

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Specialty Crops Competitiveness Act of 2004 to require the Secretary of Agriculture to establish a pilot program to provide recovery payments to producers of seasonal and perishable crops that experience low prices caused by imports, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. OSSOFF introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Specialty Crops Competitiveness Act of 2004 to require the Secretary of Agriculture to establish a pilot program to provide recovery payments to producers of seasonal and perishable crops that experience 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 “Protecting Our  
5 Produce Act”.

1 **SEC. 2. SEASONAL AND PERISHABLE CROP LOSS PILOT**  
2 **PROGRAM.**

3 The Specialty Crops Competitiveness Act of 2004  
4 (Public Law 108–465; 118 Stat. 3882) is amended—

5 (1) by striking “Secretary of Agriculture” each  
6 place it appears and inserting “Secretary”;

7 (2) in section 3 (7 U.S.C. 1621 note)—

8 (A) in paragraph (3), by striking “(3) The  
9 term” and inserting the following:

10 “(4) STATE DEPARTMENT OF AGRICULTURE.—  
11 The term”;

12 (B) in paragraph (2), by striking “(2) The  
13 term” and inserting the following:

14 “(3) STATE.—The term”; and

15 (C) in paragraph (1), by striking “(1) The  
16 term” and inserting the following:

17 “(1) SECRETARY.—The term ‘Secretary’ means  
18 the Secretary of Agriculture.

19 “(2) SPECIALTY CROP.—The term”; and

20 (3) by adding at the end the following:

21 **“TITLE V—SEASONAL AND**  
22 **PERISHABLE CROP PROGRAMS**

23 **“SEC. 501. SEASONAL AND PERISHABLE CROP LOSS PILOT**  
24 **PROGRAM.**

25 “(a) DEFINITIONS.—In this section:

1           “(1) EFFECTIVE PRICE.—The term ‘effective  
2 price’, with respect to a seasonal and perishable crop  
3 for a marketing year, means the national average  
4 market price for that seasonal and perishable crop  
5 during the seasonal marketing window for the sea-  
6 sonal and perishable crop.

7           “(2) REFERENCE PRICE.—The term ‘reference  
8 price’, with respect to a seasonal and perishable crop  
9 for a marketing year, means the average of the na-  
10 tional average market prices received by all pro-  
11 ducers of the seasonal and perishable crop during  
12 the seasonal marketing window for the seasonal and  
13 perishable crop for the most recent 5-year period of  
14 marketing seasons, excluding—

15           “(A) the marketing season during that pe-  
16 riod with the highest national average market  
17 price; and

18           “(B) the marketing season during that pe-  
19 riod with the lowest national average market  
20 price.

21           “(3) SEASONAL AND PERISHABLE CROP.—The  
22 term ‘seasonal and perishable crop’ means an aspar-  
23 agus, bell pepper, blueberry, cucumber, or squash  
24 crop that is—

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

3           “(B) as determined by the Secretary, nor-  
4           mally marketed not later than 4 weeks after  
5           harvesting.

6           “(4) SEASONAL MARKETING WINDOW.—The  
7           term ‘seasonal marketing window’ means the time-  
8           frame during a marketing year, as determined by  
9           the Secretary—

10           “(A) during which a crop is normally mar-  
11           keted within a specific geographical region of  
12           the United States; and

13           “(B) that concludes on the date that is not  
14           later than 4 weeks after the last day on which  
15           the crop is normally harvested.

16           “(b) ESTABLISHMENT OF PILOT PROGRAM.—

17           “(1) IN GENERAL.—Beginning with marketing  
18           year 2025, the Secretary shall establish a pilot pro-  
19           gram under which the Secretary shall provide annual  
20           crop loss payments to producers of seasonal and per-  
21           ishable crops located in any geographical region de-  
22           scribed in paragraph (2) in accordance with this sec-  
23           tion, if the Secretary determines that, during the ap-  
24           plicable marketing year—

1           “(A) the effective price of the seasonal and  
2           perishable crop is less than the reference price  
3           of that seasonal and perishable crop; and

4           “(B) the crop loss described in subpara-  
5           graph (A) is caused by imports of the applicable  
6           seasonal and perishable crop.

7           “(2) DESCRIPTION OF GEOGRAPHICAL RE-  
8           GIONS.—A geographical region referred to in para-  
9           graph (1) is a geographical region of the United  
10          States in which a seasonal and perishable crop is  
11          grown within a seasonal marketing window during  
12          which a harvest and shipment of the seasonal and  
13          perishable crop occurs, as determined by the Sec-  
14          retary.

15          “(c) ELIGIBILITY.—

16                 “(1) APPLICATION.—To be eligible to receive a  
17                 payment under the pilot program under this section,  
18                 a producer of 1 or more seasonal and perishable  
19                 crops shall submit to the Secretary an application at  
20                 such time, in such manner, and containing such in-  
21                 formation as the Secretary may require, including  
22                 the information described in paragraph (2).

23                 “(2) REQUIREMENT.—No producer may be eli-  
24                 gible to receive a payment under the pilot program  
25                 under this section unless the producer—

1           “(A) has an average adjusted gross income  
2 of less than \$5,000,000 for the 3 tax years pre-  
3 ceding the most recent tax year; and

4           “(B) derives at least 75 percent of the ad-  
5 justed gross income of the producer from farm-  
6 ing, ranching, or forestry, as determined by the  
7 Secretary.

8           “(d) PAYMENT AMOUNT.—The amount of a payment  
9 provided under the pilot program under this section shall  
10 be equal to the product obtained by multiplying—

11           “(1) the payment rate for the marketing year  
12 for which the payment is provided with respect to  
13 the applicable seasonal and perishable crop under  
14 subsection (e); and

15           “(2) the average production during the 5 most  
16 recent marketing years of the seasonal and perish-  
17 able crop by the producer during the seasonal mar-  
18 keting window, excluding—

19           “(A) the marketing year during that pe-  
20 riod with the highest production; and

21           “(B) the marketing year during that pe-  
22 riod with the lowest production.

23           “(e) PAYMENT RATE.—The rate of a payment pro-  
24 vided under the pilot program under this section shall be  
25 equal to the difference between—

1           “(1) the reference price of the applicable sea-  
2           sonal and perishable crop; and

3           “(2) the effective price of that seasonal and  
4           perishable crop.

5           “(f) SUNSET.—The pilot program under this section  
6           shall terminate on the date that is 5 years after the date  
7           of enactment of the Protecting Our Produce Act.

8           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
9           is authorized to be appropriated to the Secretary to carry  
10          out this section \$200,000,000 for each fiscal year that be-  
11          gins after the date of enactment of the Protecting Our  
12          Produce Act and before the date described in subsection  
13          (f).”.