

107TH CONGRESS
2^D SESSION

H. R. 4795

To provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2002

Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chronic Wasting Dis-
3 ease Support for States Act of 2002”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **CHRONIC WASTING DISEASE.**—The term
7 “chronic wasting disease” means the animal disease
8 afflicting deer and elk 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 group includes scrapie, bovine spongiform
15 encephalopathy, and Cruetzfeldt-Jakob disease.

16 (2) **INDIAN TRIBE.**—The term “Indian tribe”
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b).

20 **SEC. 3. FINDINGS.**

21 Congress finds the following:

22 (1) Pursuant to State and Federal law, the
23 States retain primacy and policy-making authority
24 with regard to wildlife management, and nothing in
25 this Act interferes with or otherwise affects the pri-
26 macy of the States in managing wildlife generally, or

1 managing, surveying, and monitoring the incidence
2 of chronic wasting disease.

3 (2) Chronic wasting disease, the fatal neuro-
4 logical disease found in cervids, is a fundamental
5 threat to the health and vibrancy of deer and elk
6 populations, and the increased occurrence of chronic
7 wasting disease in regionally diverse locations in re-
8 cent months necessitates an escalation in research,
9 surveillance, monitoring, and management activities
10 focused on containing and managing this lethal dis-
11 ease.

12 (3) As the States move to manage existing lev-
13 els of chronic wasting disease and insulate non-
14 infected wild and captive cervid populations from the
15 disease, the Federal Government should endeavor to
16 provide integrated and holistic financial and tech-
17 nical support to these States.

18 (4) Relevant Federal agencies should provide
19 consistent, coherent, and integrated support struc-
20 tures and programs for the benefit of State wildlife
21 and agricultural administrators, as chronic wasting
22 disease can move freely between captive and wild
23 cervids across the broad array of Federal, State,
24 tribal, and local land management jurisdictions.

1 (5) The Secretary of the Interior, the Secretary
2 of Agriculture, and other affected Federal authori-
3 ties can provide consistent, coherent, and integrated
4 support systems under existing legal authorities.

5 **TITLE I—DEPARTMENT OF THE**
6 **INTERIOR ACTIVITIES**

7 **SEC. 101. NATIONAL DATABASE REGARDING CHRONIC**
8 **WASTING DISEASE.**

9 (a) INFORMATION REPOSITORY.—The Secretary of
10 the Interior, acting through the United States Geological
11 Survey and using existing authorities, shall establish and
12 maintain the official national database for—

13 (1) surveillance and monitoring data regarding
14 chronic wasting disease in both wild and captive
15 cervid populations and other wildlife that is collected
16 by the Department of the Interior, the Department
17 of Agriculture, other Federal agencies, foreign gov-
18 ernments, Indian tribes, and State agencies assisted
19 under this Act; and

20 (2) other relevant information regarding chronic
21 wasting disease received from other sources, includ-
22 ing cooperation with foreign governments.

23 (b) INFORMATION SOURCE.—The national database
24 shall be available as a resource for—

1 (1) Federal and State agencies, Indian tribes,
2 and foreign governments attempting to manage and
3 control chronic wasting disease;

4 (2) institutions of higher education and other
5 public or private research entities conducting re-
6 search regarding chronic wasting disease; and

7 (3) cooperating international wildlife authori-
8 ties.

9 (c) RELATIONSHIP TO DEPARTMENT OF AGRICULTURE INFORMATION COLLECTION.—The data col-
10 lected by the Department of Agriculture under title II
11 shall be placed in the national database.
12 shall be placed in the national database.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary of the
15 Interior \$1,500,000 to establish and maintain the national
16 database. Funds appropriated pursuant to this authoriza-
17 tion of appropriations shall remain available until ex-
18 pend.

19 **SEC. 102. SURVEILLANCE AND MONITORING PROGRAM RE-**
20 **GARDING PRESENCE OF CHRONIC WASTING**
21 **DISEASE IN WILD HERDS OF DEER AND ELK.**

22 (a) PROGRAM DEVELOPMENT.—Using existing au-
23 thorities, the Secretary of the Interior, acting through the
24 United States Geological Survey, shall develop a national
25 surveillance and monitoring program to identify—

1 (1) the rate of chronic wasting disease infection
2 in wild herds of deer and elk;

3 (2) the cause and extent of the spread of the
4 disease; and

5 (3) potential reservoirs of infection and vectors
6 promoting the spread of the disease.

7 (b) IMPLEMENTATION.—The Secretary of the Inte-
8 rior shall provide financial and technical assistance to
9 States and Indian tribes to implement the surveillance and
10 monitoring program for wild herds.

11 (c) COOPERATION.—In developing the surveillance
12 and monitoring program for wild herds, the Secretary of
13 the Interior shall consult and cooperate with State and
14 tribal agencies responsible for managing and controlling
15 chronic wasting disease.

16 (d) COORDINATION.—The Secretary of the Interior,
17 in cooperation with the Secretary of Agriculture, shall es-
18 tablish uniform standards for the collection and assess-
19 ment of samples and data derived from the surveillance
20 and monitoring program.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary of the
23 Interior \$3,000,000 to establish and support the surveil-
24 lance and monitoring program. Funds appropriated pursu-

1 ant to this authorization of appropriations shall remain
2 available until expended.

3 **SEC. 103. SUPPORT FOR STATE EFFORTS TO MANAGE AND**
4 **CONTROL CHRONIC WASTING DISEASE.**

5 (a) AVAILABILITY OF ASSISTANCE.—The Secretary
6 of the Interior, acting through the United States Geologi-
7 cal Survey, shall allocate funds appropriated to carry out
8 this section directly to the State or tribal agency respon-
9 sible for wildlife management for a State or Indian tribe
10 that petitions the Secretary for a portion of such funds
11 to develop and implement management strategies to ad-
12 dress chronic wasting disease on lands administered by the
13 State or Indian tribe.

14 (b) FUNDING PRIORITIES.—In determining the
15 amounts to be allocated to States and Indian tribes under
16 subsection (a), the Secretary of the Interior shall give pri-
17 ority to States and Indian tribes based on the following
18 criteria:

19 (1) Relative scope of incidence of chronic wast-
20 ing disease on lands administered by the State or
21 Indian tribe, with priority given to those States and
22 Indian tribes with the highest incidence of the dis-
23 ease.

24 (2) State or tribal expenditures on chronic
25 wasting disease management, monitoring, surveil-

1 lance, and research, with priority given to those
2 States and Indian tribes that have shown the great-
3 est financial commitment to managing, monitoring,
4 surveying, and researching chronic wasting disease.

5 (3) Comprehensive and integrated State or trib-
6 al policies and programs focused on chronic wasting
7 disease management between involved State or tribal
8 wildlife and agricultural agencies, with priority given
9 to those States and Indian tribes that have inte-
10 grated the programs and policies of all involved
11 agencies related to chronic wasting disease manage-
12 ment.

13 (4) Rapid response to new outbreaks of chronic
14 wasting disease, whether occurring in areas in which
15 chronic wasting disease is already found or areas
16 with first infections, with the intent of containing
17 the disease in any new area of infection.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary of the
20 Interior \$10,000,000 to support State and tribal efforts
21 to manage and control chronic wasting disease. Funds ap-
22 propriated pursuant to this authorization of appropria-
23 tions shall remain available until expended.

1 **SEC. 104. EXPANSION OF UNITED STATES GEOLOGICAL**
2 **SURVEY RESEARCH.**

3 (a) **EXPANSION.**—The Secretary of Interior, acting
4 through the United States Geological Survey, shall expand
5 and accelerate research on chronic wasting disease, includ-
6 ing research regarding detection of chronic wasting dis-
7 ease, genetic resistance, tissue studies, and environmental
8 studies.

9 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
10 are authorized to be appropriated to the Secretary of the
11 Interior \$3,000,000 to carry out subsection (a). Funds ap-
12 propriated pursuant to this authorization of appropria-
13 tions shall remain available until expended.

14 **TITLE II—DEPARTMENT OF**
15 **AGRICULTURE ACTIVITIES**

16 **SEC. 201. SURVEILLANCE AND MONITORING PROGRAM RE-**
17 **GARDING PRESENCE OF CHRONIC WASTING**
18 **DISEASE IN CAPTIVE HERDS OF DEER AND**
19 **ELK.**

20 (a) **PROGRAM DEVELOPMENT.**—The Secretary of Ag-
21 riculture, acting through the Animal and Plant Health In-
22 spection Service, shall develop a surveillance and moni-
23 toring program to identify—

24 (1) the rate of chronic wasting disease infection
25 in captive herds of deer and elk;

1 (2) the cause and extent of the spread of the
2 disease; and

3 (3) potential reservoirs of infection and vectors
4 promoting the spread of the disease.

5 (b) IMPLEMENTATION.—The Secretary of Agri-
6 culture shall provide financial and technical assistance to
7 States and Indian tribes to implement the surveillance and
8 monitoring program for captive herds.

9 (c) COOPERATION.—In developing the surveillance
10 and monitoring program for captive herds, the Secretary
11 of Agriculture shall cooperate with State and tribal agen-
12 cies responsible for managing and controlling chronic
13 wasting disease.

14 (d) COORDINATION.—The Secretary of Agriculture,
15 in cooperation with the Secretary of the Interior, shall es-
16 tablish uniform standards for the collection and assess-
17 ment of samples and data derived from the surveillance
18 and monitoring program.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary of Agri-
21 culture \$2,000,000 to establish and support the surveil-
22 lance and monitoring program. Funds appropriated pursu-
23 ant to this authorization of appropriations shall remain
24 available until expended.

1 **SEC. 202. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.**

2 (a) PURPOSE.—Diagnostic testing of samples col-
3 lected under the surveillance and monitoring programs re-
4 garding chronic wasting disease conducted by the Federal
5 Government and States and Indian tribes, including the
6 programs required by sections 102 and 201, will continue
7 to be conducted by National Veterinary Services Labora-
8 tories of the Animal and Plant Health Inspection Service
9 and laboratories approved by the National Veterinary
10 Services Laboratories, but current laboratory capacity is
11 inadequate to process the anticipated sample load.

12 (b) UPGRADING OF FEDERAL FACILITIES.—The Sec-
13 retary of Agriculture shall provide for the upgrading of
14 Federal laboratories to facilitate the timely processing of
15 samples from the surveillance and monitoring programs
16 required by sections 102 and 201 and related epidemiolog-
17 ical investigation in response to the results of such proc-
18 essing.

19 (c) UPGRADING OF CERTIFIED LABORATORIES.—
20 Using the grant authority provided under section 2(d) of
21 the Competitive, Special and Facilities Research Grant
22 Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall
23 make grants to provide for the upgrading of laboratories
24 to be certified by the Secretary to facilitate the timely
25 processing of samples from the surveillance and moni-
26 toring programs required by sections 102 and 201 and re-

1 lated epidemiological investigation in response to the re-
2 sults of such processing.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of Agri-
5 culture \$2,500,000 to carry out this section. Funds appro-
6 priated pursuant to this authorization of appropriations
7 shall remain available until expended.

8 **SEC. 203. EXPANSION OF AGRICULTURAL RESEARCH SERV-**
9 **ICE RESEARCH.**

10 (a) EXPANSION.—The Secretary of Agriculture, act-
11 ing through the Agricultural Research Service, shall ex-
12 pand and accelerate research on chronic wasting disease,
13 including research regarding detection of chronic wasting
14 disease, genetic resistance, tissue studies, and environ-
15 mental studies.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary of Agri-
18 culture \$1,000,000 to carry out subsection (a). Funds ap-
19 propriated pursuant to this authorization of appropria-
20 tions shall remain available until expended.

21 **SEC. 204. EXPANSION OF COOPERATIVE STATE RESEARCH,**
22 **EDUCATION AND EXTENSION SERVICE SUP-**
23 **PORTED RESEARCH AND EDUCATION.**

24 (a) RESEARCH EFFORTS.—The Secretary of Agri-
25 culture, acting through the Cooperative State Research,

1 Education and Extension Service, shall expand the grant
2 program regarding research on chronic wasting disease.

3 (b) EDUCATIONAL EFFORTS.—The Secretary of Ag-
4 riculture shall provide educational outreach regarding
5 chronic wasting disease to the general public, industry and
6 conservation organizations, hunters, and interested sci-
7 entific and regulatory communities.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Secretary of Agri-
10 culture \$4,000,000 to carry out this section. Of the funds
11 so appropriated, 75 percent shall be used to carry out sub-
12 section (a) and 25 percent shall be used to carry out sub-
13 section (b). Funds appropriated pursuant to this author-
14 ization of appropriations shall remain available until ex-
15 pended.

16 TITLE III—GENERAL 17 PROVISIONS

18 SEC. 301. RULEMAKING.

19 (a) JOINT RULEMAKING.—To ensure that the sur-
20 veillance and monitoring programs and research programs
21 required by this Act are compatible and that information
22 collection is carried out in a manner suitable for inclusion
23 in the national database required by section 101, the Sec-
24 retary of the Interior and the Secretary of Agriculture
25 shall jointly promulgate rules to implement this Act.

1 (b) PROCEDURE.—Due to the serious consequences
2 of an unchecked chronic wasting disease epidemic, prompt
3 implementation of this Act is required. The promulgation
4 of the rules under subsection (a) shall be made without
5 regard to—

6 (1) chapter 35 of title 44, United States Code
7 (commonly know as the “Paperwork Reduction
8 Act”);

9 (2) the Statement of Policy of the Secretary of
10 Agriculture effective July 24, 1971 (36 Fed. Reg.
11 13804), relating to notices of proposed rulemaking
12 and public participation in rulemaking; and

13 (3) the notice and comment provisions of sec-
14 tion 553 of title 5, United States Code.

15 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
16 MAKING.—In carrying out this section, the Secretary of
17 the Interior and the Secretary of Agriculture shall use the
18 authority provided under section 808 of title 5, United
19 States Code.

20 (d) RELATION TO OTHER RULEMAKING.—The re-
21 quirement for joint rulemaking shall not be construed to
22 require any delay in the promulgation by the Secretary
23 of Agriculture of rules regarding the interstate transpor-
24 tation of captive deer or elk or any other rule by the Sec-
25 retary of Agriculture or the Secretary of the Interior re-

1 garding chronic wasting disease proposed before the date
2 of the enactment of this Act.

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