

CHRONIC WASTING DISEASE RESEARCH AND MANAGEMENT ACT

DECEMBER 7, 2021.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DAVID SCOTT of Georgia, from the Committee on Agriculture,
submitted the following

R E P O R T

[To accompany H.R. 5608]

The Committee on Agriculture, to whom was referred the bill (H.R. 5608) to support research and state management efforts on chronic wasting disease, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

BRIEF EXPLANATION

This legislation authorizes \$70 million annually from Fiscal Year 2022 through Fiscal Year 2028 to be divided equally between research and management projects regarding chronic wasting disease (CWD). USDA will administer the funds through cooperative agreements. The bill also requires the development of educational materials to inform the public on CWD and directs USDA to review its CWD herd certification program (HCP) standards within 18 months.

PURPOSE AND NEED FOR LEGISLATION

CWD is a contagious neurological disease affecting cervids (deer, elk and moose). Since first being documented in 1967, CWD has spread to 27 states throughout the U.S. CWD is in the family of diseases known as transmissible spongiform encephalopathies (TSE). Unlike other infectious diseases, TSEs are not caused by bacteria or viruses, but rather by a naturally occurring protein, that when folded incorrectly, becomes both infectious and deadly. The exact mechanism of disease transmission is unclear, although evidence suggests CWD is transmitted directly from one animal to another through bodily fluids and tissues. Unfortunately, there is

currently no cure or preventative measure, such as a vaccine, available for CWD. Because other diseases may present in a similar manner, post mortem testing is required to verify the disease. CWD is of increasing concern for wildlife managers, sportsmen, and captive cervid farmers across the country.

The bill is designed to help address these concerns by promoting a better scientific understanding of CWD, the development of improved diagnostic tools, and other mitigation and management strategies to help combat the disease. More specifically, the research section of the bill authorizes funds to be spent on: (1) methods to effectively detect CWD in live cervids and the environment; (2) testing methods on non-live cervids; (3) genetic resistance to CWD; (4) sustainable cervid harvest management practices to reduce CWD occurrence; and (5) factors contributing to local emergence of CWD. The management section authorizes funding for State or Tribal wildlife agencies and departments of agriculture with the following funding priorities: (1) areas with the highest incidence of CWD; (2) jurisdictions demonstrating the greatest financial commitment to managing, monitoring, surveying, and researching chronic CWD; (3) efforts to develop comprehensive policies and programs focused on CWD management; (4) areas showing the greatest risk of an initial occurrence of CWD; and (5) areas responding to new outbreaks of CWD.

H.R. 5608, CHRONIC WASTING DISEASE RESEARCH AND MANAGEMENT ACT

SECTION-BY-SECTION

Section 1. Short title

Section 1 provides the short title of the bill as the “Chronic Wasting Disease Research and Management Act.”

Section 2. Findings

Section 2 describes a series of findings of Congress related to chronic wasting disease.

Section 3. Chronic wasting disease research and management program

Subsection (a) paragraph (1) requires the Secretary of Agriculture to establish a program to enter into cooperative agreements with eligible entities to conduct research on the transmission of, resistance to, and diagnosis of chronic wasting disease. Paragraph (2) describes the type of research that the Secretary shall give priority to when entering into cooperative agreements with eligible entities. Paragraph (3) requires, to the maximum extent practicable, that the funds awarded to individual cooperative agreements shall be at least two percent and not more than 10 percent of the funds appropriated. Paragraph (4) allows the eligible entities to use not more than 10 percent of funds awarded for administrative costs.

Subsection (b) paragraph (1) requires the Secretary to enter into cooperative agreements with State or Tribal wildlife agencies and departments of agriculture to provide direct financial assistance in support of their effort to develop and implement strategies to address chronic wasting disease, subject to the availability of appropriations. Paragraph (2) requires State or Tribal wildlife agency or

department of agriculture to submit an application to receive financial assistance. Paragraph (3) requires the Secretary to give priority to States and Indian Tribes that have: (1) the highest occurrence of chronic wasting disease; (2) shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease; (3) policies and programs focused on chronic wasting disease management and integrated them with all involved agencies; (4) the greatest risk of initial occurrence of chronic wasting disease originating from surrounding areas; or (5) the greatest need for response to new outbreaks of chronic wasting disease. Paragraph (4) allows the Secretary to immediately issue funds to a State or Indian Tribe that was not previously infected. Paragraph (5) requires the Secretary, in consultation with State and Tribal departments of agriculture and wildlife agencies, to develop and maintain materials based on the latest scientific knowledge to educate the public on chronic wasting disease.

Subsection (c) defines the term “chronic wasting disease” as the animal disease affecting deer, elk, and moose populations that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain and belongs to the group of diseases known as transmissible spongiform encephalopathies, which includes scrapie, bovine spongiform encephalopathy, and Creutzfeldt-Jakob disease. The subsection also defines “eligible entity” as a State or Tribal department of agriculture, a State or Tribal wildlife agency, a Tribal research facility, an institution of higher education, and a research center conducting or qualified to conduct scientific research on chronic wasting disease.

Subsection (d) requires the Secretary to publish a notice in the *Federal Register* within 18 months of the date of enactment to solicit public feedback on potential updates and improvements to the chronic wasting disease herd certificate program standards.

Subsection (e) authorizes \$70 million for each of Fiscal Years 2022 through 2028 to be allocated evenly between research programs and management programs. Not less than 75 percent of management program funding shall be made available to State or Tribal wildlife agencies.

Subsection (f) requires that not more than 10 percent of funds be for administrative costs.

Subsection (g) requires that nothing in this section be construed as interfering with the authority of the Federal Government or States to manage wildlife and livestock on land within their jurisdiction.

Section 4. Technical amendment

Section 4 provides a technical amendment to section 10403(8) of the Animal Health Protection Act.

COMMITTEE CONSIDERATION

I. FULL COMMITTEE

On October 21, 2021, the Committee on Agriculture met pursuant to notice, with a quorum present, to consider H.R. 5608, the Chronic Wasting Disease Research and Management Act. Chairman Scott made an opening statement as did Ranking Member Thompson. Chairman Scott requested other Members submit their

opening statements for the record. Without objection, H.R. 5608 was placed before the Committee for consideration, a first reading of the bill was waived, and it was opened for amendment at any point.

Chairman Scott recognized Ranking Member Thompson, the bill's sponsor to speak on the bill. Discussion occurred and without objection, the Committee considered the bill. There being no amendments, a voice vote was conducted, and the bill was reported favorably from the Committee.

At the conclusion of the meeting, Chairman Scott advised Members that pursuant to the Rules of the House of Representatives, Members had until October 28, 2021, to file any supplemental, additional, dissenting, or minority views with the Committee. Without objection, staff was given permission to make any necessary technical, clarifying, or conforming changes to reflect the intent of the Committee. Chairman Scott thanked all the Members and adjourned the meeting.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 5608 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

COST OF LEGISLATION AND THE CONGRESSIONAL BUDGET ACT

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Congressional Budget Office staff has informed the Committee on a preliminary, informal, nonbinding basis that there does not appear to be any direct spending associated with the bill.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the Constitutional authority for this legislation in Article I, section 8, clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the

powers vested by Congress in the consideration of the United States or in any department or officer thereof. The Committee further finds the Constitutional authority for the legislation in Article, section 8, clause 1, that grants Congress the authority to provide for the general welfare of the United States.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the House of Representatives, the performance goals and objectives of this measure are to support research and state management efforts on chronic wasting disease.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

EARMARK STATEMENT

This measure does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the House of Representatives.

DUPLICATION OF FEDERAL PROGRAMS

This measure does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee does not believe that the legislation directs an Executive Branch official to conduct any specific rule making proceedings within the meaning of 5 U.S.C. 551.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ANIMAL HEALTH PROTECTION ACT

TITLE X—MISCELLANEOUS

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Subtitle E—Animal Health Protection

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SEC. 10403. DEFINITIONS.

In this subtitle:

(1) ANIMAL.—The term “animal” means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term “disease” has the meaning given the term by the Secretary.

(4) ENTER.—The term “enter” means to move into the commerce of the United States.

(5) EXPORT.—The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term “facility” means any structure.

(7) IMPORT.—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) 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)] (25 U.S.C. 5304).

(9) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term “livestock” means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term “move” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

- (D) to receive in order to carry, enter, import, mail, ship, or transport;
 - (E) to release into the environment; or
 - (F) to allow any of the activities described in this paragraph.
- (13) PEST.—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:
- (A) A protozoan.
 - (B) A plant.
 - (C) A bacteria.
 - (D) A fungus.
 - (E) A virus or viroid.
 - (F) An infectious agent or other pathogen.
 - (G) An arthropod.
 - (H) A parasite.
 - (I) A prion.
 - (J) A vector.
 - (K) Any organism similar to or allied with any of the organisms described in this paragraph.
- (14) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
- (15) STATE.—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.
- (16) THIS SUBTITLE.—Except when used in this section, the term “this subtitle” includes any regulation or order issued by the Secretary under the authority of this subtitle.
- (17) UNITED STATES.—The term “United States” means all of the States.
- (18) VETERINARY COUNTERMEASURE.—The term “veterinary countermeasure” means any biological product (including an animal vaccine or diagnostic), pharmaceutical product (including a therapeutic), non-pharmaceutical product (including a disinfectant), or other product or equipment to prevent, detect, respond to, or mitigate harm to public or animal health resulting from, animal pests or diseases.

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