

112TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2011

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

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## 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.

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 “Fairness for Family  
5 Farmers Act”.

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

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

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

8 “(a) PAYMENTS.—Notwithstanding section 415(e),  
9 for each covered article quarantined by the Secretary  
10 under section 412, 414, or 415, the Secretary shall provide  
11 a payment to the owner of such covered article as com-  
12 pensation for economic losses (as defined by the Secretary)  
13 incurred by the owner due to the quarantine of such cov-  
14 ered article.

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

18 “(1) the form, time, and manner in which the  
19 owner of a covered article shall submit an applica-  
20 tion to receive a payment under this section;

21 “(2) the payment amount the owner of a cov-  
22 ered article shall receive under this section for such  
23 covered article; and

24 “(3) the maximum total amount of payments  
25 an owner of covered articles may receive under this  
26 section.

1       “(c) DEFINITION.—In this section the term ‘covered  
2 article’ means a plant, plant biological control organism,  
3 plant product, plant pest, noxious weed, article, or means  
4 of conveyance quarantined under section 412, 414, or 415.

5       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 such sums as may be necessary, to be available until ex-  
8 pended.”.

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

15       (c) REGULATIONS.—Not later than 120 days after  
16 the date of the enactment of this Act, the Secretary of  
17 Agriculture shall issue regulations to carry out the amend-  
18 ments made by this section.

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

22       (a) ELIMINATION OF REQUIREMENT OF DEMONSTRATION OF INABILITY TO OBTAIN CREDIT.—Section  
23 321(a) of the Consolidated Farm and Rural Development  
24 Act (7 U.S.C. 1961(a)) is amended in the proviso of the  
25

1 first sentence by striking “and are not able to obtain suffi-  
2 cient credit elsewhere”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) DEFINITION.—Section 321(d) of the Con-  
5 solidated Farm and Rural Development Act (7  
6 U.S.C. 1961(d)) is amended—

7 (A) by striking “subtitle” and all that fol-  
8 lows through “husbandry” and inserting “sub-  
9 title, ‘aquaculture’ means the husbandry”;

10 (B) by striking “; and” and inserting a pe-  
11 riod; and

12 (C) by striking paragraph (2).

13 (2) DETERMINATION OF CREDITWORTHI-  
14 NESS.—Section 322 of the Consolidated Farm and  
15 Rural Development Act (7 U.S.C. 1962) is amend-  
16 ed—

17 (A) by striking subsection (b); and

18 (B) by striking “(a)”.

19 **SEC. 4. EFFECTIVE DATE.**

20 The amendments made by this Act shall apply with  
21 respect to covered articles quarantined under section 412,  
22 414, or 415 of the Plant Protection Act (7 U.S.C. 7712,  
23 7714, and 7715) on or after January 1, 2011.

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