

116TH CONGRESS  
2D SESSION

# S. 4353

To provide emergency assistance for independent poultry growers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

Ms. SMITH 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 provide emergency assistance for independent poultry growers, 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. EMERGENCY ASSISTANCE FOR INDEPENDENT**

4 **POULTRY GROWERS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED PERIOD.—The term “covered pe-  
7 riod” means the period beginning on March 1, 2020,  
8 and ending on the date on which the public health  
9 emergency declared by the Secretary of Health and  
10 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) on January  
2 31, 2020, with respect to COVID–19, is lifted.

3 (2) INDEPENDENT POULTRY GROWER.—The  
4 term “independent poultry grower” means a poultry  
5 grower (as defined in section 2(a) of the Packers  
6 and Stockyards Act, 1921 (7 U.S.C. 182)) that as-  
7 sumes the production and market risks associated  
8 with the agricultural production of poultry.

9 (3) LIVE POULTRY DEALER.—The term “live  
10 poultry dealer” has the meaning given the term in  
11 section 2(a) of the Packers and Stockyards Act,  
12 1921 (7 U.S.C. 182).

13 (4) POULTRY.—The term “poultry” has the  
14 meaning given the term in section 2(a) of the Pack-  
15 ers and Stockyards Act, 1921 (7 U.S.C. 182).

16 (5) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

18 (b) CALCULATION OF LOSS.—

19 (1) IN GENERAL.—The Secretary shall provide  
20 assistance under this section to an independent poul-  
21 try grower that has experienced a loss of not less  
22 than 5 percent in compensation for the production  
23 of poultry due to a reduction in the number of head  
24 of poultry purchased by a live poultry dealer from  
25 the independent poultry grower, including expenses

1 incurred from the cancellation or amendment of a  
2 poultry order or a live turkey marketing agreement,  
3 during the covered period, as compared to the his-  
4 torical average compensation for the production of  
5 poultry received by the independent poultry grower  
6 for—

7 (A) the previous 3 years; or

8 (B) such shorter period, as determined by  
9 the Secretary, in the case of an independent  
10 poultry grower that has been engaged in the  
11 production of poultry for less than 3 years.

12 (2) ADJUSTMENTS.—In determining the  
13 amount of a loss under paragraph (1), the Secretary  
14 may—

15 (A) deduct any variable costs avoided by  
16 an independent poultry grower as a result of a  
17 reduction in the production of poultry; and

18 (B) adjust the historical average com-  
19 pensation described in that paragraph to ac-  
20 count for instances of disease or other force  
21 majeure events.

22 (3) DOCUMENTATION.—The Secretary may re-  
23 quire an independent poultry grower to submit to  
24 the Secretary such documentation as is necessary to  
25 demonstrate, for the purpose of providing assistance

1 under this section, ownership of poultry, historical  
2 production levels, and evidence of the cancellation or  
3 amendment of a poultry order or a live turkey mar-  
4 keting agreement.

5 (4) ASSISTANCE.—The Secretary shall use ex-  
6 isting Federal Government formulas, such as dis-  
7 ease-loss values, to determine an appropriate basis  
8 for assistance under this section.

9 (c) PAYMENT RATE.—The total amount of payments  
10 received by an independent poultry grower under this sec-  
11 tion shall be not less than 85 percent, and may not exceed  
12 100 percent, of the losses of that independent poultry  
13 grower described in subsection (b)(1).

14 (d) REGULATIONS.—Not later than 45 days after the  
15 date of enactment of this Act, the Secretary shall issue  
16 regulations to carry out this section.

17 (e) FUNDING.—There are appropriated, out of any  
18 amounts in the Treasury not otherwise appropriated, such  
19 sums as are necessary to carry out this section.

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