

Chronic Wasting Disease Support Act of 2003 (Introduced in Senate)

S 1036 IS

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S. 1036

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 SENATE OF THE UNITED STATES

May 9, 2003

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Chronic Wasting Disease Support Act of 2003'.

SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.

In this Act, the term 'chronic wasting disease' means the animal disease afflicting deer and elk that--

- (1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and
- (2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

SEC. 3. FINDINGS.

Congress finds the following:

- (1) Pursuant to State and Federal law, the States retain undisputed primacy and policymaking authority with regard to wildlife management, and nothing in this Act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying, and monitoring the incidence of chronic wasting disease.
- (2) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer and elk populations, and the increased occurrence of chronic wasting disease in regionally diverse locations in recent months necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing, managing, and eradicating this lethal disease.
- (3) As the States move to manage existing incidence of chronic wasting disease and insulate noninfected wild and captive cervid populations from the disease, the Federal Government should endeavor to provide integrated and holistic financial and technical support to these States.

(4) In its statutory role as supporting agent, relevant Federal agencies should provide consistent, coherent, and integrated support structures and programs for the benefit of State wildlife and agricultural administrators, as chronic wasting disease can move freely between captive and wild cervids across the broad array of Federal, State, and local land management jurisdictions.

(5) The Secretary of the Interior, the Secretary of Agriculture, and other affected Federal authorities can provide consistent, coherent, and integrated support systems under existing legal authorities.

TITLE I--DEPARTMENT OF THE INTERIOR ACTIVITIES

SEC. 101. GRANTS FOR STATE AND TRIBAL EFFORTS TO MANAGE CHRONIC WASTING DISEASE IN WILDLIFE.

(a) Availability of Assistance- The Secretary of the Interior shall develop a grant program to allocate funds appropriated to carry out this section directly to the State agency responsible for wildlife management in each State that petitions the Secretary for a portion of such fund to develop and implement long-term management strategies to address chronic wasting disease in wildlife.

(b) Funding Priorities- In determining the amounts to be allocated to grantees under subsection (a), priority shall be given based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease in the State, with priority given to those jurisdictions with the highest incidence of the disease.

(2) Expenditures on chronic wasting disease management, monitoring, surveillance, and research, with priority given to those States and tribal governments that have shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease.

(3) Comprehensive and integrated policies and programs focused on chronic wasting disease management between involved State wildlife and agricultural agencies and tribal governments, with priority given to grantees that have integrated the programs and policies of all involved agencies related to chronic wasting disease management.

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

(c) Authorization of Appropriations- There are authorized to be appropriated \$10,000,000 to carry out this subsection.

SEC. 102. COMPUTER MODELING OF DISEASE SPREAD IN WILD CERVID POPULATIONS.

(a) Modeling Program Required- The Secretary of the Interior shall establish a modeling program to predict the spread of chronic wasting disease in wild deer and elk in the United States.

(b) Role- Computer modeling shall be used to identify areas of potential disease concentration and future outbreak and shall be made available for the purposes of targeting public and private chronic wasting disease control efforts.

(c) Data Integration- Information shall be displayed in a GIS format to support management use of modeling results, and shall be displayed integrated with the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Environmental conditions data.

(5) Wildlife data.

(6) Other data as appropriate.

(d) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of the Interior \$1,000,000 under this section.

SEC. 103. SURVEILLANCE AND MONITORING PROGRAM REGARDING PRESENCE OF CHRONIC WASTING DISEASE IN WILD HERDS OF DEER AND ELK.

(a) Program Development- Using existing authorities, the Secretary of the Interior, acting through the United States Geological Survey, shall conduct a surveillance and monitoring program on Federal lands managed by the Secretary to identify--

- (1) the incidence of chronic wasting disease infection in wild herds of deer and elk;
- (2) the cause and extent of the spread of the disease; and
- (3) potential reservoirs of infection and vectors promoting the spread of the disease.

(b) Tribal Assistance- In developing the surveillance and monitoring program for wild herds on Federal lands, the Secretary of the Interior shall provide assistance to tribal governments or tribal government entities responsible for managing and controlling chronic wasting disease in wildlife on tribal lands.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of the Interior \$3,000,000 to establish and support the surveillance and monitoring program.

SEC. 104. NATIONAL REPOSITORY OF INFORMATION REGARDING CHRONIC WASTING DISEASE.

(a) Information Repository- The United States Department of the Interior, using existing authorities, shall develop and maintain an interactive, Internet-based web site that displays--

- (1) surveillance and monitoring program data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that are collected by the Department of the Interior, the Department of Agriculture, other Federal agencies, State agencies, and tribal governments assisted under this Act;
- (2) modeling information regarding the spread of chronic wasting disease in the United States; and
- (3) other relevant information regarding chronic wasting disease received from other sources.

(b) INFORMATION SHARING POLICY- The national repository shall be available as a resource for Federal and State agencies responsible for managing and controlling chronic wasting disease and for institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease. Data from the repository shall be made available to other Federal agencies, State agencies, and the general public upon request.

TITLE II--DEPARTMENT OF AGRICULTURE ACTIVITIES

SEC. 201. SAMPLING AND TESTING PROTOCOLS.

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

(b) TESTING PROTOCOL- Within 30 days of enactment of this Act, the Secretary of Agriculture shall release a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION AND INSPECTION PROGRAM-

(1) IN GENERAL- Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program for the certification and inspection of Federal and non-Federal laboratories (including private laboratories) under which the Secretary shall authorize laboratories certified under the program to conduct tests for chronic wasting disease.

(2) VERIFICATION- In carrying out the program established under paragraph (1), the Secretary may require that the results of any tests conducted by private laboratories shall be verified by Federal laboratories.

(d) DEVELOPMENT OF NEW TESTS- Not later than 45 days after the date of enactment of this Act, the Secretary shall accelerate research into--

(1) the development of animal tests for chronic wasting disease, including--

(A) tests for live animals; and

(B) field diagnostic tests; and

(2) the development of testing protocols that reduce laboratory test processing time.

SEC. 202. ERADICATION OF CHRONIC WASTING DISEASE IN HERDS OF DEER AND ELK.

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

(1) IMPLEMENTATION- The Secretary of Agriculture shall provide financial and technical assistance to States and tribal governments to implement surveillance and monitoring program for captive herds.

(2) COOPERATION- In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State agencies responsible for managing and controlling chronic wasting disease in captive wildlife. Grantees under this section shall submit to the Secretary of Agriculture a plan for monitoring chronic wasting disease in captive wildlife and reducing the risk of disease spread through captive wildlife transport. As a condition of awarding aid under this section, the Secretary of Agriculture may prohibit or restrict the--

(A) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease; and

(B) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease.

(3) COORDINATION- The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall establish uniform standards for the collection and assessment of samples and data derived from the surveillance and monitoring program.

(b) CAPTIVE HERD PROGRAM- The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall, consistent with existing authority, provide grants to assist States in reducing the incidence of chronic wasting disease infection in captive herds of deer and elk.

(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Agriculture \$8,000,000 to conduct activities under this section, of which no less than \$6,000,000 is to be awarded to State and tribal governments.

SEC. 203. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

(a) PURPOSE- Diagnostic testing will continue to be conducted on samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the States and the Federal Government and Indian tribes, including the programs required by this Act, but current laboratory capacity is inadequate to process the anticipated sample load.

(b) UPGRADING OF FEDERAL FACILITIES- The Secretary of Agriculture shall provide for the upgrading of Federal laboratories to facilitate the timely processing of samples from the surveillance and monitoring programs required by this Act and related epidemiological investigation in response to the results of such processing.

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

the Secretary to facilitate the timely processing of samples from surveillance and monitoring programs and related epidemiological investigation in response to the results of such processing.
(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Agriculture \$7,500,000 to carry out this section.

SEC. 204. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

(a) EXPANSION- The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate basic research on chronic wasting disease, including research regarding detection of chronic wasting disease, genetic resistance, tissue studies, and environmental studies.

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Agriculture \$1,000,000 to carry out this section.

SEC. 205. EXPANSION OF COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE SUPPORTED RESEARCH AND EDUCATION.

(a) RESEARCH EFFORTS- The Secretary of Agriculture, acting through the Cooperative State Research, Education and Extension Service, shall expand the grant program regarding research on chronic wasting disease.

(b) EDUCATIONAL EFFORTS- The Secretary of Agriculture shall provide educational outreach regarding chronic wasting disease to the general public, industry, and conservation organizations, hunters, and interested scientific and regulatory communities.

(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Agriculture--

- (1) \$3,000,000 to carry out subsection (a); and
- (2) \$1,000,000 to carry out subsection (b).

TITLE III--GENERAL PROVISIONS

SEC. 301. INTERAGENCY COORDINATION.

(a) IN GENERAL- Within 60 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a cooperative agreement for the purpose of coordinating actions and disbursing funds authorized under this Act to prevent the spread of chronic wasting disease and related diseases in the United States.

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

- (1) describes actions that are being taken, and will be taken, to prevent the further outbreak of chronic wasting disease and related diseases in the United States; and
- (2) contains any additional recommendations for additional legislative and regulatory actions that should be taken to prevent the spread of chronic wasting disease in the United States.

SEC. 303. RULEMAKING.

(a) JOINT RULEMAKING- To ensure that the surveillance and monitoring programs and research programs required by this Act are compatible and that information collection is carried out in a manner suitable for inclusion in the national database required by section 102, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

(b) PROCEDURE- The promulgation of the rules shall be made without regard to--

- (1) chapter 35 of title 44, United States Code 13 (commonly known as the 'Paperwork Reduction Act');

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

(3) the notice and comment provisions of section 553 of title 5, United States Code.

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

(d) RELATION TO OTHER RULEMAKING AND LAW- The requirement for joint rulemaking shall not be construed to require any delay in the promulgation by the Secretary of Agriculture of rules regarding the interstate transportation of captive deer or elk or to effect any other rule or public law implemented by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease before the date of the enactment of this Act.