H. R. 3678

To amend the Plant Protection Act to direct the Secretary of Agriculture to provide assistance to certain owners as compensation for economic losses due to quarantine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2011

Mr. McNerney introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Plant Protection Act to direct the Secretary of Agriculture to provide assistance to certain owners as compensation for economic losses due to quarantine, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fairness for Family Farmers Act”.

SEC. 2. PAYMENTS FOR PRODUCTION LOSSES DUE TO QUARANTINE.

(a) PAYMENTS.—Subtitle A of the Plant Protection Act (7 U.S.C. 7111 et seq.) is amended by inserting after section 416 the following new section:

“SEC. 416A. PAYMENTS FOR PRODUCTION LOSSES DUE TO QUARANTINE.

“(a) PAYMENTS.—Notwithstanding section 415(e), for each covered article quarantined by the Secretary under section 412, 414, or 415, the Secretary shall provide a payment to the owner of such covered article as compensation for economic losses (as defined by the Secretary) incurred by the owner due to the quarantine of such covered article.

“(b) REGULATIONS: APPLICATION AND PAYMENT AMOUNTS.—The Secretary shall issue regulations to carry out this section, including regulations describing—

“(1) the form, time, and manner in which the owner of a covered article shall submit an application to receive a payment under this section;

“(2) the payment amount the owner of a covered article shall receive under this section for such covered article; and

“(3) the maximum total amount of payments an owner of covered articles may receive under this section.
“(c) DEFINITION.—In this section the term ‘covered article’ means a plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance quarantined under section 412, 414, or 415.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary, to be available until expended.”.

(b) EFFECT ON MAXIMUM AMOUNT OF EMERGENCY LOANS.—Section 324(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)(1)) is amended by inserting “less the total amount of any payments received under section 416A of the Plant Protection Act” before the semicolon.

(c) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 3. ELIMINATION OF REQUIREMENT OF DEMONSTRATION OF INABILITY TO OBTAIN CREDIT FOR EMERGENCY LOANS.

(a) ELIMINATION OF REQUIREMENT OF DEMONSTRATION OF INABILITY TO OBTAIN CREDIT.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended in the proviso of the
first sentence by striking “and are not able to obtain sufficient credit elsewhere”.

(b) **Conforming Amendments.**—

(1) **Definition.**—Section 321(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(d)) is amended—

(A) by striking “subtitle” and all that follows through “husbandry” and inserting “subtitle, ‘aquaculture’ means the husbandry”;

(B) by striking “; and” and inserting a period; and

(C) by striking paragraph (2).

(2) **Determination of Creditworthiness.**—Section 322 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1962) is amended—

(A) by striking subsection (b); and

(B) by striking “(a)’’.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall apply with respect to covered articles quarantined under section 412, 414, or 415 of the Plant Protection Act (7 U.S.C. 7712, 7714, and 7715) on or after January 1, 2011.