

118TH CONGRESS
1ST SESSION

H. R. 5096

To amend the Animal Health Protection Act to provide compensation for poultry growers and layers in control areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Ms. BLUNT ROCHESTER (for herself, Mr. ALFORD, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. COSTA, Mr. KELLY of Mississippi, Mr. MOORE of Alabama, Mr. FINSTAD, Mr. WOMACK, Mr. AUSTIN SCOTT of Georgia, Mr. GUEST, and Mr. ROUZER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Health Protection Act to provide compensation for poultry growers and layers in control areas, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Poultry As-
5 sistance and Indemnification Act”.

1 **SEC. 2. COMPENSATION FOR POULTRY GROWERS AND LAY-**
2 **ERS IN CONTROL AREAS.**

3 Section 10407 of the Animal Health Protection Act
4 (7 U.S.C. 8306) is amended—

5 (1) in subsection (d), in the subsection heading,
6 by inserting “FOR DESTROYED ANIMALS” after
7 “COMPENSATION”; and

8 (2) by adding at the end the following:

9 “(e) COMPENSATION FOR POULTRY GROWERS AND
10 LAYERS IN CONTROL AREAS.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) CONTROL AREA.—The term ‘control
13 area’ means a Control Area determined by the
14 Administrator of the Animal and Plant Health
15 Inspection Service.

16 “(B) POULTRY.—The term ‘poultry’
17 means domesticated fowl that are bred for the
18 primary purpose of producing eggs or meat, in-
19 cluding, when so bred, chickens, turkeys, os-
20 triches, emus, rheas, cassowaries, waterfowl,
21 and game birds, but not including doves and pi-
22 geons.

23 “(2) COMPENSATION.—

24 “(A) IN GENERAL.—Except as provided in
25 paragraph (3), the Secretary shall compensate
26 the owner of a poultry growing or laying facility

1 for flocks of birds that the owner of such facil-
2 ity was prohibited from growing or laying due
3 to the location of the facility within a control
4 area.

5 “(B) AMOUNT.—

6 “(i) IN GENERAL.—Compensation
7 paid under subparagraph (A) shall be in
8 an amount that is equal to the product ob-
9 tained by multiplying—

10 “(I) the average income from the
11 5 most recent flocks of birds that the
12 poultry growing or laying facility grew
13 or laid; and

14 “(II) the number of flocks of
15 birds that the owner of the poultry
16 growing or laying facility was prohib-
17 ited from growing or laying during the
18 period of time in which the control
19 areas was in effect.

20 “(ii) LIMITATION.—Compensation
21 paid any owner of a poultry growing or
22 laying facility under this subsection shall
23 not exceed the difference between—

24 “(I) the amount described in
25 clause (i); and

1 “(II) any compensation received
2 by the owner from a State or other
3 source for the 1 or more flocks of
4 birds that the owner was prohibited
5 from growing or laying.

6 “(iii) REVIEWABILITY.—The deter-
7 mination by the Secretary of the amount
8 to be paid under this subsection shall be
9 final and not subject to judicial review or
10 review by any officer or employee of the
11 Federal Government other than the Sec-
12 retary or the designee of the Secretary.

13 “(C) TIMING.—Compensation shall be paid
14 under subparagraph (A) not later than 60 days
15 after the date on which the owner of a poultry
16 growing or laying facility submits a request to
17 the Secretary for compensation.

18 “(3) EXCEPTIONS.—

19 “(A) IN GENERAL.—The exceptions de-
20 scribed in subsection (d)(3) shall apply to this
21 subsection.

22 “(B) COMPENSATION FOR DESTROYED
23 ANIMALS.—No payment shall be made by the
24 Secretary under this subsection to an owner of
25 a poultry growing or laying facility who has re-

1 ceived compensation under subsection (d) for a
2 facility in the same control area during the
3 same period of time.”.

○