

[DISCUSSION DRAFT]**1 TITLE _____ —HORTICULTURE**
2 AND ORGANIC AGRICULTURE

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1 **Subtitle A—Honey and Bees**

2 **SEC. ___ 01. CONTINUATION OF CURRENT LOAN RATE FOR** 3 **NONRECOURSE MARKETING ASSISTANCE** 4 **LOANS FOR HONEY.**

5 For purposes of the 2008 through 2012 crop years,
6 the loan rate for a marketing assistance loan for honey
7 shall be equal to \$0.60 per pound.

8 **SEC. ___ 02. ANNUAL REPORT ON RESPONSE TO HONEY** 9 **BEE COLONY COLLAPSE DISORDER.**

10 The Secretary of Agriculture shall submit to Con-
11 gress an annual report describing the progress made by
12 the Department of Agriculture in investigating the cause
13 or causes of honey bee colony collapse and in finding ap-
14 propriate strategies to reduce colony loss.

15 **Subtitle B—Horticulture** 16 **Provisions**

17 **SEC. ___ 11. TREE ASSISTANCE PROGRAM.**

18 (a) INCLUSION OF NURSERY TREE GROWERS.—

19 (1) ELIGIBILITY.—Section 10201 of the Farm
20 Security and Rural Investment Act of 2002 (7
21 U.S.C. 8201) is amended—

22 (A) by redesignating paragraphs (3) and
23 (4) as paragraphs (4) and (5), respectively; and

24 (B) by inserting after paragraph (2) the
25 following new paragraph:

1 “(3) NURSERY TREE GROWER.—The term
2 ‘nursery tree grower’ means a person who produces
3 nursery, ornamental, fruit, nut, or Christmas trees
4 for commercial sale, as determined by the Sec-
5 retary.”.

6 (2) CONFORMING AMENDMENTS.—Subtitle C of
7 title X of the Farm Security and Rural Investment
8 Act of 2002 is amended—

9 (A) in section 10202 (7 U.S.C. 8202)—

10 (i) in subsection (a), by inserting
11 “and nursery tree growers” after “eligible
12 orchardists”; and

13 (ii) in subsection (b), by inserting “or
14 nursery tree grower” after “eligible or-
15 chardist”; and

16 (B) in section 10203 (7 U.S.C. 8203), by
17 inserting “and nursery tree growers” after “eli-
18 gible orchardists”.

19 (b) ANNUAL PAYMENT LIMITATION.—Section
20 10204(a) of the Farm Security and Rural Investment Act
21 of 2002 (7 U.S.C. 8204(a)) is amended by striking
22 “\$75,000” and inserting “\$75,000 per year”.

23 (c) APPLICABILITY.—The amendments made by this
24 section shall apply with respect to any natural disaster oc-
25 curring after the date of the enactment of this Act for

1 which assistance is provided by the Secretary of Agri-
2 culture under the tree assistance program.

3 **SEC. ___ 12. SPECIALTY CROP BLOCK GRANTS.**

4 (a) EXTENSION OF PROGRAM.—Subsection (a) of
5 section 101 of the Specialty Crops Competitiveness Act
6 of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is
7 amended by striking “2009” and inserting “2012”.

8 (b) CONTINGENT FUNDING AMENDMENT.—In title
9 XI of this Act—

10 (1) if a change in law or laws not pertaining to
11 section 101 of the Specialty Crops Competitiveness
12 Act of 2004 (Public Law 108–465; 7 U.S.C. 1621
13 note) reduces outlays and/or increases revenue by an
14 amount sufficient to offset the increased outlays that
15 would occur over the period of fiscal years 2007
16 through 2012 and the period of fiscal years 2007
17 through 2017 if total funding for the program were
18 increased as provided in the amendment made by
19 paragraph (3) for fiscal years 2008 through 2012
20 (as estimated by the House Committee on the Budget-
21 et at the time of enactment of this Act); and

22 (2) if such reductions in outlays or increases in
23 revenue in paragraph (1) are specifically and exclu-
24 sively dedicated to providing funding for section 101

1 of the Specialty Crops Competitiveness Act of 2004
2 in each of fiscal years 2008 through 2012; then

3 (3) subsection (i) of section 101 of the Spe-
4 cialty Crops Competitiveness Act of 2004 is amend-
5 ed to read as follows:

6 “(i) FUNDING.—Of the funds of the Commodity
7 Credit Corporation, the Secretary of Agriculture shall
8 make grants under this section, using—

9 “(1) \$20,000,000 in fiscal year 2008;

10 “(2) \$25,000,000 in fiscal year 2009;

11 “(3) \$30,000,000 in fiscal year 2010;

12 “(4) \$35,000,000 in fiscal year 2011; and

13 “(5) \$55,000,000 in fiscal year 2012.”.

14 (c) CONFORMING AMENDMENTS.—If the amendment
15 made by subsection (b)(3) is executed, section 101 of the
16 Specialty Crops Competitiveness Act of 2004 (Public Law
17 108–465; 7 U.S.C. 1621 note) is further amended—

18 (1) in subsection (a), by striking “Subject to
19 the appropriation of funds to carry out this section”
20 and inserting “Using the funds made available
21 under subsection (i)”;

22 (2) in subsection (b), by striking “appropriated
23 pursuant to the authorization of appropriations in”
24 and inserting “made available under”; and

1 (3) in subsection (c), by striking “Subject to
2 the appropriation of sufficient funds to carry out
3 this subsection, each” and inserting “Each”.

4 (d) ALTERNATIVE AUTHORIZATION OF APPROPRIA-
5 TIONS.—If the amendment made by subsection (b)(3) is
6 not executed, subsection (i) of section 101 of the Specialty
7 Crops Competitiveness Act of 2004 (Public Law 108–465;
8 7 U.S.C. 1621 note) is instead amended by striking
9 “2009” and inserting “2012”.

10 **SEC. ___ 13. ADDITIONAL SECTION 32 FUNDS FOR PUR-**
11 **CHASE OF FRUITS, VEGETABLES, AND NUTS**
12 **TO SUPPORT DOMESTIC NUTRITION ASSIST-**
13 **ANCE PROGRAMS.**

14 (a) FUNDING FOR ADDITIONAL PURCHASES OF
15 FRUITS, VEGETABLES, AND NUTS.—In addition to the
16 purchases of fruits, vegetables, and nuts required by sec-
17 tion 10603 of the Farm Security and Rural Investment
18 Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agri-
19 culture shall purchase fruits, vegetables, and nuts for the
20 purpose of providing nutritious foods for use in domestic
21 nutrition assistance programs, using, of the funds made
22 available under section 32 of the Act of August 24, 1935
23 (7 U.S.C. 612c), the following amounts:

24 (1) \$190,000,000 in fiscal year 2008.

25 (2) \$193,000,000 in fiscal year 2009.

1 (3) \$199,000,000 in fiscal year 2010.

2 (4) \$203,000,000 in fiscal year 2011.

3 (5) \$206,000,000 in fiscal year 2012 and each
4 fiscal year thereafter.

5 (b) FORM OF PURCHASES.—Fruits, vegetables, and
6 nuts may be purchased under this section in the form of
7 frozen, canned, dried, or fresh fruits, vegetables, and nuts.

8 (c) VALUE ADDED PRODUCTS.—The Secretary may
9 consider offering value-added products containing fruits,
10 vegetables or nuts under this section, taking into ac-
11 count—

12 (1) whether demand exists for the value-added
13 product; and

14 (2) the interests of entities that receive fruits,
15 vegetables, and nuts under this section.

16 **SECTION 14. QUALITY REQUIREMENTS FOR**
17 **CLEMENTINES.**

18 Section 8e(a) of the Agricultural Adjustment Act (7
19 U.S.C. 608e-1(a)), reenacted with amendments by the Ag-
20 ricultural Marketing Agreement Act of 1937, is amended
21 in the first sentence by inserting after “nectarines,” the
22 following: “clementines,”.

1 **SEC. ___15. IMPLEMENTATION OF FOOD SAFETY PRO-**
2 **GRAMS UNDER MARKETING ORDERS.**

3 Section 8c(6) of the Agricultural Adjustment Act (7
4 U.S.C. 608c(6)), reenacted with amendments by the Agri-
5 cultural Marketing Agreement Act of 1937, is amended
6 by adding at the end the following:

7 “(K) In the case of an order related to a specialty
8 crop (as such term is defined in section 3(1) of the Spe-
9 cialty Crops Competitiveness Act of 2004 (Public Law
10 108-465; 118 Stat. 3883)), authorizing the implementa-
11 tion of quality-related food safety programs designed to
12 enhance the safety of the specialty crop and products de-
13 rived from specialty crops.”.

14 **SEC. ___16. INCLUSION OF SPECIALTY CROPS IN CENSUS**
15 **OF AGRICULTURE.**

16 Section 2(a) of the Census of Agriculture Act of 1997
17 (7 U.S.C. 2204g(a) is amended by adding at the end the
18 following new sentence: “Beginning with the census of ag-
19 riculture required to be conducted in 2008, the Secretary
20 shall conduct as part of each census of agriculture a cen-
21 sus of specialty crops (as such term is defined in section
22 3(1) of the Specialty Crops Competitiveness Act of 2004
23 (Public Law 108-465; 118 Stat. 3883)).”.

1 **SEC. ____ 17. MATURITY REQUIREMENTS FOR HASS AVOCA-**
2 **DOS.**

3 Subtitle A of the Agricultural Marketing Act of 1946
4 is amended by adding at the end the following new section:

5 **“SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCA-**
6 **DOS.**

7 “(a) **MINIMUM PERCENTAGE OF DRY MATTER.**—Not
8 later than 180 days after the date of the enactment of
9 the **[2007 Farm Bill]**, the Secretary of Agriculture shall
10 issue final regulations to require that all Hass avocados
11 sold to consumers in the United States meet the minimum
12 maturity standard of not less than 20.8 percent dry mat-
13 ter.

14 “(b) **EXCEPTIONS.**—Subsection (a) and the regula-
15 tions issued pursuant to such subsection shall not apply
16 to Hass avocados—

17 “(1) intended for consumption by charitable in-
18 stitutions;

19 “(2) intended for distribution by relief agencies;

20 “(3) intended for commercial processing into
21 products; or

22 “(4) that the Secretary determines should not
23 be subject to such subsection or such regulations.

24 “(c) **USE OF EXISTING INSPECTORS.**—The Secretary
25 shall, to the greatest extent practicable, use inspectors
26 that inspect avocados for compliance with section 8e of

1 the Agricultural Adjustment Act (7 U.S.C. 608e-1), reen-
2 acted with amendments by the Agricultural Marketing
3 Agreement Act of 1937, to conduct inspections under this
4 section.

5 “(d) CIVIL PENALTIES.—The Secretary may require
6 any person who violates this section or the regulations
7 issued pursuant to this section to—

8 “(1) forfeit to the United States a sum equal
9 to the value of the commodity at the time of viola-
10 tion, which forfeiture shall be recoverable in a civil
11 suit bought in the name of the United States; or

12 “(2) on conviction, be fined not less than \$50
13 or more than \$5,000 for each violation.

14 “(e) DIVERSION.—In the case of any Hass avocados
15 that do not meet the requirements of this section or the
16 regulations issued pursuant to this section, the Secretary
17 may—

18 “(1) provide for the reinspection of the Hass
19 avocados; or

20 “(2) authorized the diversion, export, or repack-
21 ing of the Hass avocados.

22 “(f) FEES.—The Secretary may prescribe and collect
23 fees to cover the costs of providing for the inspection of
24 Hass avocados under this section. All fees and penalties
25 collected shall be credited to the accounts that incur such

1 costs and shall remain available until expended without
2 fiscal year limitation.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section.”.

6 **SEC. ___ 18. MUSHROOM PROMOTION, RESEARCH, AND**
7 **CONSUMER INFORMATION.**

8 (a) REGIONS AND MEMBERS.—Section 1925(b)(2) of
9 the Mushroom Promotion, Research, and Consumer Infor-
10 mation Act of 1990 (subtitle B of title XIX of Public Law
11 101–624; 7 U.S.C. 6104(b)(2)) is amended—

12 (1) in subparagraph (B), by striking “4 re-
13 gions” and inserting “3 regions”;

14 (2) in subparagraph (D), by striking
15 “35,000,000 pounds” and inserting “50,000,000
16 pounds”; and

17 (3) by striking subparagraph (E), and inserting
18 the following new subparagraph:

19 “(E) ADDITIONAL MEMBERS.—In addition
20 to the members appointed pursuant to para-
21 graph (1), and subject to the nine-member limit
22 of members on the council provided in such
23 paragraph, the Secretary shall appoint addi-
24 tional members to the council from a region

1 which attains additional pounds of production
2 as follows:

3 “(i) If a region’s annual production is
4 greater than 110,000,000 pounds, but less
5 than or equal to 180,000,000 pounds, the
6 region shall be represented by one addi-
7 tional member.

8 “(ii) If a region’s annual production is
9 greater than 180,000,000 pounds, but less
10 than or equal to 260,000,000 pounds, the
11 region shall be represented by two addi-
12 tional members.

13 “(iii) If a region’s annual production
14 is greater than 260,000,000 pounds, the
15 region shall be represented by three addi-
16 tional members.”.

17 (b) POWERS AND DUTIES OF COUNCIL.—Section
18 1925(c) of the Mushroom Promotion, Research, and Con-
19 sumer Information Act of 1990 (subtitle B of title XIX
20 of Public Law 101–624; 7 U.S.C. 6104(e)) is amended—

21 (1) by redesignating paragraphs (6), (7), and
22 (8) as paragraphs (7), (8), and (9), respectively; and

23 (2) by inserting after paragraph (5), the fol-
24 lowing new paragraph (6):

1 “(6) to develop a program for good agricultural
2 practices and good handling practices for mush-
3 rooms;”.

4 **Subtitle C—Pest and Disease**
5 **Management**

6 **SEC. ___ 21. THREAT IDENTIFICATION AND MITIGATION**
7 **PROGRAM.**

8 (a) **ESTABLISHMENT.**—The Secretary of Agriculture
9 shall establish and administer a program to determine and
10 prioritize pest and disease threats to domestic production
11 of specialty crops, including threats of bioterrorism.

12 (b) **PROGRAM.**—In conducting the program estab-
13 lished under subsection (a), the Secretary shall—

14 (1) develop risk assessments of the existing and
15 potential threat to the specialty crop industry in the
16 United States from pests and disease;

17 (2) prepare a list prioritizing pest and disease
18 threats to the specialty crop industry;

19 (3) develop action plans, in consultation with
20 State departments of agriculture and other State or
21 regional resource partnerships, that effectively ad-
22 dress pest and disease threats to the specialty crop
23 industry, including pathway analysis, domestic and
24 offshore mitigation measures, and comprehensive ex-
25 clusion measures at ports of entry and other key dis-

1 (1) \$15,000,000 for the construction of a ware-
2 house and irradiation containment facility pursuant
3 to subsection (a); and

4 (2) \$1,000,000 for fiscal year 2008 and each
5 subsequent fiscal year for maintenance to the facili-
6 ties constructed pursuant to this section.

7 **SEC. ___23. AUDIT-BASED APPROACH TO SPECIALTY CROP**

8 **PHYTOSANITARY CERTIFICATION.**

9 (a) ESTABLISHMENT.—The Secretary of Agriculture
10 shall establish a program for the distribution of funds
11 through cooperative agreements for the purpose of devel-
12 oping an audit-based certification approach to protect
13 against the spread of plant pests and to facilitate the
14 interstate movement of plants and plant products.

15 (b) PROGRAM.—The program established under sub-
16 section (a) shall provide funds and technical assistance to
17 specialty crop growers, organizations representing such
18 growers, and State and local agencies working with such
19 growers and organizations for the development and imple-
20 mentation of certification systems based on audit-based
21 approaches, such as best management practices or nursery
22 pest risk management systems, to address plant pests and
23 to mitigate the risk of plant pests in the movement of
24 plants and plant products.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary for each of fiscal years 2008 through 2012 to
4 carry out this section.

5 **SEC. ____ 24. EARLY PEST DETECTION AND SURVEILLANCE**
6 **IMPROVEMENT PROGRAM.**

7 (a) COOPERATIVE AGREEMENTS AUTHORIZED.—The
8 Secretary of Agriculture shall enter into a cooperative
9 agreement with each State department of agriculture that
10 agrees to conduct early pest detection surveillance activi-
11 ties.

12 (b) APPLICATION.—A State department of agri-
13 culture seeking to enter into a cooperative agreement
14 under this section shall submit to the Secretary an appli-
15 cation containing such information as the Secretary may
16 require. The Secretary shall notify applicants of the fol-
17 lowing:

18 (1) The requirements to be imposed on a de-
19 partment of agriculture for auditing of, and report-
20 ing on, the use of any funds provided by the Sec-
21 retary under the cooperative agreement.

22 (2) The criteria to be used to ensure that early
23 pest detection and surveillance activities supported
24 under the cooperative agreement are based on
25 knowledge, experience, and capabilities.

1 (3) The means of identifying pathways of pest
2 introductions.

3 (4) The methods to be used to determine the
4 level of support for proposed early pest detection
5 and surveillance activities by private and public in-
6 terests adversely affected by pests.

7 (c) CONSULTATION.—The Secretary shall consult
8 with the National Plant Board and State departments of
9 agriculture in carrying out this section.

10 (d) SPECIAL FUNDING CONSIDERATIONS.—The Sec-
11 retary shall provide, subject to the availability of funds
12 under subsection (h), funds to a State department of agri-
13 culture that the Secretary determines is in a State that
14 has a high risk of being affected by one or more pest,
15 based on the following factors:

16 (1) The number of international airports and
17 maritime facilities in that State.

18 (2) The volume of international passenger and
19 cargo entry into that State.

20 (3) The geographic location of that State and
21 if such location is conducive to agricultural pest and
22 disease establishment due to the climate or crop di-
23 versity of that State.

24 (4) The types of agricultural commodities or
25 plants produced in that State and if the commodities

1 or plants produced are conducive to agricultural pest
2 and disease establishment due to the climate or crop
3 diversity of that State.

4 (5) Whether the Secretary has declared an
5 emergency in that State pursuant to section 442 of
6 the Plant Protection Act (7 U.S.C. 7772) due to an
7 agricultural pest or disease of Federal concern.

8 (6) Such other factors as the Secretary con-
9 siders appropriate.

10 (e) USE OF FUNDS.—

11 (1) PEST DETECTION AND SURVEILLANCE AC-
12 TIVITIES.—A State department of agriculture that
13 receives funds under this section shall use the funds
14 to carry out early pest detection and surveillance ac-
15 tivities to prevent the introduction or spread of a
16 pest or facilitate the eradication of a pest.

17 (2) SUBAGREEMENTS.—A State department of
18 agriculture may use funds received under this sec-
19 tion to enter into subagreements with political sub-
20 divisions in such State that have legal responsibil-
21 ities relating to agricultural pest and disease surveil-
22 lance.

23 (3) TREATMENT OF FUNDS.—Not more than 5
24 percent of the funds provided under this section may

1 be used for administrative costs to carry out a coop-
2 erative agreement under this section.

3 (f) COST-SHARING REQUIREMENTS.—

4 (1) FEDERAL COST SHARE.—Except as pro-
5 vided in paragraph (3), the Federal share of the cost
6 of carrying out an authorized early pest detection
7 and surveillance activity under this section shall not
8 exceed 50 percent.

9 (2) FORM OF NON-FEDERAL COST SHARE.—The
10 non-Federal share of the cost of carrying out an au-
11 thorized early pest detection and surveillance activity
12 may be provided in cash or in kind.

13 (3) EXCEPTION.—Paragraph (1) shall not
14 apply to a early pest detection and surveillance activ-
15 ity in any case which—

16 (A) the Secretary establishes criteria that
17 would apply in any situation in which, with re-
18 spect to an early pest detection and surveillance
19 activity, a Federal share of greater than 50 per-
20 cent is necessary to meet the needs of an under-
21 served area or to address a critical need that
22 cannot be addressed by other means; and

23 (B) the activity meets those criteria, as de-
24 termined by the Secretary.

1 (g) REPORTING REQUIREMENT.—Not later than 180
2 days after the date of completion of an early pest detection
3 and surveillance activity conducted by a State department
4 of agriculture using funds provided under this section, the
5 department of agriculture shall submit to the Secretary
6 a report that describes the purposes and results of the
7 activities.

8 (h) CONTINGENT FUNDING.—In title XI of this
9 Act—

10 (1) if a change in law or laws not pertaining to
11 this section reduces outlays and/or increases revenue
12 by an amount sufficient to offset the increased out-
13 lays that would occur over the period of fiscal years
14 2007 through 2012 and the period of fiscal years
15 2007 through 2017 if funds were provided under
16 paragraph (3) for fiscal years 2008 through 2012
17 (as estimated by the House Committee on the Budget-
18 et at the time of enactment of this Act); and

19 (2) if such reductions in outlays or increases in
20 revenue in paragraph (1) are specifically and exclu-
21 sively dedicated to providing funds under paragraph
22 (3); then

23 (3) the Secretary of Agriculture shall carry out
24 this section using funds of the Commodity Credit
25 Corporation in the following amounts:

- 1 (A) \$5,000,000 for fiscal year 2008.
2 (B) \$10,000,000 for fiscal year 2009.
3 (C) \$15,000,000 for fiscal year 2010.
4 (D) \$20,000,000 for fiscal year 2011.
5 (E) \$50,000,000 for fiscal year 2012.

6 (i) DEFINITIONS.—In this section:

7 (1) STATE DEPARTMENT OF AGRICULTURE.—
8 The term “State department of agriculture” means
9 an agency of a State that has a legal responsibility
10 to perform early pest detection and surveillance ac-
11 tivities.

12 (2) EARLY PEST DETECTION AND SURVEIL-
13 LANCE.—The term “early pest detection and surveil-
14 lance” means the full range of activities undertaken
15 to find newly introduced pests, whether new to the
16 United States or new to certain areas of the United
17 States, before the pests become established, or be-
18 fore pest infestations become too large and costly to
19 eradicate or control.

20 (3) PEST.—The term “pest” has the meaning
21 given the term “plant pest” in section 403(14) of
22 the Plant Protection Act (7 U.S.C. 7702(14)).

1 **Subtitle D—Organic Agriculture**

2 **SEC. ___ 31. NATIONAL ORGANIC CERTIFICATION COST**
3 **SHARE PROGRAM.**

4 Section 10606 of the Farm Security and Rural In-
5 vestment Act of 2002 (7 U.S.C. 6523) is amended to read
6 as follows:

7 **“SEC. ___ . NATIONAL ORGANIC CERTIFICATION COST-**
8 **SHARE PROGRAM.**

9 “(a) CONTINGENT FUNDING.—In title XI of this
10 Act—

11 “(1) if a change in law or laws not pertaining
12 to this section reduces outlays and/or increases rev-
13 enue by an amount sufficient to offset the increased
14 outlays that would occur over the period of fiscal
15 years 2007 through 2012 and the period of fiscal
16 years 2007 through 2017 if funds were provided
17 under paragraph (3) for fiscal years 2008 through
18 2012 (as estimated by the House Committee on the
19 Budget at the time of enactment of this Act); and

20 “(2) if such reductions in outlays or increases
21 in revenue in paragraph (1) are specifically and ex-
22 clusively dedicated to providing funds under para-
23 graph (3); then

24 “(3) the Secretary of Agriculture, acting
25 through the Agricultural Marketing Service shall use

1 \$25,000,000 for fiscal year 2008, to remain avail-
2 able until expended, to establish a national organic
3 certification cost-share program to assist producers
4 and handlers of agricultural products in obtaining
5 certification under the national organic production
6 program established under the Organic Foods Pro-
7 duction Act of 1990 (7 U.S.C. 6501 et seq.).

8 “(b) FEDERAL SHARE.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall pay under this section not more
11 than 75 percent of the costs incurred by a producer
12 or handler in obtaining certification under the na-
13 tional organic production program, as certified to
14 and approved by the Secretary.

15 “(2) MAXIMUM AMOUNT.—The maximum
16 amount of a payment made to a producer or handler
17 under this section shall be \$750.”.

18 **SEC. ___ 32. ORGANIC PRODUCTION AND MARKET DATA.**

19 (a) NEW DATA REQUIREMENTS.—Section 7407 of
20 the Farm Security and Rural Investment Act of 2002 (7
21 U.S.C. 5925c) is amended to read as follows:

22 **“SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA.**

23 “(a) DATA COLLECTION AND PUBLICATION.—The
24 Secretary of Agriculture shall ensure that segregated data
25 on the production, pricing, and marketing of organic agri-

1 cultural products is included and published in the ongoing
2 baseline of data collection regarding agricultural produc-
3 tion and marketing.

4 “(b) DATA COLLECTION RELATED TO CROP LOSS
5 RISKS.—Data shall be collected under subsection (a) for
6 the purpose of analyzing crop loss risk specifically associ-
7 ated with organic methods of production.”.

8 (b) IMPLEMENTATION REPORT.—Not later than 180
9 days after the date of the enactment of this Act, the Sec-
10 retary of Agriculture shall submit to Congress a report
11 regarding the progress made in implementing the amend-
12 ment made by subsection (a).

13 **Subtitle E—Miscellaneous**

14 **Provisions**

15 **SECTION ___ 41. RESTORATION OF IMPORT AND ENTRY AG-** 16 **RICULTURAL INSPECTION FUNCTIONS TO** 17 **THE DEPARTMENT OF AGRICULTURE.**

18 (a) REPEAL OF TRANSFER OF FUNCTIONS.—Section
19 421 of the Homeland Security Act of 2002 (6 U.S.C. 231)
20 is repealed.

21 (b) CONFORMING AMENDMENT TO FUNCTIONS OF
22 SECRETARY OF HOMELAND SECURITY.—Section 402 of
23 the Homeland Security Act of 2002 (6 U.S.C. 202) is
24 amended—

25 (1) by striking paragraph (7); and

1 (2) by redesignating paragraph (8) as para-
2 graph (7).

3 (c) TRANSFER AGREEMENT.—

4 (1) IN GENERAL.—Not later than the effective
5 date specified in subsection (g), the Secretary of Ag-
6 riculture and the Secretary of Homeland Security
7 shall enter into an agreement to effectuate the re-
8 turn of functions required by the amendments made
9 by this section.

10 (2) USE OF CERTAIN EMPLOYEES.—The agree-
11 ment may include authority for the Secretary of Ag-
12 riculture to use employees of the Department of
13 Homeland Security to carry out authorities dele-
14 gated to the Animal and Plant Health Inspection
15 Service regarding the protection of domestic live-
16 stock and plants.

17 (d) RESTORATION OF DEPARTMENT OF AGRI-
18 CULTURE EMPLOYEES.—Not later than the effective date
19 specified in subsection (g), all full-time equivalent posi-
20 tions of the Department of Agriculture transferred to the
21 Department of Homeland Security under section 421(g)
22 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))
23 (as in effect on the day before such effective date) shall
24 be restored to the Department of Agriculture.

25 (e) AUTHORITY OF APHIS.—

1 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
2 retary of Agriculture shall establish within the Ani-
3 mal and Plant Health Inspection Service a program,
4 to be known as the “International Agricultural In-
5 spection Program”, under which the Administrator
6 of the Animal and Plant Health Inspection Service
7 (referred to in this subsection as the “Adminis-
8 trator”) shall carry out import and entry agricul-
9 tural inspections.

10 (2) INFORMATION GATHERING AND INSPEC-
11 TIONS.—In carrying out the program under para-
12 graph (1), the Administrator shall have full access
13 to—

14 (A) each secure area of any terminal for
15 screening passengers or cargo under the control
16 of the Department of Homeland Security on the
17 day before the date of enactment of this Act for
18 purposes of carrying out inspections and gath-
19 ering information; and

20 (B) each database (including any database
21 relating to cargo manifests or employee and
22 business records) under the control of the De-
23 partment of Homeland Security on the day be-
24 fore the date of enactment of this Act for pur-
25 poses of gathering information.

1 (3) INSPECTION ALERTS.—The Administrator
2 may issue inspection alerts, including by indicating
3 cargo to be held for immediate inspection.

4 (4) INSPECTION USER FEES.—The Adminis-
5 trator may, as applicable—

6 (A) continue to collect any agricultural
7 quarantine inspection user fee; and

8 (B) administer any reserve account for the
9 fees.

10 (5) CAREER TRACK PROGRAM.—

11 (A) IN GENERAL.—The Administrator
12 shall establish a program, to be known as the
13 “import and entry agriculture inspector career
14 track program”, to support the development of
15 long-term career professionals with expertise in
16 import and entry agriculture inspection.

17 (B) STRATEGIC PLAN AND TRAINING.—In
18 carrying out the program under this paragraph,
19 the Administrator, in coordination with the Sec-
20 retary of Agriculture, shall—

21 (i) develop a strategic plan to incor-
22 porate import and entry agricultural in-
23 spectors into the infrastructure protecting
24 food, fiber, forests, bioenergy, and the en-
25 vironment of the United States from ani-

1 mal and plant pests, diseases, and noxious
2 weeds; and

3 (ii) as part of the plan under clause
4 (i), provide training for import and entry
5 agricultural inspectors participating in the
6 program not less frequently than once each
7 year to improve inspection skills.

8 (f) DUTIES OF SECRETARY OF AGRICULTURE.—

9 (1) OPERATING PROCEDURES AND TRACKING
10 SYSTEM.—The Secretary of Agriculture shall—

11 (A) develop standard operating procedures
12 for inspection, monitoring, and auditing relating
13 to import and entry agricultural inspections, in
14 accordance with recommendations from the
15 Comptroller General of the United States and
16 reports of interagency advisory groups, as appli-
17 cable; and

18 (B) ensure that the Animal and Plant
19 Health Inspection Service has a national elec-
20 tronic system with real-time tracking capability
21 for monitoring, tracking, and reporting inspec-
22 tion activities of the Service.

23 (2) FEDERAL AND STATE COOPERATION.—

24 (A) COMMUNICATION SYSTEM.—The Sec-
25 retary of Agriculture shall develop and maintain

1 an integrated, real-time communication system
2 with respect to import and entry agricultural
3 inspections to alert State departments of agri-
4 culture of significant inspection findings of the
5 Animal and Plant Health Inspection Service.

6 (3) FUNDING.—The Secretary of Agriculture
7 shall pay the costs of each import and entry agricul-
8 tural inspector employed by the Animal and Plant
9 Health Inspection Service from amounts made avail-
10 able to the Department of Agriculture for the appli-
11 cable fiscal year.

12 (g) EFFECTIVE DATE.—The amendments made by
13 this section take effect on the date that is 180 days after
14 the date of enactment of this Act.

15 **SEC. ___ 42. GRANT PROGRAM TO IMPROVE MOVEMENT OF**
16 **SPECIALTY CROPS.**

17 (a) GRANTS AUTHORIZED.—The Secretary of Agri-
18 culture may make grants under this section to an eligible
19 entity described in subsection (b)—

20 (1) to improve the cost-effective movement of
21 specialty crops to local, regional, national, and inter-
22 national markets; and

23 (2) to address regional intermodal transpor-
24 tation deficiencies that adversely affect the move-

1 ment of specialty crops to markets inside or outside
2 the United States.

3 (b) ELIGIBLE GRANT RECIPIENTS.—Grants may be
4 made under this section to any of the following (or a com-
5 bination thereof):

6 (1) State and local governments.

7 (2) Grower cooperatives.

8 (3) State or regional producer and shipper or-
9 ganizations.

10 (4) Other entities as determined to be appro-
11 priate by the Secretary.

12 (c) MATCHING FUNDS.—The recipient of a grant
13 under this section shall contribute an amount of non-Fed-
14 eral funds toward the project for which the grant is pro-
15 vided that is at least equal to the amount of grant funds
16 received by the recipient under this section.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary for each of fiscal years 2008 through 2012 to
20 carry out this section.

21 **SEC. ___ 43. AUTHORIZATION OF APPROPRIATIONS FOR**
22 **MARKET NEWS ACTIVITIES REGARDING SPE-**
23 **CIALTY CROPS.**

24 There are authorized to be appropriated to the Sec-
25 retary of Agriculture such sums as may be necessary for

1 each of the fiscal years 2008 through 2012 to support the
2 market news activities regarding specialty crops (as such
3 term is defined in section 3(1) of the Specialty Crops Com-
4 petitiveness Act of 2004 (Public Law 108-465; 118 Stat.
5 3883)).

6 **SEC. ___ 44. CONTINGENT AVAILABILITY OF FUNDS FOR**
7 **THE FARMERS' MARKET PROMOTION PRO-**
8 **GRAM.**

9 In title XI of this Act—

10 (1) if a change in law or laws not pertaining to
11 the Farmers' Market Promotion Program under sec-
12 tion 6 of the Farmer-to-Consumer Direct Marketing
13 Act of 1976 (7 U.S.C. 3005) reduces outlays and/
14 or increases revenue by an amount sufficient to off-
15 set the increased outlays that would occur over the
16 period of fiscal years 2007 through 2012 and the pe-
17 riod of fiscal years 2007 through 2017 if total fund-
18 ing for the program were increased as provided in
19 the amendment made by paragraph (3) for fiscal
20 years 2008 through 2012 (as estimated by the
21 House Committee on the Budget at the time of en-
22 actment of this Act); and

23 (2) if such reductions in outlays or increases in
24 revenue in paragraph (1) are specifically and exclu-
25 sively dedicated to providing funding for the Farm-

1 ers' Market Promotion Program in each of fiscal
2 years 2008 through 2012; then

3 (3) subsection (e) of section 6 of the Farmer-
4 to-Consumer Direct Marketing Act of 1976 is
5 amended to read as follows:

6 “(i) FUNDING.—Of the funds of the Commodity
7 Credit Corporation, the Secretary of Agriculture shall
8 carry out this section using—

9 “(1) \$5,000,000 in each of fiscals year 2008,
10 2009, and 2010; and

11 “(2) \$10,000,000 in each of fiscal years 2011
12 and 2012.”.