

107TH CONGRESS  
2D SESSION

# S. 2560

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2002

Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. CAMPBELL, Mr. KOHL, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Chronic Wasting Dis-  
5       ease State Support Act of 2002”.

1 **SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.**

2 In this Act, the term “chronic wasting disease”  
3 means the animal disease afflicting deer and elk that—

4 (1) is a transmissible disease of the nervous  
5 system resulting in distinctive lesions in the brain;  
6 and

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

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

13 (1) Pursuant to State and Federal law, the  
14 States retain undisputed primacy and policy-making  
15 authority with regard to wildlife management, and  
16 nothing in this Act interferes with or otherwise af-  
17 fects the primacy of the States in managing wildlife  
18 generally, or managing, surveying, and monitoring  
19 the incidence of chronic wasting disease.

20 (2) Chronic wasting disease, the fatal neuro-  
21 logical disease found in cervids, is a fundamental  
22 threat to the health and vibrancy of deer and elk  
23 populations, and the increased occurrence of chronic  
24 wasting disease in regionally diverse locations in re-  
25 cent months necessitates an escalation in research,  
26 surveillance, monitoring, and management activities

1 focused on containing, managing, and eradicating  
2 this lethal disease.

3 (3) As the States move to manage existing inci-  
4 dence of chronic wasting disease and insulate non-  
5 infected wild and captive cervid populations from the  
6 disease, the Federal Government should endeavor to  
7 provide integrated and holistic financial and tech-  
8 nical support to these States.

9 (4) In its statutory role as supporting agent,  
10 relevant Federal agencies should provide consistent,  
11 coherent, and integrated support structures and pro-  
12 grams for the benefit of State wildlife and agricul-  
13 tural administrators, as chronic wasting disease can  
14 move freely between captive and wild cervids across  
15 the broad array of Federal, State, and local land  
16 management jurisdictions.

17 (5) The Secretary of the Interior, the Secretary  
18 of Agriculture, and other affected Federal authori-  
19 ties can provide consistent, coherent, and integrated  
20 support systems under existing legal authorities.

1 **TITLE I—DEPARTMENT OF THE**  
2 **INTERIOR ACTIVITIES**

3 **SEC. 101. COMPUTER MODELING OF DISEASE SPREAD IN**  
4 **WILD CERVID POPULATIONS.**

5 (a) **MODELING PROGRAM REQUIRED.**—The Sec-  
6 retary of the Interior shall establish a modeling program  
7 to predict the spread of chronic wasting disease in wild  
8 deer and elk in the United States.

9 (b) **ROLE.**—Computer modeling shall be used to iden-  
10 tify areas of potential disease concentration and future  
11 outbreak and shall be made available for the purposes of  
12 targeting public and private chronic wasting disease con-  
13 trol efforts.

14 (c) **DATA INTEGRATION.**—Information shall be dis-  
15 played in a GIS format to support management use of  
16 modeling results, and shall be displayed integrated with  
17 the following:

- 18 (1) Land use data.
- 19 (2) Soils data.
- 20 (3) Elevation data.
- 21 (4) Environmental conditions data.
- 22 (5) Wildlife data.
- 23 (6) Other data as appropriate.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Secretary of the  
3 Interior \$1,000,000 under this section.

4 **SEC. 102. SURVEILLANCE AND MONITORING PROGRAM RE-**  
5 **GARDING PRESENCE OF CHRONIC WASTING**  
6 **DISEASE IN WILD HERDS OF DEER AND ELK.**

7 (a) PROGRAM DEVELOPMENT.—Using existing au-  
8 thorities, the Secretary of the Interior, acting through the  
9 United States Geological Survey, shall conduct a surveil-  
10 lance and monitoring program on Federal lands managed  
11 by the Secretary to identify—

12 (1) the incidence of chronic wasting disease in-  
13 fection in wild herds of deer and elk;

14 (2) the cause and extent of the spread of the  
15 disease; and

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

18 (b) TRIBAL ASSISTANCE.—In developing the surveil-  
19 lance and monitoring program for wild herds on Federal  
20 lands, the Secretary of the Interior shall provide assist-  
21 ance to tribal governments or tribal government entities  
22 responsible for managing and controlling chronic wasting  
23 disease in wildlife on tribal lands.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to the Secretary of the

1 Interior \$3,000,000 to establish and support the surveil-  
2 lance and monitoring program.

3 **TITLE II—DEPARTMENT OF**  
4 **AGRICULTURE ACTIVITIES**

5 **SEC. 201. NATIONAL REPOSITORY OF INFORMATION RE-**  
6 **GARDING CHRONIC WASTING DISEASE.**

7 (a) INFORMATION REPOSITORY.—The United States  
8 Department of Agriculture, using existing authorities,  
9 shall develop and maintain an interactive, Internet-based  
10 web site that displays—

11 (1) surveillance and monitoring program data  
12 regarding chronic wasting disease in both wild and  
13 captive cervid populations and other wildlife that are  
14 collected by the Department of Agriculture, the De-  
15 partment of the Interior, other Federal agencies,  
16 and State agencies assisted under this Act;

17 (2) modeling information regarding the spread  
18 of chronic wasting disease in the United States; and

19 (3) other relevant information regarding chronic  
20 wasting disease received from other sources.

21 (b) INFORMATION SHARING POLICY.—The national  
22 repository shall be available as a resource for Federal and  
23 State agencies responsible for managing and controlling  
24 chronic wasting disease and for institutions of higher edu-  
25 cation and other public or private research entities con-

1 ducting research regarding chronic wasting disease. Data  
2 from the repository shall be made available to other Fed-  
3 eral agencies, State agencies and the general public upon  
4 request.

5 **SEC. 202. SAMPLING AND TESTING PROTOCOLS.**

6 (a) **SAMPLING PROTOCOL.**—Within 30 days of enact-  
7 ment of this Act, the Secretary of Agriculture shall release  
8 guidelines for the use by Federal, State, tribal and local  
9 agencies for the collection of animal tissue to be tested  
10 for chronic wasting disease. Guidelines shall include, at  
11 a minimum, procedures for the collection and stabilization  
12 of tissue samples for transport for laboratory assessment.  
13 Such guidelines shall be updated as necessary.

14 (b) **TESTING PROTOCOL.**—Within 30 days of enact-  
15 ment of this Act, the Secretary of Agriculture shall release  
16 a protocol to be used in the laboratory assessment of sam-  
17 ples of animal tissue that may be contaminated with  
18 chronic wasting disease.

19 (c) **LABORATORY CERTIFICATION.**—Within 45 days  
20 of enactment of this Act, the Secretary of Agriculture shall  
21 develop a program for the inspection and certification of  
22 Federal and non-Federal laboratories conducting chronic  
23 wasting disease tests.

24 (d) **DEVELOPMENT OF NEW TESTS.**—The Secretary  
25 of Agriculture shall accelerate research into the develop-

1 ment of live animal tests for chronic wasting disease, in-  
2 cluding field diagnostic tests, and the development of test-  
3 ing protocols that reduce laboratory test processing time.

4 **SEC. 203. ERADICATION OF CHRONIC WASTING DISEASE IN**  
5 **HERDS OF DEER AND ELK.**

6 (a) CAPTIVE HERD PROGRAM DEVELOPMENT.—The  
7 Secretary of Agriculture, acting through the Animal and  
8 Plant Health Inspection Service, shall develop a program  
9 to identify the rate of chronic wasting disease infection  
10 in captive herds of deer and elk, the cause and extent of  
11 the spread of the disease, and potential reservoirs of infec-  
12 tion and vectors promoting the spread of the disease.

13 (1) IMPLEMENTATION.—The Secretary of Agri-  
14 culture shall provide financial and technical assist-  
15 ance to States and tribal governments to implement  
16 surveillance and monitoring program for captive  
17 herds.

18 (2) COOPERATION.—In developing the surveil-  
19 lance and monitoring program for captive herds, the  
20 Secretary of Agriculture shall cooperate with State  
21 agencies responsible for managing and controlling  
22 chronic wasting disease in captive wildlife. Grantees  
23 under this section shall submit to the Secretary of  
24 Agriculture a plan for monitoring chronic wasting  
25 disease in captive wildlife and reducing the risk of



1 disease spread through captive wildlife transport. As  
2 a condition of awarding aid under this section, the  
3 Secretary of Agriculture may prohibit or restrict  
4 the—

5 (A) movement in interstate commerce of  
6 any animal, article, or means of conveyance if  
7 the Secretary determines that the prohibition or  
8 restriction is necessary to prevent the introduc-  
9 tion or dissemination of chronic wasting dis-  
10 ease; and

11 (B) use of any means of conveyance or fa-  
12 cility in connection with the movement in inter-  
13 state commerce of any animal or article if the  
14 Secretary determines that the prohibition or re-  
15 striction is necessary to prevent the introduc-  
16 tion or dissemination of chronic wasting dis-  
17 ease.

18 (3) COORDINATION.—The Secretary of Agri-  
19 culture, in cooperation with the Secretary of the In-  
20 terior, shall establish uniform standards for the col-  
21 lection and assessment of samples and data derived  
22 from the surveillance and monitoring program.

23 (b) WILD HERD PROGRAM.—The Secretary of Agri-  
24 culture, acting through the Animal and Plant Health In-  
25 spection Service, shall, consistent with existing authority,

1 assist States in reducing the incidence of chronic wasting  
2 disease infection in wild herds of deer and elk.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Secretary of Agri-  
5 culture \$2,000,000 to conduct activities under this sec-  
6 tion.

7 **SEC. 204. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.**

8 (a) PURPOSE.—Diagnostic testing will continue to be  
9 conducted on samples collected under the surveillance and  
10 monitoring programs regarding chronic wasting disease  
11 conducted by the States and the Federal Government, in-  
12 cluding the programs required by this Act, but current  
13 laboratory capacity is inadequate to process the antici-  
14 pated sample load.

15 (b) UPGRADING OF FEDERAL FACILITIES.—The Sec-  
16 retary of Agriculture shall provide for the upgrading of  
17 Federal laboratories to facilitate the timely processing of  
18 samples from the surveillance and monitoring programs  
19 required by this Act and related epidemiological investiga-  
20 tion in response to the results of such processing.

21 (c) UPGRADING OF CERTIFIED LABORATORIES.—  
22 Using the grant authority provided under section 2(d) of  
23 the Competitive, Special and Facilities Research Grant  
24 Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall  
25 make grants to provide for the upgrading of laboratories

1 certified by the Secretary to facilitate the timely pro-  
2 cessing of samples from surveillance and monitoring pro-  
3 grams and related epidemiological investigation in re-  
4 sponse to the results of such processing.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Secretary of Agri-  
7 culture \$7,500,000 to carry out this section.

8 **SEC. 205. 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 basic research on chronic wasting dis-  
13 ease, including research regarding detection of chronic  
14 wasting disease, genetic resistance, tissue studies, and en-  
15 vironmental 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 this section.

19 **SEC. 206. EXPANSION OF COOPERATIVE STATE RESEARCH,**  
20 **EDUCATION AND EXTENSION SERVICE SUP-**  
21 **PORTED RESEARCH AND EDUCATION.**

22 (a) RESEARCH EFFORTS.—The Secretary of Agri-  
23 culture, acting through the Cooperative State Research,  
24 Education and Extension Service, shall expand the grant  
25 program regarding research on chronic wasting disease.

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

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to the Secretary of  
 8 Agriculture—

9 (1) \$3,000,000 to carry out subsection (a); and

10 (2) \$1,000,000 to carry out subsection (b).

11 **TITLE III—GENERAL**  
 12 **PROVISIONS**

13 **SEC. 301. INTERAGENCY COORDINATION.**

14 (a) IN GENERAL.—Within 60 days of enactment  
 15 after the date of enactment of this Act, the Secretary of  
 16 Agriculture and the Secretary of the Interior, shall enter  
 17 into a cooperative agreement for the purpose of coordi-  
 18 nating actions and disbursing funds authorized under sec-  
 19 tion 302 of this title to prevent the spread of chronic wast-  
 20 ing disease and related diseases in the United States.

21 (b) REPORT.—Not later than 180 days after the date  
 22 of enactment of this Act, the Secretaries shall submit to  
 23 Congress a report that—

24 (1) describes actions that are being taken, and  
 25 will be taken, to prevent the further outbreak of

1 chronic wasting disease and related diseases in the  
2 United States; and

3 (2) contains any additional recommendations  
4 for additional legislative and regulatory actions that  
5 should be taken to prevent the spread of chronic  
6 wasting disease in the United States.

7 **SEC. 302. INTERAGENCY GRANTS FOR STATE AND TRIBAL**  
8 **EFFORTS TO MANAGE CHRONIC WASTING**  
9 **DISEASE IN WILDLIFE.**

10 (a) AVAILABILITY OF ASSISTANCE.—As a condition  
11 of the cooperative agreement described in section 301, the  
12 Secretary of Agriculture and the Secretary of the Interior  
13 shall develop a grant program to allocate funds appro-  
14 priated to carry out this section directly to the State agen-  
15 cy responsible for wildlife management in each State that  
16 petitions the Secretary for a portion of such fund to de-  
17 velop and implement long term management strategies to  
18 address chronic wasting disease in wildlife.

19 (b) FUNDING PRIORITIES.—In determining the  
20 amounts to be allocated to grantees under subsection (a),  
21 priority shall be given based on the following criteria:

22 (1) Relative scope of incidence of chronic wast-  
23 ing disease in the State, with priority given to those  
24 jurisdictions with the highest incidence of the dis-  
25 ease.

1           (2) Expenditures on chronic wasting disease  
2           management, monitoring, surveillance, and research,  
3           with priority given to those States and tribal govern-  
4           ments that have shown the greatest financial com-  
5           mitment to managing, monitoring, surveying, and  
6           researching chronic wasting disease.

7           (3) Comprehensive and integrated policies and  
8           programs focused on chronic wasting disease man-  
9           agement between involved State wildlife and agricul-  
10          tural agencies and tribal governments, with priority  
11          given to grantees that have integrated the programs  
12          and policies of all involved agencies related to chron-  
13          ic wasting disease management.

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

19          (c) **AUTHORIZATION OF APPROPRIATIONS.**—There  
20          are authorized to be appropriated \$10,000,000 to carry  
21          out this subsection.

22          **SEC. 303. RULEMAKING.**

23          (a) **JOINT RULEMAKING.**—To ensure that the sur-  
24          veillance and monitoring programs and research programs  
25          required by this Act are compatible and that information

1 collection is carried out in a manner suitable for inclusion  
2 in the national database required by section 201, the Sec-  
3 retary of the Interior and the Secretary of Agriculture  
4 shall jointly promulgate rules to implement this Act.

5 (b) PROCEDURE.—The promulgation of the rules  
6 shall be made without regard to—

7 (1) chapter 35 of title 44, United States Code  
8 13 (commonly know as the “Paperwork Reduction  
9 Act”);

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

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

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

21 (d) RELATION TO OTHER RULEMAKING AND LAW.—  
22 The requirement for joint rulemaking shall not be con-  
23 strued to require any delay in the promulgation by the  
24 Secretary of Agriculture of rules regarding the interstate  
25 transportation of captive deer or elk or to effect any other

1 rule or public law implemented by the Secretary of Agri-  
2 culture or the Secretary of the Interior regarding chronic  
3 wasting disease before the date of the enactment of this  
4 Act.

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