

116TH CONGRESS
1ST SESSION

S. 689

To amend the Animal Health Protection Act to support State and Tribal efforts to develop and implement management strategies to address chronic wasting disease among deer, elk, and moose populations, to support research regarding the causes of chronic wasting disease and methods to control the further spread of the disease, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2019

Mr. TESTER (for himself, Mr. CASEY, Ms. KLOBUCHAR, Mr. JONES, Ms. BALDWIN, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Health Protection Act to support State and Tribal efforts to develop and implement management strategies to address chronic wasting disease among deer, elk, and moose populations, to support research regarding the causes of chronic wasting disease and methods to control the further spread of 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 Management Act”.

4 **SEC. 2. CHRONIC WASTING DISEASE SUPPORT FOR STATES**
5 **AND TRIBES.**

6 (a) IN GENERAL.—The Animal Health Protection
7 Act is amended by inserting after section 10409A (7
8 U.S.C. 8308a) the following:

9 **“SEC. 10409B. CHRONIC WASTING DISEASE SUPPORT FOR**
10 **STATES AND TRIBES.**

11 “(a) FINDINGS.—Congress finds the following:

12 “(1) Pursuant to State and Federal law, the
13 States retain primacy and policymaking authority
14 with regard to wildlife management.

15 “(2) Chronic wasting disease, the fatal neuro-
16 logical disease found in cervids, is a fundamental
17 threat to the health and vibrancy of deer, elk, and
18 moose populations, and the increased occurrence of
19 chronic wasting disease in regionally diverse loca-
20 tions necessitates an escalation in research, surveil-
21 lance, monitoring, and management activities fo-
22 cused on containing and managing chronic wasting
23 disease.

24 “(3) As the States move to manage existing lev-
25 els of chronic wasting disease and insulate non-
26 infected wild and captive cervid populations from

1 chronic wasting disease, the Federal Government
 2 should provide integrated and holistic financial and
 3 technical support to States, State departments of
 4 wildlife, State departments of agriculture, institu-
 5 tions of higher education, and related research cen-
 6 ters conducting scientific research regarding chronic
 7 wasting disease.

8 “(4) The Secretary should provide consistent,
 9 coherent, and integrated support structures and pro-
 10 grams for the benefit of State wildlife and agricul-
 11 tural administrators, as chronic wasting disease can
 12 move freely between captive and wild cervids across
 13 Federal, State, Tribal, and local land management
 14 jurisdictions.

15 “(5) The Secretary can provide consistent, co-
 16 herent, and integrated support systems under exist-
 17 ing legal authorities to States, State departments of
 18 wildlife, State departments of agriculture, institu-
 19 tions of higher education, and related research cen-
 20 ters conducting scientific research regarding chronic
 21 wasting disease.

22 “(b) DEFINITIONS.—In this section:

23 “(1) CHRONIC WASTING DISEASE.—The term
 24 ‘chronic wasting disease’ means the animal disease
 25 afflicting deer, elk, and moose populations that—

1 “(A) is a transmissible disease of the nerv-
2 ous system resulting in distinctive lesions in the
3 brain; and

4 “(B) belongs to the group of diseases
5 known as transmissible spongiform encephalop-
6 athies, which includes scrapie, bovine
7 spongiform encephalopathy, and Cruetzfeldt-
8 Jakob disease.

9 “(2) ELIGIBLE GRANT RECIPIENT.—The term
10 ‘eligible grant recipient’ means a State department
11 of wildlife, a State department of agriculture, an in-
12 stitution of higher education, or a related research
13 center conducting scientific research regarding
14 chronic wasting disease.

15 “(c) SUPPORT FOR STATE EFFORTS TO MANAGE
16 AND CONTROL CHRONIC WASTING DISEASE.—

17 “(1) AVAILABILITY OF ASSISTANCE.—The Sec-
18 retary shall allocate funds made available under
19 clauses (i) and (ii) of paragraph (5)(A) directly to
20 State and Tribal agencies responsible for wildlife
21 management to support State and Tribal efforts to
22 develop and implement management strategies to
23 address chronic wasting disease.

24 “(2) APPLICATIONS.—To be eligible to receive
25 funding under paragraph (1), a State or Tribal

1 agency shall submit to the Secretary an application
2 for the funding at such time, in such manner, and
3 containing such information as the Secretary may
4 require.

5 “(3) FUNDING PRIORITIES.—In determining
6 the amounts to be allocated to State and Tribal
7 agencies under paragraph (1), the Secretary shall
8 give priority to States and Indian tribes—

9 “(A) with the highest incidence of chronic
10 wasting disease;

11 “(B) that have shown the greatest finan-
12 cial commitment to managing, monitoring, sur-
13 veying, and researching chronic wasting disease;

14 “(C) that have comprehensive policies and
15 programs focused on chronic wasting disease
16 management that are integrated among all in-
17 volved State or Tribal wildlife and agricultural
18 agencies; or

19 “(D) that have the greatest need for rapid
20 response to new outbreaks of chronic wasting
21 disease occurring in areas in which chronic
22 wasting disease is already found or areas with
23 first infections, with the intent of containing
24 chronic wasting disease in any new area of in-
25 fection.

1 “(4) RAPID RESPONSE.—If a State or Indian
 2 tribe detects chronic wasting disease in a deer, elk,
 3 or moose population that was not previously infected
 4 with chronic wasting disease, the Secretary shall use
 5 funds made available under paragraph (5)(A)(iii) to
 6 support State and Tribal efforts to immediately con-
 7 trol the spread of chronic wasting disease within
 8 that population.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—

10 “(A) IN GENERAL.—There is authorized to
 11 be appropriated to the Secretary to carry out
 12 this subsection \$35,000,000 for each fiscal
 13 year, to remain available until expended, of
 14 which—

15 “(i) \$20,000,000 shall be allocated to
 16 States under paragraph (1);

17 “(ii) \$5,000,000 shall be allocated to
 18 Tribal agencies under paragraph (1); and

19 “(iii) \$10,000,000 shall be retained
 20 for rapid response under paragraph (4).

21 “(B) LIMITATION ON ADMINISTRATIVE
 22 COSTS.—Not more than 3 percent of the
 23 amount made available under subparagraph (A)
 24 may be used to cover administrative expenses

1 incurred by the Secretary in carrying out this
2 subsection.

3 “(d) SUPPORT FOR APPLIED RESEARCH REGARDING
4 CHRONIC WASTING DISEASE.—

5 “(1) EXPANSION OF RESEARCH GRANTS.—The
6 Secretary shall make grants to eligible grant recipi-
7 ents to support efforts to expand and accelerate ap-
8 plied research on chronic wasting disease, including
9 research relating to—

10 “(A) methods and products to effectively
11 detect infectious prions in, and decontaminate
12 infectious prions from, natural environments
13 and inorganic surfaces;

14 “(B) sustainable cervid harvest manage-
15 ment practices to reduce chronic wasting dis-
16 ease occurrence and to prevent or limit spatial
17 spread of chronic wasting disease;

18 “(C) management experiments and strate-
19 gies designed for long-term suppression of
20 chronic wasting disease;

21 “(D) harvest management practices and
22 other practices that exacerbate chronic wasting
23 disease occurrence, with an emphasis on retro-
24 spective analyses of available harvest manage-
25 ment and chronic wasting disease trend data; or

1 “(E) factors contributing to local emer-
 2 gence of chronic wasting disease, increased
 3 prevalence of chronic wasting disease, and dis-
 4 tribution of chronic wasting disease, including
 5 mechanisms of disease transmission and effec-
 6 tive barriers to transmission.

7 “(2) LIMITATIONS ON ADMINISTRATIVE
 8 COSTS.—

9 “(A) ELIGIBLE GRANT RECIPIENTS.—Not
 10 more than 15 percent of the amount of a grant
 11 under paragraph (1) may be used by an eligible
 12 grant recipient for administrative costs incurred
 13 by the eligible grant recipient.

14 “(B) SECRETARY.—Not more than 3 per-
 15 cent of the amount made available under para-
 16 graph (3) may be used to cover administrative
 17 expenses incurred by the Secretary in carrying
 18 out this subsection.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 20 There is authorized to be appropriated to the Sec-
 21 retary to make grants under paragraph (1)
 22 \$25,000,000 for each fiscal year, to remain available
 23 until expended.

24 “(e) MULTIAGENCY COOPERATION WITH STATES TO
 25 ADDRESS CHRONIC WASTING DISEASE.—Land manage-

1 ment agencies of the Department of Agriculture and the
2 Department of the Interior shall work cooperatively with
3 States—

4 “(1) in the conduct of chronic wasting disease
5 research; and

6 “(2) in the implementation of State manage-
7 ment strategies to reduce the spread and prevalence
8 of chronic wasting disease.

9 “(f) EFFECT.—Nothing in this section interferes with
10 or otherwise affects the primacy of the States in managing
11 wildlife generally, including managing, surveying, and
12 monitoring the incidence of chronic wasting disease.”.

13 (b) TECHNICAL AMENDMENT.—Section 10403(8) of
14 the Animal Health Protection Act (7 U.S.C. 8302(8)) is
15 amended by striking “(25 U.S.C. 450b)” and inserting
16 “(25 U.S.C. 5304)”.

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