

117TH CONGRESS  
2D SESSION

# H. R. 9552

To amend the Animal Health Protection Act to increase transparency with respect to livestock and poultry depopulation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

Ms. JAYAPAL introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Animal Health Protection Act to increase transparency with respect to livestock and poultry depopulation, 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 “Transparency in De-  
5       population Act”.

6       **SEC. 2. INCREASING TRANSPARENCY WITH RESPECT TO**  
7       **LIVESTOCK AND POULTRY DEPOPULATION.**

8       The Animal Health Protection Act (7 U.S.C. 8301  
9       et seq.) is amended by inserting after section 10407 (7  
10      U.S.C. 8306) the following:

1 **“SEC. 10407A. INCREASING TRANSPARENCY WITH RESPECT**  
2 **TO LIVESTOCK AND POULTRY DEPOPULA-**  
3 **TION.**

4 “(a) IN GENERAL.—A covered person who has per-  
5 formed depopulation shall submit to the Secretary a report  
6 within 2 business days of carrying out such a depopula-  
7 tion. The report shall specify—

8 “(1) the reason depopulation was performed;

9 “(2) the date on which depopulation and dis-  
10 posal occurred;

11 “(3) the location at which the depopulation oc-  
12 curred and the location at which the animal car-  
13 casses were ultimately disposed of;

14 “(4) the office of jurisdiction within the Depart-  
15 ment of Agriculture for the location of depopulation  
16 and disposal;

17 “(5) the depopulation and disposal methods uti-  
18 lized;

19 “(6) the number, species, and breed of depopu-  
20 lated animals;

21 “(7) the efficacy of the depopulation, measured  
22 by the percentage of animal mortality reached after  
23 the depopulation is complete;

24 “(8) the intended product of depopulated ani-  
25 mals;

26 “(9) the total cost of depopulation;

1 “(10) the total cost of disposal;

2 “(11) in the case of a covered person who is the  
3 recipient of relief funds under any program adminis-  
4 tered by the Secretary of Agriculture, the name of  
5 such person; and

6 “(12) a detailed summary of all relief funds re-  
7 ceived.

8 “(b) PUBLIC DATABASE OF DEPOPULATION AND  
9 DISPOSAL RECORDS.—The Secretary, acting through the  
10 Administrator of the Animal and Plant Health Inspection  
11 Services, shall create and publish an online database of  
12 the information reported pursuant to subsection (a) that  
13 is accessible to the public. Such database shall be updated  
14 within 5 business days of receipt of information with re-  
15 spect to each instance of depopulation.

16 “(c) PROHIBITION ON FUNDING VENTILATION SHUT-  
17 DOWN.—No Federal relief funds may be used—

18 “(1) to facilitate the use of the ventilation shut-  
19 down method or ventilation shutdown plus as a  
20 method of depopulation for animals; or

21 “(2) to compensate covered persons for animals  
22 killed using any such method as a method of de-  
23 population for animals.

24 “(d) PENALTY.—Any person that violates the prohi-  
25 bition specified in subsection (c) may be assessed a civil

1 penalty of up to \$10,000 per violation. Each instance of  
2 the use of a method of depopulation prohibited under sub-  
3 section (c) shall be considered a violation.

4 “(e) DEFINITIONS.—In this section:

5 “(1) The term ‘covered person’ means a person  
6 who—

7 “(A) owns or operates an animal feeding  
8 operation or owns animals confined in an ani-  
9 mal feeding operation;

10 “(B) is the recipient of Federal relief  
11 funds; and

12 “(C) has engaged in, ordered, or allowed  
13 for the depopulation of animals.

14 “(2) The term ‘depopulation’ means the rapid  
15 destruction of a population of animals in response to  
16 urgent circumstances with as much consideration  
17 given to the welfare of the animals as practicable.

18 “(3) The term ‘relief funds’ means funds re-  
19 ceived through an emergency loan or other form of  
20 support, whether provided directly from the Federal  
21 Government, or indirectly through third parties (in-  
22 cluding State or local entities), including any indem-  
23 nification payments, subsidies, advice, or assets from  
24 the National Veterinary Stockpile.

1           “(4) The term ‘ventilation shutdown method’  
2           means a method of animal depopulation that in-  
3           volves sealing the building in which animals are con-  
4           fined, shutting the inlets, and turning off the fans  
5           in order to raise the temperature in the building  
6           until the animals die from hyperthermia and hy-  
7           poxia.

8           “(5) The term ‘ventilation shutdown plus meth-  
9           od’ means the ventilation shutdown method that in-  
10          volves the use of additional heat sources or CO2.”.

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