

110TH CONGRESS
1ST SESSION

H. R. 3859

To support further research by State departments of wildlife and agriculture, colleges and universities, and related research entities 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 additional State efforts to control the disease, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2007

Mr. SALAZAR introduced the following bill; which was referred to the Committee on Natural 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 support further research by State departments of wildlife and agriculture, colleges and universities, and related research entities 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 additional 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Chronic Wasting Disease Support for States Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

TITLE I—DEPARTMENT OF THE INTERIOR ACTIVITIES

Sec. 101. National database regarding chronic wasting disease.

Sec. 102. Surveillance and monitoring program regarding presence of chronic
wasting disease in wild herds of deer and elk.

Sec. 103. Support for State efforts to manage and control chronic wasting dis-
ease.

Sec. 104. Department of the Interior support for research regarding chronic
wasting disease.

TITLE II—DEPARTMENT OF AGRICULTURE ACTIVITIES

Sec. 201. Surveillance and monitoring program regarding presence of chronic
wasting disease in captive herds of deer and elk.

Sec. 202. Expansion of diagnostic testing capacity.

Sec. 203. Expansion of Agricultural Research Service research.

Sec. 204. Expansion of Cooperative State Research, Education and Extension
Service supported research regarding chronic wasting disease.

TITLE III—GENERAL PROVISIONS

Sec. 301. Rulemaking.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CHRONIC WASTING DISEASE.—The term
9 “chronic wasting disease” means the animal disease
10 afflicting deer and elk that—

11 (A) is a transmissible disease of the nerv-
12 ous system resulting in distinctive lesions in the
13 brain; and

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

5 (2) ELIGIBLE GRANT RECIPIENT.—The term
6 “eligible grant recipient” means a State department
7 of wildlife, State department of agriculture, college
8 or university, or related research center conducting
9 scientific research regarding chronic wasting disease.

10 (3) INDIAN TRIBE.—The term “Indian tribe”
11 has the meaning given the term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 450b).

14 **SEC. 3. FINDINGS.**

15 Congress finds the following:

16 (1) Pursuant to State and Federal law, the
17 States retain primacy and policy-making authority
18 with regard to wildlife management, and nothing in
19 this Act interferes with or otherwise affects the pri-
20 macy of the States in managing wildlife generally, or
21 managing, surveying, and monitoring the incidence
22 of chronic wasting disease.

23 (2) Chronic wasting disease, the fatal neuro-
24 logical disease found in cervids, is a fundamental
25 threat to the health and vibrancy of deer and elk

1 populations, and the increased occurrence of chronic
2 wasting disease in regionally diverse locations in re-
3 cent months necessitates an escalation in research,
4 surveillance, monitoring, and management activities
5 focused on containing and managing this lethal dis-
6 ease.

7 (3) As the States move to manage existing lev-
8 els of chronic wasting disease and insulate non-
9 infected wild and captive cervid populations from the
10 disease, the Federal Government should endeavor to
11 provide integrated and holistic financial and tech-
12 nical support to these States and the many State de-
13 partments of wildlife, State departments of agri-
14 culture, colleges and universities, and related re-
15 search centers conducting scientific research regard-
16 ing chronic wasting disease.

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

24 (5) The Secretary of the Interior, the Secretary
25 of Agriculture, and other affected Federal authori-

1 ties can provide consistent, coherent, and integrated
2 support systems under existing legal authorities to
3 States and the many State departments of wildlife,
4 State departments of agriculture, colleges and uni-
5 versities, and related research centers conducting
6 scientific research regarding chronic wasting disease.

7 **TITLE I—DEPARTMENT OF THE**
8 **INTERIOR ACTIVITIES**

9 **SEC. 101. NATIONAL DATABASE REGARDING CHRONIC**
10 **WASTING DISEASE.**

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

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

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

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

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

6 (2) eligible grant recipients and other institu-
7 tions of higher education and other public or private
8 research entities conducting research regarding
9 chronic wasting disease; and

10 (3) cooperating international wildlife authori-
11 ties.

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

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary of the
18 Interior \$750,000 to establish and maintain the national
19 database. Funds appropriated pursuant to this authoriza-
20 tion of appropriations shall remain available until ex-
21 pended.

1 **SEC. 102. SURVEILLANCE AND MONITORING PROGRAM RE-**
2 **GARDING PRESENCE OF CHRONIC WASTING**
3 **DISEASE IN WILD HERDS OF DEER AND ELK.**

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

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

10 (2) the cause and extent of the spread of the
11 disease; and

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

14 (b) IMPLEMENTATION.—The Secretary of the Inte-
15 rior shall provide financial and technical assistance to
16 States and Indian tribes to implement the surveillance and
17 monitoring program for wild herds.

18 (c) COOPERATION.—In developing the surveillance
19 and monitoring program for wild herds, the Secretary of
20 the Interior shall consult and cooperate with State and
21 tribal agencies responsible for managing and controlling
22 chronic wasting disease.

23 (d) COORDINATION.—The Secretary of the Interior,
24 in cooperation with the Secretary of Agriculture, shall es-
25 tablish uniform standards for the collection and assess-

1 ment of samples and data derived from the surveillance
2 and monitoring program.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of the
5 Interior \$1,000,000 to support the surveillance and moni-
6 toring program. Funds appropriated pursuant to this au-
7 thorization of appropriations shall remain available until
8 expended.

9 **SEC. 103. SUPPORT FOR STATE EFFORTS TO MANAGE AND**
10 **CONTROL CHRONIC WASTING DISEASE.**

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

20 (b) FUNDING PRIORITIES.—In determining the
21 amounts to be allocated to States and Indian tribes under
22 subsection (a), the Secretary of the Interior shall give pri-
23 ority to States and Indian tribes based on the following
24 criteria:

1 (1) Relative scope of incidence of chronic wast-
2 ing disease on lands administered by the State or
3 Indian tribe, with priority given to those States and
4 Indian tribes with the highest incidence of the dis-
5 ease.

6 (2) State or tribal expenditures on chronic
7 wasting disease management, monitoring, surveil-
8 lance, and research, with priority given to those
9 States and Indian tribes that have shown the great-
10 est financial commitment to managing, monitoring,
11 surveying, and researching chronic wasting disease.

12 (3) Comprehensive and integrated State or trib-
13 al policies and programs focused on chronic wasting
14 disease management between involved State or tribal
15 wildlife and agricultural agencies, with priority given
16 to those States and Indian tribes that have inte-
17 grated the programs and policies of all involved
18 agencies related to chronic wasting disease manage-
19 ment.

20 (4) Rapid response to new outbreaks of chronic
21 wasting disease, whether occurring in areas in which
22 chronic wasting disease is already found or areas
23 with first infections, with the intent of containing
24 the disease in any new area of infection.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of the
3 Interior \$2,000,000 to support State and tribal efforts to
4 manage and control chronic wasting disease. Funds appro-
5 priated pursuant to this authorization of appropriations
6 shall remain available until expended.

7 **SEC. 104. DEPARTMENT OF THE INTERIOR SUPPORT FOR**
8 **RESEARCH REGARDING CHRONIC WASTING**
9 **DISEASE.**

10 (a) EXPANSION.—The Secretary of Interior, acting
11 through the United States Geological Survey, shall make
12 grants to eligible grant recipients to support efforts to ex-
13 pand and accelerate research on chronic wasting disease,
14 including research regarding detection of chronic wasting
15 disease, genetic resistance, tissue studies, and environ-
16 mental studies.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of the
19 Interior \$3,000,000 to make grants under subsection (a).
20 Funds appropriated pursuant to this authorization of ap-
21 propriations shall remain available until expended.

1 **TITLE II—DEPARTMENT OF**
2 **AGRICULTURE ACTIVITIES**

3 **SEC. 201. SURVEILLANCE AND MONITORING PROGRAM RE-**
4 **GARDING PRESENCE OF CHRONIC WASTING**
5 **DISEASE IN CAPTIVE HERDS OF DEER AND**
6 **ELK.**

7 (a) PROGRAM DEVELOPMENT.—The Secretary of Ag-
8 riculture, acting through the Animal and Plant Health In-
9 spection Service, shall develop a surveillance and moni-
10 toring program to identify—

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

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

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

17 (b) IMPLEMENTATION.—The Secretary of Agri-
18 culture shall provide financial and technical assistance to
19 States and Indian tribes to implement the surveillance and
20 monitoring program for captive herds.

21 (c) COOPERATION.—In developing the surveillance
22 and monitoring program for captive herds, the Secretary
23 of Agriculture shall cooperate with State and tribal agen-
24 cies responsible for managing and controlling chronic
25 wasting disease.

1 (d) COORDINATION.—The Secretary of Agriculture,
2 in cooperation with the Secretary of the Interior, shall es-
3 tablish uniform standards for the collection and assess-
4 ment of samples and data derived from the surveillance
5 and monitoring program.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of Agri-
8 culture \$1,000,000 to establish and support the surveil-
9 lance and monitoring program. Funds appropriated pursu-
10 ant to this authorization of appropriations shall remain
11 available until expended.

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

13 (a) PURPOSE.—Diagnostic testing of samples col-
14 lected under the surveillance and monitoring programs re-
15 garding chronic wasting disease conducted by the Federal
16 Government and States and Indian tribes, including the
17 programs required by sections 102 and 201, will continue
18 to be conducted by National Veterinary Services Labora-
19 tories of the Animal and Plant Health Inspection Service
20 and laboratories approved by the National Veterinary
21 Services Laboratories, but current laboratory capacity is
22 inadequate to process the anticipated sample load.

23 (b) UPGRADING OF FEDERAL FACILITIES.—The Sec-
24 retary of Agriculture shall provide for the upgrading of
25 Federal laboratories to facilitate the timely processing of

1 samples from the surveillance and monitoring programs
2 required by sections 102 and 201 and related epidemiolog-
3 ical investigation in response to the results of such proc-
4 essing.

5 (c) UPGRADING OF CERTIFIED LABORATORIES.—
6 Using the grant authority provided under section 2(d) of
7 the Competitive, Special and Facilities Research Grant
8 Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall
9 make grants to provide for the upgrading of laboratories
10 to be certified by the Secretary to facilitate the timely
11 processing of samples from the surveillance and moni-
12 toring programs required by sections 102 and 201 and re-
13 lated epidemiological investigation in response to the re-
14 sults of such processing.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of Agri-
17 culture \$1,000,000 to carry out this section. Funds appro-
18 priated pursuant to this authorization of appropriations
19 shall remain available until expended.

20 **SEC. 203. EXPANSION OF AGRICULTURAL RESEARCH SERV-**
21 **ICE RESEARCH.**

22 (a) EXPANSION.—The Secretary of Agriculture, act-
23 ing through the Agricultural Research Service, shall ex-
24 pand and accelerate research on chronic wasting disease,
25 including research regarding detection of chronic wasting

1 disease, genetic resistance, tissue studies, and environ-
2 mental studies.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of Agri-
5 culture \$5,000,000 to carry out subsection (a). Funds ap-
6 propriated pursuant to this authorization of appropria-
7 tions shall remain available until expended.

8 **SEC. 204. EXPANSION OF COOPERATIVE STATE RESEARCH,**
9 **EDUCATION AND EXTENSION SERVICE SUP-**
10 **PORTED RESEARCH REGARDING CHRONIC**
11 **WASTING DISEASE.**

12 (a) RESEARCH EFFORTS.—The Secretary of Agri-
13 culture, acting through the Cooperative State Research,
14 Education and Extension Service, shall increase the num-
15 ber and size of grants made to eligible grant recipients
16 in support of research regarding chronic wasting disease.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of Agri-
19 culture \$7,000,000 to make grants under subsection (a).
20 Funds appropriated pursuant to this authorization of ap-
21 propriations shall remain available until expended.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. RULEMAKING.**

4 (a) **JOINT RULEMAKING.**—To ensure that the sur-
5 veillance and monitoring programs and research programs
6 required by this Act are compatible and that information
7 collection is carried out in a manner suitable for inclusion
8 in the national database required by section 101, the Sec-
9 retary of the Interior and the Secretary of Agriculture
10 shall jointly promulgate rules to implement this Act.

11 (b) **PROCEDURE.**—Due to the serious consequences
12 of an unchecked chronic wasting disease epidemic, prompt
13 implementation of this Act is required. The promulgation
14 of the rules under subsection (a) shall be made without
15 regard to—

16 (1) chapter 35 of title 44, United States Code
17 (commonly known as the “Paperwork Reduction
18 Act”);

19 (2) the Statement of Policy of the Secretary of
20 Agriculture effective July 24, 1971 (36 Fed. Reg.
21 13804), relating to notices of proposed rulemaking
22 and public participation in rulemaking; and

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

1 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
2 MAKING.—In carrying out this section, the Secretary of
3 the Interior and the Secretary of Agriculture shall use the
4 authority provided under section 808 of title 5, United
5 States Code.

6 (d) RELATION TO OTHER RULEMAKING.—The re-
7 quirement for joint rulemaking shall not be construed to
8 require any delay in the promulgation by the Secretary
9 of Agriculture of rules regarding the interstate transpor-
10 tation of captive deer or elk or any other rule by the Sec-
11 retary of Agriculture or the Secretary of the Interior re-
12 garding chronic wasting disease proposed before the date
13 of the enactment of this Act.

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