

Section by Section of H.R. 1600
The Equitable Agriculture Today for a Healthy America Act
“EAT Healthy America Act”

*Reps. Cardoza (D-CA), Putnam (R-FL), Salazar (D-CO),
Kuhl (R-NY), Larsen (D-WA) and McCarthy (R-CA)*

Findings

To continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts and other specialty crops for American consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes.

Title I – Commodity-Related Provisions

SEC. 101 Flexible Payment Limitations for Disaster Payments to Reflect Variations in Cost of Production

Restructures the current disaster assistance payments to allow producers of specialty crops with higher cost of production to receive proportionally larger disaster assistance by requiring the Secretary to devise a program providing flexible payments based upon the value of the crop.

SEC. 102 Adjusted Gross Limitations on Receipt of Disaster Assistance for First Handlers of Specialty Crops

Directs the Secretary of Agriculture to treat income derived from first handler operations (including preparing, packing and marketing) as income derived from a farming operation.

SEC. 103 Equitable Treatment of Specialty Crop Producers in Distribution of Disaster Assistance

Requires the Secretary, in providing disaster assistance, to seek to ensure that producers of specialty crops receive assistance through programs designed to meet their needs and that assistance not be limited to traditional programs such as crop insurance and direct payments.

SEC. 104 Tree Assistance Program

Increases the maximum payment to qualifying orchardists in order to better reflect actual costs of tree removal and replacement as a result of damage caused by a natural disaster.

Title II - Conservation

SEC. 201 Conservation Security Program Findings.

Finds that the Conservation Security Program should be expanded so that producers have opportunities to enroll in a program that is more equitable and predictable and should be improved to better effect priority resources of concern, environmental improvements and enhancement of wildlife. Also finds that states must be given the authority to select priority resources of concern and that there must be adequate technical assistance.

SEC. 202 Conservation Reserve Program

Expands the program by providing eligibility to marginal pasture and hay land that will provide habitat to rare species, by providing higher cost share for on going management or establishment of habitat for certain species, and by requiring consideration of irrigated rental rates when establishing rental rates for CREP. Also provides for a greater role for states in setting enrollment criteria to benefit wildlife.

SEC. 203 Wetlands Reserve Program

Expands the program to meet the President's wetlands pledge of 5 million acres and to increase cost share assistance for active management that improve hydrologic habitat of wetlands. Also provides for enrollment priority when benefiting certain species and water quality and requires NRCS to consider whether states are implementing the program consistent with these priorities when allocating funds to states.

SEC. 204 Funding for Farmland Protection Program

Increases funding for the Farmland Protection Program.

SEC. 205 Grassland Reserve Program

Increases acreage for farmers to conserve and restore grassland while allowing the land to be used for grazing and gives priority to long term agreements and easements that protect and restore habitat for certain species. Authorizes land enrolled in CRP to be shifted to GRP in certain situations and also authorizes Secretary to allow states and land trusts to establish easements. State allocations would be based upon specified criteria consistent with such goals as well as the extent to which the state program protects large tracts of land and land that is under threat of conversion.

SEC. 206 Wildlife Habitat Incentive Program

Increases funding, provides for increased cost share for long term agreements and for agreements benefiting certain species, and gives priority for agreements benefiting certain species. Also requires NRCS to consider state wildlife action plans in allocating funds to states.

SEC. 207 Environmental Quality Incentives Program

Increases funding for EQIP and the Conservation Innovation Grants subprogram and the Ground and Surface Water Conservation Program and creates a new air quality subprogram. Also requires NRCS to consider regulatory burdens when allocating funding to states, and requires states to prioritize applications that reward higher levels of environmental performance, address local, state and national priorities, and utilize the most efficient, cost effective methods. Clarifies that alternative energy projects are eligible for Conservation Innovation Grants. Also requires NRCS to hold back 20% of EQIP funds to make bonus allocations to states that have implemented EQIP in the most effective, efficient manner.

SEC. 208 Cooperative Conservation Partnership Initiative.

Requires the Secretary to hold back a certain percentage of EQIP funds to award competitive grants to eligible partners to address specific resources of concern. Eligible partners include states, producer associations or cooperatives, extension associations or conservation

organizations that have a history of working cooperatively with producers on resource concerns related to agricultural production.

SEC. 209 Regional Equity in Funding of Certain Department of Conservation Programs

Requires the Secretary to give priority for funding conservation programs to states that have not received an aggregate amount of \$12 million for certain conservation programs.

SEC. 210 Integrated Pest Management Initiative

Requires the Secretary to establish an initiative to provide producers with the assistance they need in order to improve pest management to reduce environmental impacts in regions with environmental challenges associated with pest management activities.

SEC. 211 Technical Assistance Under Department of Agriculture Conservation Programs

Requires the Secretary to establish a program of private sector experts trained to access, identify, and introduce producers to cost-share programs, and to assist them in completing program applications.

SEC. 212 Conservation Loan Guarantee Program

Establishes a loan guarantee program for eligible borrowers to obtain a conservation loan for certain qualified conservation projects.

SEC. 213 Emergency Conservation Program.

Provides that assistance under the conservation title may include reimbursement for emergency nursery debris removal resulting from specified emergencies.

SEC. 214 Exclusion of Payments Under Department of Agriculture Conservation Programs From Adjusted Gross Income (AGI) Limitation.

Eliminates the AGI limitation for conservation programs.

SEC. 215 Encouragement of Voluntary Sustainable Practices Guidelines

Authorizes the Secretary to encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops.

SEC. 216 Assistance to Address Long-Term Climate Change

Authorizes the Secretary to provide technical or financial assistance to producers and processors of specialty crops to comply with climate change regulations.

Title III – International Trade

SEC. 301 Technical Assistance for Specialty Crops

Reauthorizes TASC and increases its funding to \$38 million over five years. The objective of TASC is to boost US specialty crop exports by facilitating the removal of specialty crop trade barriers.

SEC. 302 Coordination of Trade Objectives Between Key Agencies

Sense of Congress to encourage key agencies to work toward increased coordination of trade objectives and greater transparency on work related to SPS issues.

SEC. 304 Market Access Program (MAP)

Increases funding for MAP in order to encourage domestic exports.

SEC. 304 Anti-dumping Assistance

The Secretary may make grants to an association of specialty crop producers to conduct or procure market analysis in connection with anti-dumping cases involving a specialty crop considered by the World Trade Organization, the International Trade Commission, or the Department of Commerce.

SEC. 305 Antitrust

Expressing the strong support of Congress for the Export Trading Company Act (ETC), the Webb-Pomerance Export Act, and the Capper-Volstead Act. These antitrust laws promote US agricultural exports and allow specialty crop producers key protections.

Title IV – Pest and Disease

SEC. 401 APHIS Threat Identification/Mitigation Program

Directs APHIS to create a program to determine and prioritize foreign threats to domestic production of specialty crops, including bio-terrorism.

SEC. 402 Emergency Control, Prevention and Eradication Program

Provides that the decision to declare an emergency eradication program is the sole decision of the Secretary of Agriculture. Also provides that the Secretary shall access CCC funds for emergency eradication programs for domestic emergency eradication.

SEC. 403 Agricultural Quarantine Inspection Activities at Ports of Entry

Transfers to the Secretary of Agriculture the functions of the Secretary of Homeland Security relating to agricultural import and entry inspection activities. Also requires the Secretary of Agriculture to establish State and regional risk mitigation review committees.

SEC. 404 Animal and Plant Healthy Inspection Service Export Division

Requires APHIS to create a sanitary and phytosanitary (SPS) export petition division for the purpose of assisting US exporters by expediting the removal of SPS barriers in export markets. The provision includes a requirement for a public docket for export petitions similar to that which now exists for import petitions in order to provide greater transparency.

SEC. 405 Sanitary and Phytosanitary (SPS) Report

Requires that the Administration's intent to enter into a free trade agreement notification to Congress, as required by Section 2104 of the Trade Act of 2002, be accompanied by a report on the current SPS barriers in the country or countries for US agricultural crops.

SEC. 406 Multi-species Fruit Fly Research and Sterile Fly Production

Provides for the construction of a warehouse and irradiator containment facility in Waimanalo, Hawaii to support fruit fly rearing and irradiation programs.

SEC. 407 Audit-Based Approach to Specialty Crop Phytosanitary Regulations

Requires the Secretary of Agriculture to establish a grant program to develop an audit-based inspection program to protect against the spread of plant pests and to facilitate the interstate movement of products.

SEC. 408 Early Pest Detection and Surveillance Improvement Program

Directs the Secretary to enter into cooperative agreements with each of the State Department's of Agriculture to conduct early pest detection activities according to the Cooperative Agricultural Pest Survey program.

Title V – Nutrition

SEC. 501 Findings

Expresses the sense of Congress that agricultural policies should reflect national health goals.

SEC. 502 Expansion of Fresh Fruit and Vegetable Program

Increases funding for the Fresh Fruit and Vegetable Program in order to increase the number of participating schools in each state.

SEC. 503 Fruit and Vegetable Nutrition Promotion Program

Establishes a matching grant program for eligible entities to promote increased consumption of fruits and vegetables to meet USDA's *2005 Dietary Guidelines*.

SEC. 504 Use of "Dietary Guidelines for Americans" in Special Nutrition Programs and School Lunch Programs

Requires USDA to ensure that all federal feeding programs, including WIC and school meals, are consistent with the *2005 Dietary Guidelines*.

SEC. 505 Section 32 Specialty Crop Purchases and DOD Fresh Program

Provides increased fruit and vegetable purchases in schools by increasing funding to Section 32 purchases and the DOD Fresh Program and requiring that purchases better reflect USDA's *2005 Dietary Guidelines*.

SEC. 506 School Preference Study

Directs the Secretary of Agriculture to conduct and submit to Congress a study on the preferences of elementary and secondary schools for commodity distribution, including the preferences related to fruits and vegetables.

SEC. 507 Independent Evaluation of Department of Agriculture Commodity Purchase Process

Requires the Secretary to obtain an independent evaluation of commodity purchases related to the importance of purchases of perishable specialty crops.

SEC. 508 Food Stamp Nutrition Education Program

Strengthens the Food Stamp Nutrition Education Program (FSNE) to improve dietary and health outcomes for low-income Americans by allowing States greater flexibility in the program's implementation including, comprehensive nutritional education, mass media, group activities

SEC. 509 Sense of the Congress Regarding Nutritional Supplements

Congress finds that nutritional supplements are not available for food stamp purchases.

SEC. 510 Food Stamp Fruit and Vegetable EBT Pilot Program

Requires the Secretary to establish an EBT pilot program that provides financial incentives for participants that purchase fruits and vegetables.

SEC. 511 Evaluations of WIC Food Packages

Requires the Secretary to partner with the National Academies of Sciences and the Institutes of Medicine to evaluate approved WIC food packages after every other 5-year revision of the Dietary Guidelines.

SEC. 512 Extension of WIC Farmer's Market Nutrition Programs

Reauthorizes and increases funding for the popular WIC Farmer's Market program which gives WIC participants coupons to purchase fresh, unprepared fruits, vegetables and herbs from farmers, farmers' markets or approved roadside stands.

SEC. 513 Seniors Farmers' Market Nutrition Program

Reauthorizes and increases funding for the Senior Farmers' Market Nutrition Program which provides low-income seniors with coupons that can be exchanged for eligible foods at farmers' markets, roadside stands, and community supported agriculture programs.

Title VI – Agricultural Research

SEC. 601 Specialty Crop Economic and Policy Research Institute

Establishes the Specialty Crop Economic and Policy Research Institute to study economic and public policy issues that affect the competitiveness of domestic specialty crops from a regional and national perspective, patterned after the California Institute for the Study of Specialty Crops. Also requires the Institute to establish a national advisory board.

SEC. 602 Development of Specialty Crop Priority for the National Research Initiative (NRI)

Creates a specialty crop priority area within NRI to prioritize proportionally represent the important role specialty crops play in the maintenance of human health.

SEC. 603 Establishment of Specialty Crop Research Grants Program for Producers to Improve Efficiency and Competitiveness

Establishes a new competitive grant program to improve the efficiency and competitiveness of specialty crop producers in the world marketplace by funding research, mechanization, marketing, product development, food safety and food security related to the specialty crop industry...

SEC. 604 National Clean Plan Network

Establishes within CSREES the National Clean Plant Network, a federally funded network of clean planting stock programs for specialty crops.

SEC. 605 Prioritizing Current Federal Research Activities for Specialty Crops

Requires the Secretary to coordinate with and assist producers and organizations to develop and implement applied research and extension related to specialty crops and to ensure industry appointed panels are involved in the prioritization, administration and oversight of such research and extension.

Title VII – Renewable Energy

SEC. 701 Inventory of Specialty Crop Biomass Waste as Part of Annual Assessment of Renewable Energy Resources

Requires the Secretary to develop an inventory on a State and county basis of specialty crop waste and residues that could be utilized in the production of energy, fuels, petroleum-based product substitutes, or other value-added products.

SEC. 702 Department of Agriculture Bioenergy Program

Reauthorizes the Agriculture Bioenergy Program for the duration of the Farm Bill and provides that specialty crop biomass is included under the program.

SEC. 703 Grants for Development of Specialty Crop Bioenergy Projects

Authorizes the Secretary to issue grants for the purpose of assisting the development of a business plan to use specialty crop biomass to produce energy, fuels, petroleum-based products substitutes, or other value-added products.

Title VIII – Miscellaneous

SEC. 801 Specialty Crop Block Grants

Expands the State Block Grants for Specialty Crops program authorized in the Specialty Crop Competitiveness Act of 2004. These grants address the urgent need to increase the consumption of specialty crops in the United States. Increased consumption benefits all Americans by promoting a healthier diet.

SEC. 802 State Agencies Requests for FIFRA Exemptions

Requires the Administrator of EPA to notify state agencies if they are denied Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) exemption, and to submit a report to the House and Senate Agriculture Committees an explanation of the denial.

SEC. 803 Intellectual Property Rights

Expands the USDA Office of Technology Transfer to ensure the US specialty crop intellectual property rights are interfacing properly with governmental and non-governmental organizations.

SEC. 804 Transportation of Specialty Crops

The Secretary of Agriculture may provide matching grants to expand and improve transportation infrastructure to improve the cost-effective movement of specialty crops to markets inside or outside the US and address deficiencies that adversely affect the movement of specialty crops to these markets.

SEC. 805 Fruit and Vegetable Market News Allocation

Provides increased funding for the Fruit and Vegetable Market News at USDA's Agricultural Marketing Service. Increased fruit and vegetable imports require updated information for sellers and buyers to make rational business decisions.

SEC. 806 Value-added Grants

The Secretary may make grants to promote the creation, expansion, or operation of value-added processing in connection with the production of a specialty crop.

SEC. 807 Housing for Farmworkers Admitted for Temporary Residence

Allows farmworkers who are legally admitted for temporary residence in the United States to be eligible for the Rural Housing Service's Farm Labor Housing program.

SEC. 808 Food Safety Initiatives

Authorizes the Secretary to carry out a food safety program to educate those involved in the fresh produce industry about proven methods to reducing pathogens on fresh produce.

SEC. 809 Implementation of Food Safety Programs under Marketing Orders

Allows specialty crop marketing orders to authorize the implementation of food safety initiatives designed to enhance the safety of specialty crop products.

SEC. 810 Census of Specialty Crops

Requires the Secretary to conduct a census of U.S. specialty crop production every five years similar to traditional commodities.

SEC. 811 Office of Pesticide Programs

Requires the US Environmental Protection Agency to notify Congress after the fiftieth day the status of a State's Section 18 petition. This petition allows for an emergency exemption request to use a non-registered pesticide for a crop in the event of a pest emergency.