and containing such information as the Secretary may require.

#### (3) Funding priorities

In allocating funds made available to carry out this subsection for a fiscal year among State and Tribal wildlife agencies or departments of agriculture that submit an application for direct financial assistance under this subsection, the Secretary shall give priority to States and Indian tribes that have—

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

(B) shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease;

(C) comprehensive policies and programs focused on chronic wasting disease management that have integrated the programs and policies of all involved agencies related to chronic wasting 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

<sup>1</sup> So in original. Probably should be followed by “section”.

<sup>2</sup> So in original.

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 hunters, shall develop and maintain materials based on the latest scientific knowledge to be used to educate the public on chronic wasting disease and techniques to help prevent the spread of the disease.

**(c) Definitions**

In this section:

**(1) Chronic wasting disease**

The term “chronic wasting disease” means the animal disease afflicting deer, elk, and moose populations that—

(A) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

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

**(2) Eligible entity**

The term “eligible entity” means—

(A) a State or Tribal department of agriculture;

(B) a State or Tribal wildlife agency;

(C) a Tribal research facility;

(D) an institution of higher education (as defined in section 1001 of title 20); and

(E) a research center conducting or qualified to conduct scientific research on chronic wasting disease.

**(d) Review of herd certification program standards**

Not later than 18 months after the date of the enactment of this Act, the Secretary shall publish a notice in the Federal Register soliciting public feedback on potential updates and improvements to the chronic wasting disease herd certification program standards with special consideration given to—

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

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

(3) increasing participation in the herd certification program.

**(e) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to the Secretary to carry out this section \$70,000,000

for each of fiscal years 2022 through fiscal year 2028, to remain available until expended.

**(2) Allocation among programs**

To the extent practicable, the Secretary shall allocate the funds made available under paragraph (1) evenly between the research program under subsection (a) and the management program under subsection (b).

**(3) Set-aside for wildlife agencies**

The Secretary shall ensure that, of the funds made available and allocated to carry out subsection (b), not less than 75 percent of such funds are made available to State or Tribal wildlife agencies.

**(f) Administrative costs**

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

**(g) Rule of construction**

Nothing in this section shall be construed as interfering with, or otherwise affecting, the authority of the Federal Government or States to manage wildlife and livestock on land within their respective jurisdictions, including managing, surveying, and monitoring the incidence of chronic wasting disease.

(Pub. L. 117-328, div. HH, title V, §603, Dec. 29, 2022, 136 Stat. 5996.)

**Editorial Notes**

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (d), probably means the date of enactment of Pub. L. 117-328, which enacted into law H.R. 5608, One Hundred Seventeenth Congress, as engrossed in the House of Representatives on Dec. 8, 2021, and which was approved Dec. 29, 2022.

CODIFICATION

Section is based on section 3 of H.R. 5608, One Hundred Seventeenth Congress, as engrossed in the House of Representatives on Dec. 8, 2021, which was enacted into law by section 603 of Pub. L. 117-328.

**Statutory Notes and Related Subsidiaries**

FINDINGS

Section 2 of H.R. 5608, One Hundred Seventeenth Congress, as engrossed in the House of Representatives on Dec. 8, 2021, which was enacted into law by Pub. L. 117-328, div. HH, title V, §603, Dec. 29, 2022, 136 Stat. 5996, provided that: “Congress finds the following:

“(1) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer, elk, and moose populations, and the increased occurrence of chronic wasting disease in regionally diverse locations necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing and managing chronic wasting disease.

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

“(3) Because States and Tribes have diverse policies for addressing chronic wasting disease, the Federal Government, in consultation with the Chronic Wast-

ing Disease Task Force established by section 104 of America's Conservation Enhancement Act (Public Law 116-188) [16 U.S.C. 667h], should coordinate financial and technical support to States and Tribes, State and Tribal departments of agriculture, State and Tribal wildlife agencies, institutions of higher education, and research centers conducting scientific research on chronic wasting disease.

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

"(5) Under current policies, chronic wasting disease remains a systemic threat to cervids.

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

#### SUBCHAPTER II—PROTECTION OF BALD AND GOLDEN EAGLES

### § 668. Bald and golden eagles

#### (a) Prohibited acts; criminal penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall knowingly, or with wanton disregard for the consequences of his act take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner any bald eagle commonly known as the American eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, shall be fined not more than \$5,000 or imprisoned not more than one year or both: *Provided*, That in the case of a second or subsequent conviction for a violation of this section committed after October 23, 1972, such person shall be fined not more than \$10,000 or imprisoned not more than two years, or both: *Provided further*, That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further*, That one-half of any such fine, but not to exceed \$2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further*, That nothing herein shall be construed to prohibit possession or transportation of any bald eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to June 8, 1940, and that nothing herein shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle.

#### (b) Civil penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, may be assessed a civil penalty by the

Secretary of not more than \$5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

#### (c) Cancellation of grazing agreements

The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this subchapter or of any permit or regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section.

(June 8, 1940, ch. 278, §1, 54 Stat. 250; Pub. L. 86-70, §14, June 25, 1959, 73 Stat. 143; Pub. L. 87-884, Oct. 24, 1962, 76 Stat. 1246; Pub. L. 92-535, §1, Oct. 23, 1972, 86 Stat. 1064.)

#### Editorial Notes

##### REFERENCES IN TEXT

Prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle, referred to in subsec. (a), means prior to Oct. 24, 1962, the date such provisions were enacted by Pub. L. 87-884 as an amendment of this section and section 668a of this title.

##### AMENDMENTS

1972—Pub. L. 92-535 designated existing provisions as subsec. (a), substituted "shall knowingly, or with wanton disregard for the consequences of his act take" for "shall take", increased fine and imprisonment terms from \$500 or six months to \$5,000 or one year, and inserted provisions that a second conviction carry a penalty of \$10,000 fine or imprisonment of not more than two years, that each taking constitute a separate offense, and that informers be rewarded one-half of the fine not exceeding \$2,500, and added subsecs. (b) and (c).

1962—Pub. L. 87-884 extended prohibitions against the enumerated acts to the golden eagle and changed proviso by substituting "bald eagle", "June 8, 1940" and "and that nothing in said sections shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to said sections of the provisions relating to preservation of the golden eagle" for "such eagle," "the effective date of said sections" and "but the proof of such taking shall lie upon the accused in any prosecution under said sections", respectively.