

AMENDMENT TO RULES COMMITTEE PRINT

119-22

OFFERED BY MR. COSTA OF CALIFORNIA

At the end of part I of subtitle A of title XII, add the following:

1 **SEC. ____ . COMPENSATION FOR POULTRY GROWERS AND**
2 **LAYERS 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-

1 cluding, when so bred, chickens, turkeys, os-
2 triches, emus, rheas, cassowaries, waterfowl,
3 and game birds, but not including doves and pi-
4 geons.

5 “(2) COMPENSATION.—

6 “(A) IN GENERAL.—Except as provided in
7 paragraph (3), the Secretary shall compensate
8 the owner of a poultry growing or laying facility
9 for flocks of birds that the owner of such facil-
10 ity was prohibited from growing or laying due
11 to the location of the facility within a control
12 area.

13 “(B) AMOUNT.—

14 “(i) IN GENERAL.—Compensation
15 paid under subparagraph (A) shall be in
16 an amount that is equal to the product ob-
17 tained by multiplying—

18 “(I) the average income from the
19 5 most recent flocks of birds that the
20 poultry growing or laying facility grew
21 or laid; and

22 “(II) the number of flocks of
23 birds that the owner of the poultry
24 growing or laying facility was prohib-
25 ited from growing or laying during the

1 period of time in which the control
2 area was in effect.

3 “(ii) LIMITATION.—Compensation
4 paid any owner of a poultry growing or
5 laying facility under this subsection shall
6 not exceed the difference between—

7 “(I) the amount described in
8 clause (i); and

9 “(II) any compensation received
10 by the owner from a State or other
11 source for the 1 or more flocks of
12 birds that the owner was prohibited
13 from growing or laying.

14 “(iii) REVIEWABILITY.—The deter-
15 mination by the Secretary of the amount
16 to be paid under this subsection shall be
17 final and not subject to judicial review or
18 review by any officer or employee of the
19 Federal Government other than the Sec-
20 retary or the designee of the Secretary.

21 “(C) TIMING.—Compensation shall be paid
22 under subparagraph (A) not later than 60 days
23 after the date on which the owner of a poultry
24 growing or laying facility submits a request to
25 the Secretary for compensation.

1 “(3) EXCEPTIONS.—

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

5 “(B) COMPENSATION FOR DESTROYED
6 ANIMALS.—No payment shall be made by the
7 Secretary under this subsection to an owner of
8 a poultry growing or laying facility who has re-
9 ceived compensation under subsection (d) for a
10 facility in the same control area during the
11 same period of time.”.

