

Chronic Wasting Disease Support for States Act of 2003 (Introduced in House)

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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 9, 2003

Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PETRI, and Mrs. MUSGRAVE) 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.

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 for States Act of 2003'.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHRONIC WASTING DISEASE- The term 'chronic wasting disease' means the animal disease afflicting deer and elk that--

(A) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

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

(2) INDIAN TRIBE- The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. FINDINGS.

Congress finds the following:

(1) Pursuant to State and Federal law, the States retain primacy and policy-making 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 and managing this lethal disease.

(3) As the States move to manage existing levels 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) 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, tribal, 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. NATIONAL DATABASE REGARDING CHRONIC WASTING DISEASE.

(a) **INFORMATION REPOSITORY-** The Secretary of the Interior, acting through the United States Geological Survey and using existing authorities, shall establish and maintain the official national database for--

(1) surveillance and monitoring data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that is collected by the Department of the Interior, the Department of Agriculture, other Federal agencies, foreign governments, Indian tribes, and State agencies assisted under this Act; and

(2) other relevant information regarding chronic wasting disease received from other sources, including cooperation with foreign governments.

(b) **INFORMATION SOURCE-** The national database shall be available as a resource for--

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

(2) institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease; and

(3) cooperating international wildlife authorities.

(c) **RELATIONSHIP TO DEPARTMENT OF AGRICULTURE INFORMATION**

COLLECTION- The data collected by the Department of Agriculture under title II shall be placed in the national database.

(d) **AUTHORIZATION OF APPROPRIATIONS-** There are authorized to be appropriated to the Secretary of the Interior \$1,500,000 to establish and maintain the national database. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 102. 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 develop a national surveillance and monitoring program to identify--

(1) the rate 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) **IMPLEMENTATION-** The Secretary of the Interior shall provide financial and technical assistance to States and Indian tribes to implement the surveillance and monitoring program for wild herds.

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

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

(e) 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. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

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

(a) AVAILABILITY OF ASSISTANCE- The Secretary of the Interior, acting through the United States Geological Survey, shall allocate funds appropriated to carry out this section directly to the State or tribal agency responsible for wildlife management for a State or Indian tribe that petitions the Secretary for a portion of such funds to develop and implement management strategies to address chronic wasting disease on lands administered by the State or Indian tribe.

(b) FUNDING PRIORITIES- In determining the amounts to be allocated to States and Indian tribes under subsection (a), the Secretary of the Interior shall give priority to States and Indian tribes based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease on lands administered by the State or Indian tribe, with priority given to those States and Indian tribes with the highest incidence of the disease.

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

(3) Comprehensive and integrated State or tribal policies and programs focused on chronic wasting disease management between involved State or tribal wildlife and agricultural agencies, with priority given to those States and Indian tribes 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 areas in which chronic wasting disease is already found or areas 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 to the Secretary of the Interior \$10,000,000 to support State and tribal efforts to manage and control chronic wasting disease. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 104. EXPANSION OF UNITED STATES GEOLOGICAL SURVEY RESEARCH.

(a) EXPANSION- The Secretary of Interior, acting through the United States Geological Survey, shall expand and accelerate 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 the Interior \$3,000,000 to carry out subsection (a). Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

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.

(a) PROGRAM DEVELOPMENT- The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall develop a surveillance and monitoring program to identify--

- (1) the rate of chronic wasting disease infection in captive 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) IMPLEMENTATION- The Secretary of Agriculture shall provide financial and technical assistance to States and Indian tribes to implement the surveillance and monitoring program for captive herds.
- (c) COOPERATION- In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State and tribal agencies responsible for managing and controlling chronic wasting disease.
- (d) 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.
- (e) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Agriculture \$2,000,000 to establish and support the surveillance and monitoring program. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 202. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

- (a) PURPOSE- Diagnostic testing of samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the Federal Government and States and Indian tribes, including the

programs required by sections 102 and 201, will continue to be conducted by National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service and laboratories approved by the National Veterinary Services Laboratories, 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 sections 102 and 201 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 to be certified by the Secretary to facilitate the timely processing of samples from the surveillance and monitoring programs required by sections 102 and 201 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 \$2,500,000 to carry out this section. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 203. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

- (a) EXPANSION- The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate 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 subsection (a). Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 204. 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 \$4,000,000 to carry out this section. Of the funds so appropriated, 75 percent shall be used to carry out subsection (a) and 25 percent shall be used to carry out subsection (b). Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

TITLE III--GENERAL PROVISIONS

SEC. 301. 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 101, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

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

(1) chapter 35 of title 44, United States Code (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- 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 any other rule by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease proposed before the date of the enactment of this Act.