

111TH CONGRESS
2D SESSION

S. 3870

To amend the Federal Crop Insurance Act to permit certain livestock owners to plant a secondary crop for the use of the producer as emergency feed.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Crop Insurance Act to permit certain livestock owners to plant a secondary crop for the use of the producer as emergency feed.

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 EXCEPTION FOR PREVENTED**
4 **PLANTING.**

5 Section 508A(c) of the Federal Crop Insurance Act
6 (7 U.S.C. 1508a(c)) is amended—

7 (1) in paragraph (1), by inserting “paragraph
8 (6) or” before “subsections (d) and (e)”; and

(2) in paragraph (3), by inserting “an emergency described in paragraph (6) or” after “in the case of”; and

(3) by adding at the end the following:

“(6) EMERGENCY EXCEPTION.—

“(A) IN GENERAL.—A producer may plant a second crop on the same acreage for harvest in the same crop year as a first crop and receive full prevented planting indemnity payments under this subsection, if, as determined by the Corporation—

“(i) the producer owns livestock;

“(ii) the affected agricultural operation of the producer is located in an area that experienced excessive precipitation that prevented the producer from planting the first crop by the final planting date for the crop established by the Risk Management Agency; and

“(iii) the producer uses the second crop solely for emergency feed of the livestock of the producer.

“(B) EFFECT ON ACTUAL PRODUCTION HISTORY.—In the case of a producer described in subparagraph (A)—

1 “(i) the adjustment in actual produc-
2 tion history described in paragraph (3)
3 shall be 100 percent of the producer’s ac-
4 tual production history for the agricultural
5 commodity; and

6 “(ii) the second crop shall not be con-
7 sidered the crop of record unless the pro-
8 ducer so elects.”.

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