

118TH CONGRESS
1ST SESSION

H. R. 6712

To amend the Specialty Crops Competitiveness Act of 2004 to provide recovery payments to seasonal and perishable crop growers who experienced low prices caused by imports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2023

Mr. RUIZ (for himself and Mr. AUSTIN SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Specialty Crops Competitiveness Act of 2004 to provide recovery payments to seasonal and perishable crop growers who experienced low prices caused by imports, 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 “American Seasonal and
5 Perishable Crop Support Act”.

1 **SEC. 2. SEASONAL AND PERISHABLE INSURANCE PRO-**
 2 **GRAMS.**

3 The Specialty Crops Competitiveness Act of 2004
 4 (Public Law 108–465) is amended by adding at the end
 5 the following:

6 **“TITLE V—SEASONAL AND PER-**
 7 **ISHABLE INSURANCE PRO-**
 8 **GRAMS**

9 **“SEC. 501. SEASONAL AND PERISHABLE CROP LOSS PRO-**
 10 **GRAM.**

11 “(a) SEASONAL AND PERISHABLE CROP LOSS.—

12 “(1) IN GENERAL.—Beginning with marketing
 13 year 2024, with respect to a producer of a seasonal
 14 and perishable crop in a geographic region described
 15 in paragraph (2), the Secretary shall make crop loss
 16 payments in accordance with this section for a mar-
 17 keting year if the Secretary determines that—

18 “(A) the effective price for the seasonal
 19 and perishable crop for such marketing year is
 20 less than the reference price for such crop; and

21 “(B) the crop loss described in subpara-
 22 graph (A) is caused by imports of the seasonal
 23 and perishable crop.

24 “(2) GEOGRAPHIC COVERAGE.—A geographic
 25 region described in this paragraph is a geographic
 26 region for which at least 50 percent of the producers

1 that produce at least one seasonal and perishable
2 crop make a one-time election to participate in the
3 seasonal perishable crop loss payment program
4 under this section with respect to a marketing year.

5 “(3) ELECTION.—For each marketing year, the
6 Secretary shall allow producers of seasonal and per-
7 ishable crops to make a one-time election to partici-
8 pate in the seasonal and perishable crop loss pro-
9 gram under this section with respect to such mar-
10 keting year.

11 “(b) EFFECTIVE PRICE.—The effective price for a
12 seasonal and perishable crop for a marketing year shall
13 be the national average market price for the seasonal and
14 perishable crop.

15 “(c) PAYMENTS.—

16 “(1) IN GENERAL.—The amount of a payment
17 to a producer for a marketing year under this sec-
18 tion shall be equal to the payment rate determined
19 under paragraph (2) with respect to the seasonal
20 and perishable crops of such producer multiplied by
21 85 percent of the 5-year Olympic average with re-
22 spect to such seasonal and perishable crops.

23 “(2) PAYMENT RATE.—The payment rate shall
24 be equal to the difference between—

1 “(A) the reference price for the covered
2 seasonal and perishable crop; and

3 “(B) the effective price determined under
4 subsection (b) for the seasonal and perishable
5 crop.

6 “(d) PAYMENT AMOUNT.—If seasonal perishable
7 crop loss program payments are required to be provided
8 under this section for the last seasonal marketing year for
9 a covered seasonal and perishable crop, the amount of the
10 seasonal perishable crop loss program payment to be paid
11 to the producers on a farm for the seasonal marketing
12 year shall be equal to the product obtained by multi-
13 plying—

14 “(1) the payment rate for the covered seasonal
15 and perishable crop under subsection (c); and

16 “(2) the previous three-year average production
17 for the seasonal and perishable crop.

18 “(e) ELIGIBILITY.—No producer may be eligible for
19 a payment under this section unless such producer—

20 “(1) has an average adjusted gross income of
21 less than \$900,000 for the 3 tax years preceding the
22 most recent tax year; and

23 “(2) derives at least 75 percent of the adjusted
24 gross income of such producer from farming, ranch-
25 ing, or forestry.

1 “(f) DEFINITIONS.—In this section:

2 “(1) MARKETING SEASON.—The term ‘mar-
3 keting season’ means, with respect to a seasonal and
4 perishable crop, the season—

5 “(A) in which such crop is normally mar-
6 keted; and

7 “(B) that concludes on the date that is not
8 later than 8 weeks after the last day on which
9 such crops are harvested during a marketing
10 year.

11 “(2) MARKETING YEAR.—The term ‘marketing
12 year’ means, with respect to a seasonal and perish-
13 able crop, the period beginning on the date the sea-
14 sonal and perishable crop is first harvested and end-
15 ing on the last day on which such crop is marketed.

16 “(3) REFERENCE PRICE.—The term ‘reference
17 price’ means regional average market price received
18 by producers during the marketing season for a sea-
19 sonal and perishable crop for the period of the most
20 recent three marketing years.

21 “(4) SEASONAL AND PERISHABLE CROP.—The
22 term ‘seasonal and perishable crop’ means a crop
23 that is—

24 “(A) a fresh or chilled specialty crop;

1 “(B) marketed in raw form for consump-
2 tion without further processing; and

3 “(C) normally marketed not later than 8
4 weeks after harvesting.

5 “(5) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of Agriculture.”.

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