

Luján 1st degree #5

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish a specialty crop emergency assistance framework.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2031, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LUJÁN (for himself, Ms. SLOTKIN, and Mr. SCHIFF)

Viz:

1 Strike section 1304 and insert the following:

2 **SEC. 1304. SPECIALTY CROP EMERGENCY ASSISTANCE**
3 **FRAMEWORK.**

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

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

9 “(a) DEFINITION OF SPECIALTY CROP.—In this sec-
10 tion, the term ‘specialty crop’ has the meaning given the

1 term in section 3 of the Specialty Crops Competitiveness
2 Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

3 “(b) FRAMEWORK.—The Secretary shall establish a
4 framework to provide direct assistance to producers of
5 specialty crops the production of which is impacted by an
6 adverse event (including an economic crisis or market dis-
7 ruption), as determined by the Secretary, in accordance
8 with this section.

9 “(c) PAYMENT CALCULATION.—In determining a
10 payment calculation for purposes of direct assistance to
11 a producer of specialty crops under subsection (b), the
12 Secretary shall calculate payments based on the product
13 obtained by multiplying—

14 “(1) the producer’s sales of specialty crops for
15 a calendar year that precedes the year in which the
16 adverse event described in that subsection occurred
17 or the average of those sales over a set of consecu-
18 tive calendar years that precedes the year in which
19 that adverse event occurred, as determined by the
20 Secretary; by

21 “(2) a payment factor the Secretary deter-
22 mines, subject to the availability of funds, to address
23 losses of those specialty crops from that adverse
24 event.

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

4 “(1) the higher value of specialty crops relative
5 to other crops;

6 “(2) the greater input costs required to grow
7 specialty crops relative to other crops; and

8 “(3) the diverse types of legal entities and busi-
9 ness structures used by specialty crop producers.

10 “(e) LIMITATIONS.—

11 “(1) TOTAL AMOUNT.—

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

24 “(B) EXCEPTION.—In the case of a person
25 or legal entity with an average gross income (as

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

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

10 “(ii) the total maximum amount of
11 payments received, directly or indirectly,
12 by that person or legal entity for any crop
13 year under this section shall be set by the
14 Secretary, except that amount may not be
15 less than \$900,000.

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

1 “(f) DEFAULT STRUCTURE.—In the case of addi-
2 tional funds made available after the date of enactment
3 of this section, the Secretary shall administer any program
4 to deliver direct assistance to producers of specialty crops
5 described in subsection (b), including any direct assistance
6 administered under the authority of section 5 of the Com-
7 modity Credit Corporation Charter Act (15 U.S.C. 714c),
8 through the framework established under subsection (b).”.

9 (b) APPROPRIATION.—There is appropriated to the
10 Secretary, out of any amounts in the Treasury not other-
11 wise appropriated, \$5,000,000,000 for fiscal year 2027,
12 to remain available until expended, to provide direct as-
13 sistance to producers of specialty crops pursuant to sec-
14 tion 197 of the Federal Agriculture Improvement and Re-
15 form Act of 1996 (as added by subsection (a)).