

Section by Section of Equitable Agriculture Today for a Healthy America Act “EAT Healthy America Act”

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

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.

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.

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.

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

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.

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.

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.

Funding for Farmland Protection Program

Increases funding for the Farmland Protection Program.

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 a 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.

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.

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.

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.

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.

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.

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.

Conservation Loan Guarantee Program

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

Emergency Conservation Program.

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

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

Eliminates the AGI limitation for conservation programs.

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.

Title III – International Trade**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.

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.

Market Access Program (MAP)

Increases funding for MAP in order to encourage domestic exports.

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.

Antitrust

Expressing the strong support of Congress for the Export Trading Company Act (ETC), the Webb-Pomerene 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**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.

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.

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.

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.

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.

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.

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.

Title V – Nutrition**Findings**

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

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.

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*.

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*.

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*.

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.

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.

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.

Sense of the Congress Regarding Nutritional Supplements

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

Food Stamp Fruit and Vegetable EBT Pilot Program

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

Title VI – Agricultural Research**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.

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

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

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..

National Clean Plan Network

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

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

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.

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.

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

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.

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.

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.

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.

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 requires updated information for sellers and buyers to make rational business decisions.

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.