

119TH CONGRESS
2D SESSION

S. _____

To amend the Federal Agriculture Improvement and Reform Act of 1996 to provide permanent disaster assistance for specialty crops, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Federal Agriculture Improvement and Reform Act of 1996 to provide permanent disaster assistance for specialty crops, 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 “Ensuring Disaster Re-
5 covery and Resilience for Specialty Crops Act”.

1 **SEC. 2. SPECIALTY CROP EMERGENCY ASSISTANCE FRAME-**
2 **WORK.**

3 (a) IN GENERAL.—The Federal Agriculture Improve-
4 ment and Reform Act of 1996 is amended by inserting
5 after section 196 (7 U.S.C. 7333) the following:

6 **“SEC. 197. SPECIALTY CROP EMERGENCY ASSISTANCE**
7 **FRAMEWORK.**

8 “(a) IN GENERAL.—The Secretary shall establish a
9 framework to provide direct assistance to producers of
10 specialty crops the production of which is impacted by an
11 adverse event (including an economic crisis or market dis-
12 ruption), as determined by the Secretary, in accordance
13 with this section.

14 “(b) PAYMENT CALCULATION.—In determining a
15 payment calculation for purposes of direct assistance to
16 a producer of specialty crops under subsection (a), the
17 Secretary shall calculate payments based on—

18 “(1) the producer’s sales of specialty crops for
19 a calendar year that precedes the year in which the
20 adverse event described in such subsection occurred
21 or the average of such sales over a set of consecutive
22 calendar years that precedes the year in which such
23 adverse event occurred, as determined by the Sec-
24 retary; multiplied by

25 “(2) a payment factor the Secretary deter-
26 mines, subject to the availability of funds, to address

1 losses of such specialty crops from such adverse
2 event.

3 “(c) SPECIAL RULES.—Subject to subsection (d), in
4 providing direct assistance pursuant to this section, the
5 Secretary shall consider—

6 “(1) the higher value of specialty crops **【rel-**
7 **ative to other crops】**;

8 “(2) the greater input costs required to grow
9 specialty crops **【relative to other crops】**; and

10 “(3) diverse types of legal entities and struc-
11 tures used by specialty crop producers.

12 “(d) LIMITATIONS.—

13 “(1) TOTAL AMOUNT.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the total amount of pay-
16 ments received, directly or indirectly, by a per-
17 son or legal entity (except a qualified pass-
18 through entity) (as such terms are defined in
19 section 1001(a) of the Food Security Act of
20 1985 (7 U.S.C. 1308(a))) for any crop year
21 under this section may not exceed the amount
22 specified in subsection (b) of section 1001 of
23 the Food Security Act of 1985 (7 U.S.C. 1308),
24 as adjusted pursuant to subsection (i) of such
25 section.

1 “(B) EXCEPTION.—In the case of a person
2 or legal entity with an average gross income (as
3 calculated under subparagraph (B) of section
4 1001D(b)(4) of the Food Security Act of 1985
5 (7 U.S.C. 1308–3a(b)(4))) for which greater
6 than or equal to 75 percent of the average de-
7 rives from farming, ranching, or silviculture ac-
8 tivities (as defined in subparagraph (A) of that
9 section)—

10 “(i) subparagraph (A) of this para-
11 graph shall not apply; and

12 “(ii) the total maximum amount of
13 payments received, directly or indirectly,
14 by such person or legal entity for any crop
15 year under this section shall be set by the
16 Secretary, except such amount may not be
17 less than \$500,000.

18 “(2) NOTIFICATION OF INTERESTS; ELIGI-
19 BILITY; DENIALS.—Sections 1001A(a), 1001B, and
20 1001C of the Food Security Act of 1985 (7 U.S.C.
21 1308–1(a); 1308–2; 1308–3) shall apply to a pro-
22 ducer of a specialty crop under this section in the
23 same manner as such sections apply to a person or
24 legal entity with respect to a covered commodity, ex-
25 cept to the extent such sections relate to the applica-

1 tion of subsections (b) through (d) of section 1001A
2 of that Act (7 U.S.C. 1308–1).”.

3 (b) PAYMENT LIMITATION CONFORMING AMEND-
4 MENT.—Section 1001D(b) of the Food Security Act of
5 1985 (7 U.S.C. 1308–3a(b)) is amended—

6 (1) in paragraph (2)(E), by inserting “or sec-
7 tion 197 of that Act” before the period at the end;
8 and

9 (2) in paragraph (4)(A)(i)(II), by inserting “or
10 section 197 of that Act” before the semicolon.