

**AMENDMENT TO RULES COMMITTEE PRINT**

**119–22**

**OFFERED BY MR. RUIZ OF CALIFORNIA**

At the end of subtitle A of title X, add the following:

1 **SEC. \_\_\_\_ . SEASONAL AND PERISHABLE PROGRAMS.**

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

5 **“TITLE V—SEASONAL AND**  
6 **PERISHABLE PROGRAMS**

7 **“SEC. 501. SEASONAL AND PERISHABLE CROP LOSS PRO-**  
8 **GRAM.**

9 **“(a) SEASONAL AND PERISHABLE CROP LOSS.—**

10 **“(1) IN GENERAL.—**Beginning with 2027, and  
11 each year thereafter, with respect to a producer of  
12 a seasonal and perishable crop in a geographic re-  
13 gion described in paragraph (2), the Secretary shall  
14 make annual crop loss payments in accordance with  
15 this section if the Secretary determines that—

16 **“(A)** the effective price for the seasonal  
17 and perishable crop for such year is less than  
18 the reference price for such crop; and

1           “(B) the crop loss described in subpara-  
2           graph (A) is caused by imports of the seasonal  
3           and perishable crop.

4           “(2) GEOGRAPHIC COVERAGE.—Geographic cov-  
5           erage described in this paragraph refers to coverage  
6           of a geographic region in the United States—

7           “(A) in which a seasonable and perishable  
8           commodity is grown within a seasonal mar-  
9           keting window; and

10           “(B) for which an annual normal harvest  
11           and shipment of such seasonal and perishable  
12           crop occurs.

13           “(b) EFFECTIVE PRICE.—The effective price for a  
14           seasonal and perishable crop shall be the national average  
15           market price for the seasonal and perishable crop during  
16           the seasonal marketing window.

17           “(c) PAYMENTS.—

18           “(1) IN GENERAL.—The amount of a payment  
19           to a producer for a marketing window under this  
20           section shall be equal to the payment rate deter-  
21           mined under paragraph (2) with respect to the sea-  
22           sonal and perishable crops of such producer multi-  
23           plied by 85 percent of the 5-year Olympic average  
24           with respect to such seasonal and perishable crops.

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

3                   “(A) the reference price for the covered  
4                   seasonal and perishable crop; and

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

8           “(d) ELIGIBILITY.—A producer may only be eligible  
9           for a payment under this section if such producer—

10                   “(1) has an average adjusted gross income of  
11                   less than \$5,000,000 for the 3 tax years preceding  
12                   the most recent tax year; or

13                   “(2) derives at least 75 percent of the adjusted  
14                   gross income for the most recent tax year of such  
15                   producer from farming, ranching, or forestry.

16           “(e) DEFINITIONS.—In this section:

17                   “(1) SEASONAL MARKETING WINDOW.—The  
18                   term ‘seasonal marketing window’ means, with re-  
19                   spect to a seasonal and perishable crop—

20                           “(A) the annual timeframe in which such  
21                           crop is normally marketed within a geographic  
22                           region described in subsection (a)(2); and

23                           “(B) the season that concludes on the date  
24                           that is not later than 8 weeks after the last day

1           on which such crops are harvested during a  
2           normal marketing window.

3           “(2) REFERENCE PRICE.—The term ‘reference  
4           price’ means the national average market price re-  
5           ceived by producers during the normal marketing  
6           window for domestically produced seasonal and per-  
7           ishable crop for the period of the most recent three  
8           marketing seasons.

9           “(3) SEASONAL AND PERISHABLE CROP.—The  
10          term ‘seasonal and perishable crop’ means a crop  
11          that is—

12                 “(A) a fresh or chilled specialty crop that,  
13                 if imported, would be classified under HS2020  
14                 tariff codes 0701, 0702, 0703, 0704, 0705,  
15                 0706, 0707, 0708, 0709, 0803, 0804, 0805,  
16                 0806, 0807, 0808, 0809, or 0810 (or such suc-  
17                 cessor codes, as determined by the Secretary);

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

20                 “(C) normally marketed not later than 8  
21                 weeks after harvesting.

22           “(4) SECRETARY.—The term ‘Secretary’ means  
23          the Secretary of Agriculture.”.

