

119TH CONGRESS  
1ST SESSION

# S. 1904

To amend the Animal Health Protection Act to require certain certifications from persons provided indemnification or compensation by the Secretary of Agriculture for poultry flocks affected by the highly pathogenic avian influenza, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2025

Mr. REED 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 require certain certifications from persons provided indemnification or compensation by the Secretary of Agriculture for poultry flocks affected by the highly pathogenic avian influenza, 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 “Ending Taxpayer Sup-  
5       port for Big Egg Producers Act”.

1 **SEC. 2. INDEMNIFICATION OF BIG EGG PRODUCERS FOR**  
 2 **AVIAN INFLUENZA.**

3 The Animal Health Protection Act is amended by in-  
 4 serting after section 10409A (7 U.S.C. 8308a) the fol-  
 5 lowing:

6 **“SEC. 10409B. INDEMNIFICATION OF BIG EGG PRODUCERS**  
 7 **FOR AVIAN INFLUENZA.**

8 “(a) DEFINITION OF COVERED ENTITY.—

9 “(1) IN GENERAL.—In this section, the term  
 10 ‘covered entity’ means a person that, together with  
 11 its affiliates, has more than—

12 “(A) \$100,000,000 in annual revenue; and

13 “(B) 1,500 employees.

14 “(2) AFFILIATION.—For purposes of paragraph  
 15 (1), an affiliate shall be determined in accordance  
 16 with sections 121.103 and 121.301(f) of title 13,  
 17 Code of Federal Regulations (or successor regula-  
 18 tions).

19 “(3) EMPLOYEE.—For purposes of paragraph  
 20 (1), an employee includes—

21 “(A) any individual performing clerical or  
 22 administrative support, or other similar func-  
 23 tion, for the person described in paragraph (1);  
 24 and

25 “(B) any independent contractor acting on  
 26 behalf of that person.

1 “(b) CERTIFICATION.—

2 “(1) IN GENERAL.—The Secretary shall only  
3 provide indemnity or compensation under section  
4 10407 to a covered entity for poultry flocks affected  
5 by the highly pathogenic avian influenza if the cov-  
6 ered entity certifies that the covered entity will not  
7 pay dividends with respect to its common stock, or  
8 repurchase an equity security of the covered entity  
9 or a parent company of the covered entity that is  
10 listed on a national securities exchange, during the  
11 2-year period following the receipt of the indemnity  
12 or compensation, except to the extent required under  
13 a contractual obligation that is in effect as of the  
14 date of enactment of this section.

15 “(2) PRIVATE EQUITY-OWNED BUSINESSES AND  
16 PUBLIC COMPANIES.—To receive indemnity or com-  
17 pensation described in paragraph (1), a covered enti-  
18 ty that is a portfolio company of a private equity  
19 fund or is a public company shall, in addition to the  
20 certification under that paragraph, certify that—

21 “(A) current economic uncertainty makes  
22 indemnity or compensation from the Secretary  
23 necessary to support the ongoing operations of  
24 the covered entity; and

1           “(B) the covered entity is not able to ac-  
2           cess other sources of liquidity sufficient to sup-  
3           port ongoing operations in a manner that is not  
4           significantly detrimental to the covered entity.

5           “(3) REPAYMENT.—A covered entity described  
6           in paragraph (2) that knowingly makes a false state-  
7           ment on the certification under that paragraph shall  
8           be required to repay the full amount of indemnity or  
9           compensation received, with interest.

10          “(4) ENFORCEMENT.—A covered entity de-  
11          scribed in paragraph (2) that knowingly makes a  
12          false statement on the certification under that para-  
13          graph is punishable by imprisonment of not more  
14          than 5 years, a fine of up to \$1,000,000, or both.”.

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