

115TH CONGRESS  
1ST SESSION

# S. 2252

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2017

Mr. TESTER 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 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 Support for States 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  
6           encephalopathies, 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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