
CONFERENCE COMMITTEE PRINT

**Title X of the House Bill & Applicable Senate
Amendment Provisions– Horticulture and
Organic Agriculture**

**Comparing H.R. 2419, As Passed by the House
And the Senate Amendment Thereto**

HOUSE BILL (H.R. 2419)

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Subtitle A—Honey and Bees	
<p>SEC. 10001. ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.</p> <p>The Secretary of Agriculture shall submit to Congress an annual report describing the progress made by the Department of Agriculture in investigating the cause or causes of honey bee colony collapse and in finding appropriate strategies to reduce colony loss.</p>	<p>No comparable provision.</p>
<p>No comparable provision.</p>	<p>SEC. 1854. NATIONAL HONEY BOARD.</p> <p>Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:</p> <p style="padding-left: 40px;">“(12) REFERENDUM REQUIREMENT-</p> <p style="padding-left: 80px;">“(A) IN GENERAL- Notwithstanding any other provision of law, subject to subparagraph (B), the order providing for the establishment and operation of the Honey Board in effect on the date of enactment of this paragraph shall continue in force, and the Secretary shall not schedule or conduct any referendum on the continuation or termination of the order, until the Secretary first conducts, at the earliest practicable date, concurrent referenda among all eligible producers, importers, packers, and handlers of honey for the purpose of ascertaining whether eligible producers, importers, packers, and handlers of honey approve of 1 or more orders to establish successor marketing boards for honey.</p> <p style="padding-left: 80px;">“(B) REQUIREMENTS- In conducting concurrent referenda under subparagraph (A), the Secretary shall ensure that—</p> <p style="padding-left: 120px;">“(i) a referendum of United States honey producers for the establishment of a marketing board solely for United States honey producers is included in the process; and</p> <p style="padding-left: 120px;">“(ii) the rights and interests of honey producers, importers, packers, and handlers of honey are protected in the transition to any new marketing board.’.</p>

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<p>No provision.</p>	<p>SEC. 1855. IDENTIFICATION OF HONEY.</p> <p>Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—</p> <p>(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and</p> <p>(2) by adding at the end the following:</p> <p>“(6) IDENTIFICATION OF HONEY- The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture shall be considered a deceptive practice that is prohibited under this Act unless there appears legibly and permanently in close proximity to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by ‘Product of’ or other words of similar meaning.’”</p>
<p>Subtitle B—Horticulture Provisions</p>	
<p>SEC. 10101. TREE ASSISTANCE PROGRAM.</p> <p>(a) INCLUSION OF NURSERY TREE GROWERS.—</p> <p>(1) ELIGIBILITY.—Section 10201 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201) is amended—</p> <p>(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and</p> <p>(B) by inserting after paragraph (2) the following new paragraph:</p> <p>“(3) NURSERY TREE GROWER.—The term ‘nursery tree grower’ means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.”</p> <p>(2) CONFORMING AMENDMENTS.—Subtitle C of title X of the Farm Security and Rural Investment Act of 2002 is amended—</p>	<p>Sec. 12101. SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE.</p> <p>(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:</p> <p>“(e) Tree Assistance Program-</p> <p>(1) DEFINITIONS- In this subsection:</p> <p>(A) ELIGIBLE ORCHARDIST- The term ‘eligible orchardist’ means a person that produces annual crops from trees for commercial purposes.</p> <p>(B) NATURAL DISASTER- The term ‘natural disaster’ means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.</p> <p>(C) NURSERY TREE GROWER- The term ‘nursery tree grower’ means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.</p>

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(A) in section 10202 (7 U.S.C. 8202)—

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

(ii) in subsection (b), by inserting “or nursery tree grower” after “eligible orchardist”; and

(B) in section 10203 (7 U.S.C. 8203), by inserting “and nursery tree growers” after “eligible orchardists”.

(b) **ANNUAL PAYMENT LIMITATION.**—Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by striking “\$75,000” and inserting “\$150,000 per year”.

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any natural disaster occurring after the date of the enactment of this Act for which assistance is provided by the Secretary of Agriculture under the tree assistance program.

(D) TREE- The term ‘tree’ includes a tree, bush, and vine.

(2) ELIGIBILITY-

(A) LOSS- Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION- An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE- Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of--

(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE-

(A) AMOUNT- The total amount of payments that a person shall be entitled to receive under this subsection may not exceed \$100,000 per year, or an equivalent value in tree seedlings.

(B) ACRES- The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this subsection may not exceed 500 acres.

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(C) REGULATIONS- The Secretary shall promulgate --

- (i) regulations defining the term 'person' for the purposes of this subsection, which shall conform, to the maximum extent practicable, to the regulations defining the term 'person' promulgated under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and
- (ii) such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this paragraph.

SEC. 10102. SPECIALTY CROP BLOCK GRANTS.

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

(b) **AVAILABILITY OF FUNDS.**—Subsection (i) of section 101 of the Specialty Crops Competitiveness Act of 2004 is amended to read as follows:

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

- “(1) \$60,000,000 in fiscal year 2008;
- “(2) \$65,000,000 in fiscal year 2009;
- “(3) \$70,000,000 in fiscal year 2010;
- “(4) \$75,000,000 in fiscal year 2011; and
- “(5) \$95,000,000 in fiscal year 2012.”.

(c) **CONFORMING AMENDMENTS.**—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is further amended—

- (1) in subsection (a), by striking “Subject to the appropriation of funds to carry out this section” and inserting “Using the funds made available under subsection (i)”;
- (2) in subsection (b), by striking “appropriated pursuant to the authorization of appropriations in” and inserting “made available under”; and
- (3) in subsection (c), by striking “Subject to the appropriation of sufficient

SEC. 1841. SPECIALTY CROP BLOCK GRANTS.

(a) Extension of Program- Section 101(a) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking `2009' and inserting `2012'.

(b) Eligibility- Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (e) and inserting the following:

(e) Plan Requirements-

- (1) **IN GENERAL-** The State plan shall identify the lead agency charged with the responsibility for carrying out the plan and indicate how the grant funds will be used to enhance the competitiveness of specialty crops.
- (2) **REPRESENTATION OF CERTAIN INDIVIDUALS-** To the maximum extent practicable and appropriate, the State plan shall be developed taking into consideration the opinions and expertise of beginning farmers or ranchers (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) and socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))) who produce specialty crops.'

(c) Audit and Plan Requirements- Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (h) and inserting the following:

(h) Audit and Plan Requirements-

- (1) **IN GENERAL-** For each year that a State receives a grant under this section,

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funds to carry out this subsection, each” and inserting “Each”.

(d) **DEFINITION OF SPECIALTY CROP.**—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting “horticulture and” before “nursery”.

(e) **DEFINITION OF STATE.**—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking “and the Commonwealth of Puerto Rico” and inserting “the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.

the State shall conduct an audit of the expenditures of grant funds by the State.

“(2) **SUBMISSION OF AUDIT AND DESCRIPTION-** Not later than 30 days after the date of completion of an audit under paragraph (1), the State shall submit to the Secretary of Agriculture--

“(A) a copy of the audit;

“(B) a description of the ways in which the State is complying with the requirement under subsection (e); and

“(C) such additional information as the Secretary may request to ensure, to the maximum extent practicable, that the State is complying with that requirement.”

(d) **Availability of Funds-** Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (i) and inserting the following:

“(i) **Funding-** Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using--

“(1) \$60,000,000 for fiscal year 2008;

“(2) \$65,000,000 for fiscal year 2009;

“(3) \$70,000,000 for fiscal year 2010;

“(4) \$75,000,000 for fiscal year 2011; and

“(5) \$0 for fiscal year 2012.”

(e) **Conforming Amendments-** Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended--

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

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

(3) by striking subsection (c) and inserting the following:

“(c) **Minimum Grant Amount-** Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least 1/2 of 1 percent of the total amount of funding made available to carry out this section for the fiscal

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year.';

(4) by redesignating subsection (i) as subsection (j); and

(5) by inserting after subsection (h) the following:

`(i) Reallocation- The Secretary may reallocate to other States any amounts made available under this section that are not obligated or expended by a date determined by the Secretary.'.

(f) Definition of Specialty Crop- Section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking paragraph (1) and inserting the following:

`(1) SPECIALTY CROP- The term `specialty crop' means fruits, vegetables, tree nuts, dried fruits, nursery crops, floriculture, and horticulture, including turfgrass sod and herbal crops.'.

(g) Definition of State- Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking `and the Commonwealth of Puerto Rico' and inserting `the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands'.

SEC. 10103. ADDITIONAL SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

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

- (1) \$190,000,000 in fiscal year 2008.
- (2) \$193,000,000 in fiscal year 2009.
- (3) \$199,000,000 in fiscal year 2010.
- (4) \$203,000,000 in fiscal year 2011.
- (5) \$206,000,000 in fiscal year 2012 and each fiscal year thereafter.

(b) **FORM OF PURCHASES.**—Fruits, vegetables, and nuts may be purchased under this

SEC. 4907. MINIMUM PURCHASES OF FRUITS, VEGETABLES, AND NUTS THROUGH SECTION 32 TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) **Minimum Funding for Purchases of Fruits, Vegetables, and Nuts.**— In lieu of the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4), the Secretary shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

- (1) \$390,000,000 for fiscal year 2008.
- (2) \$393,000,000 for fiscal year 2009.
- (3) \$399,000,000 for fiscal year 2010.
- (4) \$403,000,000 for fiscal year 2011.
- (5) \$406,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) **Form of Purchases.**— Fruits, vegetables, and nuts may be purchased under this section

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<p>section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.</p> <p>(c) VALUE ADDED PRODUCTS.—The Secretary may consider offering value-added products containing fruits, vegetables or nuts under this section, taking into account—</p> <ul style="list-style-type: none"> (1) whether demand exists for the value-added product; and (2) the interests of entities that receive fruits, vegetables, and nuts under this section. 	<p>in frozen, canned, dried, or fresh form.</p> <p>(c) Value-Added Products- The Secretary may offer value-added products containing fruits, vegetables, or nuts under this section, taking into consideration--</p> <ul style="list-style-type: none"> (1) whether demand exists for the value-added product; and (2) the interests of entities that receive fruits, vegetables, and nuts under this section.
<p>SEC. 10103A. ADDITIONAL SECTION 32 FUNDS TO PROVIDE GRANTS FOR THE PURCHASE AND OPERATION OF URBAN GARDENS GROWING ORGANIC FRUITS AND VEGETABLES FOR THE LOCAL POPULATION.</p> <p>(a) GRANTS.—The Secretary of Agriculture may make grants to eligible entities to assist in purchasing and operating organic gardens or greenhouses in urban areas for growing fruits and vegetables. In making such grants, the Secretary will ensure such fruits and vegetables are sold to local grocery stores.</p> <p>(b) LIMITATIONS.—Grants provided to any eligible entity under this section may not exceed \$25,000 for any given year.</p> <p>(c) ELIGIBLE ENTITIES.—</p> <ul style="list-style-type: none"> (1) INDIVIDUALS.—An individual shall be eligible to receive a grant under subsection (a) if the individual is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located. (2) COOPERATIVES.—A cooperative shall be eligible to receive a grant under subsection (a) if every individual member or owner of the cooperative is a resident of the neighborhood in which the urban garden or greenhouse is located, or will be located. <p>(d) SELECTION OF ELIGIBLE ENTITIES.—The Secretary shall develop criteria for the selection of eligible entities to receive grants under this section.</p> <p>(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2008 and for each fiscal year thereafter.</p>	<p>No comparable provision.</p>
<p>SEC. 10104. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.</p> <p>(a) EVALUATION REQUIRED.—The Secretary of Agriculture shall arrange to have</p>	<p>No comparable provision.</p>

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<p>performed an independent evaluation of the commodity purchasing processes (and the statutory and regulatory authority underlying such processes) used by the Department of Agriculture to remove surplus commodities from the market and support commodity prices and producer incomes, especially with regard to activities under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and the importance of increasing purchases of specialty crops.</p> <p>(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the results of the evaluation.</p>	
<p>SEC. 10105. QUALITY REQUIREMENTS FOR CLEMENTINES.</p> <p>Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by inserting after “nectarines,” the following: “clementines,”.</p>	<p>SEC. 3207. QUALITY REQUIREMENTS FOR CLEMENTINES.</p> <p>Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting ‘clementines,’ after ‘nectarines,’.</p>
<p>SEC. 10106. IMPLEMENTATION OF FOOD SAFETY PROGRAMS UNDER MARKETING ORDERS.</p> <p>Section 8c(6) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:</p> <p>“(K) In the case of an order related to a specialty crop (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3883)), authorizing the implementation of quality-related food safety programs designed to enhance the safety of the specialty crop and products derived from specialty crops.”.</p>	<p>No comparable provision.</p>
<p>SEC. 10107. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.</p> <p>Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a) is amended by adding at the end the following new sentence: “Beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3883)).”.</p>	<p>SEC. 1814. CENSUS OF SPECIALTY CROPS.</p> <p>(a) Establishment- Not later than September 30, 2008, and each 5 years thereafter, the Secretary shall conduct a census of specialty crops to assist in the regularly development and dissemination of information relative to specialty crops.</p> <p>(b) Relation to Other Census- The Secretary may include the census of specialty crops in the census on agriculture.</p>
<p>SEC. 10108. MATURITY REQUIREMENTS FOR HASS AVOCADOS.</p>	<p>SEC. 1856. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND</p>

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

“SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCADOS.

“(a) **MINIMUM PERCENTAGE OF DRY MATTER.**—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary of Agriculture shall issue final regulations to require that all Hass avocados sold to consumers in the United States meet the minimum maturity standard of not less than 20.8 percent dry matter.

“(b) **EXCEPTIONS.**—Subsection (a) and the regulations issued pursuant to such subsection shall not apply to Hass avocados—

“(1) intended for consumption by charitable institutions;

“(2) intended for distribution by relief agencies;

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

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

“(c) **USE OF EXISTING INSPECTORS.**—The Secretary shall, to the greatest extent practicable, use inspectors that inspect avocados for compliance with section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e–1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to conduct inspections under this section.

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

“(1) forfeit to the United States a sum equal to the value of the commodity at the time of violation, which forfeiture shall be recoverable in a civil suit bought in the name of the United States; or

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

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

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

“(2) authorize the diversion, export, or repacking of the Hass avocados.

“(f) **FEES.**—The Secretary may prescribe and collect fees to cover the costs of providing

STANDARDS AND OTHER PURPOSES.

(a) **In General-** The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) **Expedited Procedures-**

(1) **PROPOSAL FOR AN ORDER-** An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) **PUBLICATION OF PROPOSAL-** Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) **Effective Date-** Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

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for the inspection of Hass avocados under this section. All fees and penalties collected shall be credited to the accounts that incur such costs and shall remain available until expended without fiscal year limitation.

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

SEC. 10109. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

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

(1) in subparagraph (B), by striking “4 regions” and inserting “3 regions”;

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

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

“(E) **ADDITIONAL MEMBERS.**—In addition to the members appointed pursuant to paragraph (1), and subject to the nine-member limit of members on the council provided in such paragraph, the Secretary shall appoint additional members to the council from a region which attains additional pounds of production as follows:

“(i) If a region’s annual production is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by one additional member.

“(ii) If a region’s annual production is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by two additional members.

“(iii) If a region’s annual production is greater than 260,000,000 pounds, the region shall be represented by three additional members.”.

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

SEC. 1853. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) **Regions and Members-** Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ‘4 regions’ and inserting ‘3 regions’;

(2) in subparagraph (D), by striking ‘35,000,000 pounds’ and inserting ‘50,000,000 pounds’; and

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

“(E) **ADDITIONAL MEMBERS-** In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limitation on members on the Council provided in that paragraph, the Secretary shall appoint additional members to the Council from a region that attains additional pounds of production of mushrooms as follows:

“(i) If the annual production of the region is greater than 110,000,000 pounds, but not more than 180,000,000 pounds, the region shall be represented by 1 additional member.

“(ii) If the annual production of the region is greater than 180,000,000 pounds, but not more than 260,000,000 pounds, the region shall be represented by 2 additional members.

“(iii) If the annual production of the region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.”.

(b) **Powers and Duties of Council-** Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

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<p>(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and</p> <p>(2) by inserting after paragraph (5), the following new paragraph (6):</p> <p>“(6) to develop a program for good agricultural practices and good handling practices for mushrooms;”.</p>	<p>(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and</p> <p>(2) by inserting after paragraph (5) the following:</p> <p>“(6) to develop food safety programs, including good agricultural practices and good handling practices or related activities for mushrooms;”.</p>
<p>SEC. 10110. FRESH PRODUCE EDUCATION INITIATIVE.</p> <p>(a) INITIATIVE AUTHORIZED.—The Secretary of Agriculture may carry out a program to educate persons involved in the fresh produce industry and the public about—</p> <p>(1) scientifically proven practices for reducing microbiological pathogens on fresh produce; and</p> <p>(2) methods of reducing the threat of cross-contamination of fresh produce through unsanitary handling practices.</p> <p>(b) COOPERATION.—The Secretary may carry out the program in cooperation with public or private partners.</p> <p>(c) FUNDING.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.</p>	<p>SEC. 1813. FOOD SAFETY INITIATIVES.</p> <p>(a) Initiative Authorized- The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about--</p> <p>(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and</p> <p>(2) methods of reducing the threat of cross-contamination of fresh produce through unsanitary handling practices.</p> <p>(b) Cooperation- The Secretary may carry out the education program in cooperation with public and private partners.</p> <p>(c) Authorization of Appropriations- There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000.</p>
<p>Subtitle C—Pest and Disease Management</p>	
<p>SEC. 10201. PEST AND DISEASE PROGRAM.</p> <p>(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program to—</p> <p>(1) conduct early pest detection and surveillance activities in cooperation with state departments of agriculture;</p> <p>(2) determine and prioritize pest and disease threats to domestic production of specialty crops; and</p> <p>(3) create an audit-based certification approach to protect against the spread of plant pests and to facilitate the interstate movement of plants and plant products.</p> <p>(b) EARLY PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—</p> <p>(1) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture shall enter into cooperative agreements with State departments of agriculture to provide</p>	<p>Sec. 12101. Supplemental Agriculture Disaster Assistance.</p> <p>(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:</p> <p>“(f) Plant Pest and Disease Management and Disaster Prevention-</p> <p>“(1) DEFINITIONS.— In this subsection:</p> <p>“(A) EARLY PLANT PEST DETECTION AND SURVEILLANCE.— The term ‘early plant pest detection and surveillance’ means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before--</p> <p>“(i) the plant pests become established; or</p>

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grants to such State departments of agriculture for early pest detection and surveillance activities.

(2) **APPLICATION.**—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require. The Secretary shall notify applicants of the following:

(A) The requirements to be imposed on a department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement.

(B) The criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments.

(C) The means of identifying pathways of pest introductions.

(3) **USE OF FUNDS.**—

(A) **PEST DETECTION AND SURVEILLANCE ACTIVITIES.**—A State department of agriculture that receives funds under this section shall use the funds to carry out early pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a pest.

(B) **SUBAGREEMENTS.**—A State department of agriculture may use funds received under this section to enter into subagreements with political subdivisions in such State that have legal responsibilities relating to agricultural pest and disease surveillance.

(4) **SPECIAL FUNDING CONSIDERATIONS.**—The Secretary shall provide, subject to the availability of funds under subsection (j), funds to a State department of agriculture that the Secretary determines is in a State that has a high risk of being affected by one or more pest, based on the following factors:

(A) The number of international airports and maritime facilities in that State.

(B) The volume of international passenger and cargo entry into that State.

(C) The geographic location of that State and if such location is conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

(ii) the plant pest infestations become too large and costly to eradicate or control.

(B) **PLANT PEST-** The term 'plant pest' has the meaning given such term in section 403 of the Plant Protection Act (7 U.S.C. 7702).

(C) **SPECIALTY CROP-** The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

(D) **STATE DEPARTMENT OF AGRICULTURE-** The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

(2) **EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM-**

(A) **COOPERATIVE AGREEMENTS-** The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

(B) **CONSULTATION-** In carrying out this paragraph, the Secretary shall consult with--

(i) the National Plant Board;

(ii) the National Association of State Departments of Agriculture; and

(iii) stakeholders.

(C) **FUNDS UNDER AGREEMENTS-** Each State department of agriculture with which the Secretary enters into a cooperative agreement under this paragraph shall receive funding for each of fiscal years 2008 through 2012 in an amount to be determined by the Secretary.

(D) **USE OF FUNDS-**

(i) **PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES-** A State department of agriculture that receives funds under this paragraph shall use the funds to carry out early plant pest detection and surveillance activities to prevent the introduction of a plant pest or facilitate the eradication of a plant pest, pursuant to a

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(D) The types of agricultural commodities or plants produced in that State and if the commodities or plants produced are conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

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

(F) Such other factors as the Secretary considers appropriate.

(5) COST-SHARE.—

(A) **FEDERAL COST SHARE; FORM OF NON-FEDERAL COST SHARE.**— Except as provided in subparagraph (B), a cooperative agreement entered into under paragraph (1) shall provide that—

(i) the Federal share of carrying out the cooperative agreement shall not exceed 75 percent of the total cost;

(ii) the non-Federal share of the cost of carrying out the agreement may be provided in-kind; and

(iii) in-kind costs may include indirect costs as considered appropriate by the Secretary.

(B) **ABILITY TO PROVIDE FUNDS.**—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under paragraph (1) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

(C) **SPECIAL FUNDING CONSIDERATIONS.**—The non-federal share of carrying out paragraph (4) shall not exceed 40 percent of the total costs of carrying out such paragraph.

(6) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of completion of an early pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities, including any activities conducted pursuant to a subagreement referred to in paragraph (3)(B).

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cooperative agreement.

`(ii) **SUBAGREEMENTS-** Nothing in this paragraph prevents a State department of agriculture from using funds received under subparagraph (C) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

`(iii) **NON-FEDERAL SHARE-** The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

`(E) **SPECIAL FUNDING CONSIDERATIONS-** The Secretary shall provide funds to a State department of agriculture if the Secretary determines that--

`(i) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests; and

`(ii) the early plant pest detection and surveillance activities supported with the funds will likely--

`(I) prevent the introduction and establishment of plant pests; and

`(II) provide a comprehensive approach to compliment Federal detection efforts.

`(F) **REPORTING REQUIREMENT-** Not later than 180 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this subsection, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

`(3) **THREAT IDENTIFICATION AND MITIGATION PROGRAM-**

`(A) **ESTABLISHMENT-** The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the `Secretary'), shall establish a threat identification and mitigation program to determine and prioritize foreign threats to the domestic production of crops.

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(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

(1) **IN GENERAL.**—In conducting the program established under subsection (a), the Secretary shall—

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

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

(C) develop action plans, in consultation with State departments of agriculture and other State or regional resource partnerships, that effectively address pest and disease threats to the specialty crop industry, including pathway analysis, domestic and offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers, in addition to strategies to employ if a pest or disease is introduced;

(D) implement such action plans as soon as they are developed to test the effectiveness of such action plans and help prevent new foreign and domestic pest and disease threats from being introduced or widely disseminated in the United States; and

(E) collaborate with the nursery industry, research institutions, and other appropriate entities to develop a nursery pest risk management system to identify nursery pests and diseases, prevent the introduction, establishment, and spread of such pests and diseases, and reduce the risk of, prioritize, mitigate, and eradicate such pests and diseases.

(2) **REPORTS.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in paragraph (1), including an accounting of funds expended on the action plans.

(d) AUDIT-BASED APPROACH TO SPECIALTY CROP PHYTOSANITARY CERTIFICATION.—In conducting the program established under subsection (a), the Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing such growers, and State and local agencies working with such growers and organizations for the development and implementation of certification systems based on audit-based approaches, such as best management practices or nursery pest risk management systems, to address plant pests and to mitigate the risk of plant pests in the movement of plants

(B) REQUIREMENTS- In conducting the program established under subparagraph (A), the Secretary shall--

- `(i) consult with the Director of the Center for Plant Health Science and Technology;
- `(ii) conduct, in partnership with States, early plant pest detection and surveillance activities;
- `(iii) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;
- `(iv) collaborate with the National Plant Board on the matters described in subparagraph (C);
- `(v) implement action plans developed under subparagraph (C)(ii)(I) immediately after development of the action plans--
 - `(I) to test the effectiveness of the action plans; and
 - `(II) to assist in preventing the introduction and widespread dissemination of new foreign and domestic plant pest and disease threats in the United States; and
- `(vi) as appropriate, consult with, and use the expertise of, the Administrator of the Agricultural Research Service in the development of plant pest and disease detection, control, and eradication strategies.

(C) MATTERS DESCRIBED- The matters described in this subparagraph are--

- `(i) the prioritization of foreign threats to the agricultural industry; and
- `(ii) the development, in consultation with State departments of agriculture and other State or regional resource partnerships, of--
 - `(I) action plans that effectively address the foreign threats, including pathway analysis, offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers; and
 - `(II) strategies to employ if a foreign plant pest or disease is

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and plant products.

(e) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with other Federal departments or agencies, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this section.

(f) **CONSULTATION.**—The Secretary shall consult with the National Plant Board, State departments of agriculture, and specialty crop grower organizations to establish funding priorities under this section for each fiscal year.

(g) **ADMINISTRATIVE COSTS.**—Not more than 5 percent of the funds provided under this section may be used for administrative costs.

(h) **DEFINITIONS.**—In this section:

(1) **EARLY PEST DETECTION AND SURVEILLANCE.**—The term “early pest detection and surveillance” means the full range of activities undertaken to find newly introduced pests, whether new to the United States or new to certain areas of the United States, before the pests become established, or before pest infestations become too large and costly to eradicate or control.

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

(3) **SPECIALTY CROP.**—The term “specialty crop” has the meaning given the term in section 3(1) of the Specialty Crop Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3883; 7 U.S.C. 1621 note).

(4) **STATE DEPARTMENT OF AGRICULTURE.**—The term “State department of agriculture” means an agency of a State that has a legal responsibility to perform early pest detection and surveillance activities.

(i) **SECRETARIAL DISCRETION.**—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking “of longer than 60 days”.

(j) **FUNDING.**—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(1) \$10,000,000 for fiscal year 2008;

(2) \$25,000,000 for fiscal year 2009;

introduced;

(D) **REPORTS-** Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in subparagraph (C), including an accounting of funds expended on the action plans.

(4) **SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS-** The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of--

(A) audit-based certification systems, such as best management practices--

(i) to address plant pests; and

(ii) to mitigate the risk of plant pests in the movement of plants and plant products; and

(B) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities--

(i) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

(ii) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

(iii) to reduce the risk of, mitigate, and eradicate those plant pests and diseases.

(5) **FUNDING-** The Secretary shall use from the Trust Fund to carry out this subsection--

(A) \$10,000,000 for fiscal year 2008;

(B) \$25,000,000 for fiscal year 2009;

(C) \$40,000,000 for fiscal year 2010;

(D) \$50,000,000 for fiscal year 2011; and

(E) \$64,000,000 for fiscal year 2012.

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<p>(3) \$40,000,000 for fiscal year 2010;</p> <p>(4) \$55,000,000 for fiscal year 2011; and</p> <p>(5) \$70,000,000 for fiscal year 2012.</p>	
<p>SEC. 10202. MULTI-SPECIES FRUIT FLY RESEARCH AND STERILE FLY PRODUCTION.</p> <p>(a) CONSTRUCTION.—The Secretary of Agriculture shall construct a warehouse and irradiation containment facility in Waimanalo, Hawaii, to support fruit fly rearing and sterilization activities.</p> <p>(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—</p> <p>(1) \$15,000,000 for the construction of a warehouse and irradiation containment facility pursuant to subsection (a); and</p> <p>(2) \$1,000,000 for fiscal year 2008 and each subsequent fiscal year for maintenance to the facilities constructed pursuant to this section.</p>	<p>No comparable provision.</p>
<p>Subtitle D—Organic Agriculture</p>	<p>PART II--ORGANIC PRODUCTION</p>
<p>SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.</p> <p>Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—</p> <p>(1) in subsection (a), by striking “\$5,000,000 for fiscal year 2002” and inserting “\$22,000,000 for fiscal year 2008”; and</p> <p>(2) in subsection (b)(2), by striking “\$500” and inserting “\$750”.</p>	<p>SEC. 1823. NATIONAL ORGANIC CERTIFICATION COST SHARE PROGRAM.</p> <p>Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended to read as follows:</p> <p>SEC. 10606. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.</p> <p>(a) Definitions- In this section:</p> <p>(1) PROGRAM- The term ‘program’ means the national certification cost-share program established under subsection (b).</p> <p>(2) SECRETARY- The term ‘Secretary’ means the Secretary of Agriculture, acting through the Agricultural Marketing Service.</p> <p>(b) Establishment- The Secretary shall use amounts made available under subsection (f) to establish a national organic certification cost-share program under which the</p>

Secretary shall make payments to States to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

`(c) Federal Share-

`(1) IN GENERAL- Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

`(2) MAXIMUM AMOUNT- The maximum amount of a payment made to a producer or handler under this section shall be \$750.

`(d) Recordkeeping Requirements-

`(1) IN GENERAL- The Secretary shall—

`(A) keep accurate, up-to-date records of requests and disbursements from the program; and

`(B) require accurate and consistent recordkeeping from each State and entity that receives program payments.

`(2) FEDERAL REQUIREMENTS- Not later than 30 days after the last day on which a State may request funding under the program, the Secretary shall—

`(A) determine the number of States requesting funding and the amount of each request; and

`(B) distribute the funding to the States.

`(3) STATE REQUIREMENTS- An annual funding request from a State shall include data from the program during the preceding year, including--

`(A) a description of—

`(i) the entities that requested reimbursement;

`(ii) the amount of each reimbursement request; and

`(iii) any discrepancies between the amount requested and the

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	<p>amount provided;</p> <p>`(B) data to support increases in requests expected in the coming year, including information from certifiers or other data showing growth projections; and</p> <p>`(C) an explanation of any case in which an annual request is lower than the request of the preceding year.</p> <p>`(e) Reporting- Not later than March 1 of each year, the Secretary shall submit to Congress a report that describes the expenditures for each State under the program during the previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.</p> <p>`(f) Funding-</p> <p>`(1) IN GENERAL- Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section \$22,000,000, to remain available until expended.</p> <p>`(2) RECEIPT AND ACCEPTANCE- The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.'</p>
<p>SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA.</p> <p>(a) NEW DATA REQUIREMENTS.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:</p> <p>“SEC. 7407. ORGANIC DATA COLLECTION AND PUBLICATION.</p> <p>“(a) DATA COLLECTION AND PUBLICATION.—To assist organic farmers in making informed production and marketing decisions, the Secretary of Agriculture shall collect and publish segregated data and survey information about the price, production, and marketing of major organically produced commodities, as determined by the Secretary.</p> <p>“(b) FUNDING.—The Secretary of Agriculture shall use \$3,000,000 of the funds of the Commodity Credit Corporation to carry out this section during fiscal year 2008, and such funds shall remain available until expended.”.</p>	<p>SEC. 1821. ORGANIC DATA COLLECTION AND PRICE REPORTING.</p> <p>Section 2104 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended by adding at the end the following:</p> <p>`(e) Data Collection and Price Reporting- Of the funds of the Commodity Credit Corporation, the Secretary shall use \$5,000,000 for the period of fiscal years 2008 through 2012—</p> <p>`(1) to collect data relating to organic agriculture;</p> <p>`(2) to identify and publish organic production and market data initiatives and surveys;</p>

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<p>(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the progress made in implementing the amendment made by subsection (a).</p>	<p>`(3) to expand, collect, and publish organic census data analyses;</p> <p>`(4) to fund comprehensive reporting of prices relating to organically-produced agricultural products;</p> <p>`(5) to conduct analysis relating to organic production, handling, distribution, retail, and trend studies;</p> <p>`(6) to study and perform periodic updates on the effects of organic standards on consumer behavior; and</p> <p>`(7) to conduct analyses for organic agriculture using the national crop table.'</p>
<p>SEC. 10303. ORGANIC CONVERSION, TECHNICAL, AND EDUCATIONAL ASSISTANCE.</p> <p>(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program to provide cost share and incentive payments and technical and educational assistance to producers to promote conservation practices and activities for production systems undergoing transition, in whole or in part, to organic production in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).</p> <p>(b) ORGANIC TRANSITION COST SHARE AND INCENTIVE PAYMENTS.—</p> <p>(1) IN GENERAL.—The Secretary shall enter into contracts with eligible producers referred to in paragraph (2) to provide cost-share and incentive payments to assist in the transition to organic production systems.</p> <p>(2) ELIGIBLE PRODUCERS.—A producer is an eligible producer under this paragraph if such producer agrees to—</p> <p>(A) develop and carry out environmental and conservation activities consistent with an organic plan that protect soil, water, wildlife, air, and other natural resources as defined by the Secretary;</p> <p>(B) receive technical and education assistance from the Secretary, or from organizations, institutions, and consultants with cooperative agreements with the Secretary, relating to—</p> <p>(i) the development and implementation of conservation</p>	<p>No comparable provision in Title X. See Conservation Title.</p>

practices and activities that are part of an organic plan; or

(ii) other aspects of transition to organic production, including marketing, credit, business, and risk management plans;

(C) submit to annual verification by a certifying agent accredited by the Department of Agriculture under section 2115 of the Organic Foods Production Act of 1990 (7 U.S.C. 6514) to determine compliance of the producer with organic certification requirements; and

(D) develop marketing, credit, business, and risk management plans, as appropriate.

(3) **CONTRACT.**—A contract entered into under paragraph (1) shall provide that—

(A) payments provided to a producer under the contract shall only be used for—

(i) conservation management and vegetative and structural practices and activities during transition to certified organic production that—

(I) are consistent with an organic plan; and

(II) protect soil, water, wildlife, air, and other natural resources, as required under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(ii) animal production measures consistent with an organic plan; and

(iii) such other measures as the Secretary determines are appropriate and consistent with an organic plan;

(B) subject to subparagraph (C), the contract shall terminate after a period of not more than three years;

(C) the Secretary may terminate the contract if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.); and

(D) the Secretary may require repayment in whole of payments already received if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of

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1990 (7 U.S.C. 6501 et seq.).

(4) **LIMITATIONS ON PAYMENTS.**—An eligible producer may not receive payments under paragraph (1)—

(A) for a total period of more than three years;

(B) an amount not to exceed \$50 per acre for crop land, or \$25 per acre for grazing land; and

(C) in an amount more than \$10,000 in a fiscal year.

(c) **TECHNICAL AND EDUCATIONAL ASSISTANCE.**—The Secretary shall provide producers with technical and educational assistance, including through the use of competitive cooperative agreements with non-profit organizations, non-governmental organizations, institutes of higher education, or consultants with expertise in advisory services for organic producers on organic production systems, and the planning for and marketing of organic products.

(d) **USE OF FUNDS.**—The Secretary shall use 50 percent of the funds made available pursuant to the authorization of appropriations under subsection (f) to provide technical and educational assistance under subsection (c).

(e) **DEFINITIONS.**—In this section:

(1) **ORGANIC PLAN.**—The term “organic plan” means an organic plan submitted under section 2114(a) of the Organic Foods Production Act of 1990 (7 U.S.C. 6513(a)) and agreed to by the producer and handler of a product and a certifying agent under such section.

(2) **TECHNICAL AND EDUCATIONAL ASSISTANCE.**—The term “technical and educational assistance” means the conveyance of information and counsel regarding economic and business planning, marketing, and organic practices, such as entomological practices and pest and weed control and prevention that satisfy organic practices.

(f) **FUNDING.**—There is authorized to be appropriated to carry out this section \$50,000,000, which shall remain available until expended.

No provision

SEC. 1822. EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM ASSESSMENTS.

Section 501(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7

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	<p>U.S.C. 7401(e)) is amended by striking paragraph (1) and inserting the following:</p> <p>“(1) IN GENERAL- Notwithstanding any provision of a commodity promotion law, a person that produces and markets organic products shall be exempt from the payment of an assessment under a commodity promotion law with respect to that portion of agricultural commodities that the person—</p> <p> “(A) produces on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502); and</p> <p> “(B) produces or markets as organically produced (as so defined).”.</p>
<p>No provision</p>	<p>SEC. 1824. NATIONAL ORGANIC PROGRAM.</p> <p>Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended-</p> <p> (1) by striking ‘There are’ and inserting the following:</p> <p> “(a) In General- There are”; and</p> <p> (2) by adding at the end the following:</p> <p> “(b) National Organic Program- Notwithstanding any other provision of law, in order to carry out the activities of the Agricultural Marketing Service under the national organic program established under this title, there are authorized to be appropriated—</p> <p> “(1) \$5,000,000 for fiscal year 2008;</p> <p> “(2) \$6,500,000 for fiscal year 2009;</p> <p> “(3) \$8,000,000 for fiscal year 2010;</p> <p> “(4) \$9,500,000 for fiscal year 2011; and</p> <p> “(5) \$11,000,000 for fiscal year 2012.”.</p>
<p>Subtitle E—Miscellaneous Provisions</p>	
<p>SEC. 10401. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.</p>	<p>SEC. 1842. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.</p>

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(a) **GRANTS AUTHORIZED.**—The Secretary of Agriculture may make grants under this section to an eligible entity described in subsection (b)—

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

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) **ELIGIBLE GRANT RECIPIENTS.**—Grants may be made under this section to any of the following (or a combination thereof):

(1) State and local governments.

(2) Grower cooperatives.

(3) State or regional producer and shipper organizations.

(4) Other entities as determined to be appropriate by the Secretary.

(c) **MATCHING FUNDS.**—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

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

Title II of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3884) is amended by adding at the end the following:

SEC. 204. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) In General- The Secretary of Agriculture may make grants under this section to an eligible entity described in subsection (b)--

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

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) Eligible Entities- Grants may be made under this section to--

(1) a State or local government;

(2) a grower cooperative;

(3) a State or regional producer or shipper organization;

(4) a nonprofit trucking association and their research entities;

(5) a combination of the entities described in paragraphs (1) through (4); or

(6) other entities, as determined by the Secretary.

(c) Matching Funds- As a condition of the receipt of a grant under this section, the recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.'

SEC. 10402. AUTHORIZATION OF APPROPRIATIONS FOR MARKET NEWS ACTIVITIES REGARDING SPECIALTY CROPS.

There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary for each of the fiscal years 2008 through 2012 to support the market news activities regarding specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)).

SEC. 1811. FRUIT AND VEGETABLE MARKET NEWS ALLOCATION.

(a) In General- The Secretary, acting through the Administrator of the Agricultural Marketing Service, shall carry out market news activities to provide timely price information of United States fruits and vegetables in the United States.

(b) Authorization of Appropriations- There is authorized to be appropriated to carry out this section \$9,000,000 for each of fiscal years 2008 through 2012, to remain available

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until expended.

SEC. 10403. FARMER MARKETING ASSISTANCE PROGRAM.

(a) **FINDINGS.**—Congress finds that—

(1) agricultural direct farmer-to-consumer marketing activities, including farmers’ markets, roadside stands, community supported agriculture, internet, mail-order, and other similar direct order marketing activities, significantly enhance the ability of agricultural producers to retain a greater share of their products’ retail value;

(2) direct farmer-to-consumer marketing activities are a crucial component of the current and future viability of small and mid-sized farms and ranches and beginning and socially disadvantaged farmers and ranchers; and

(3) agricultural direct marketing activities contribute to the health and well-being of consumers in rural, urban, and tribal communities by providing access to healthy, fresh, and affordable food.

(b) **PROGRAM.**—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a)—

(A) by striking “Farmers’ Market Promotion Program” and inserting “Farmer Marketing Assistance Program”; and

(B) by striking “promote farmers’ markets” and inserting “direct producer to consumer marketing”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “, domestic farmers’ markets, roadside stands, community-supported agriculture programs, and other”; and

(B) in subparagraph (B), by striking “farmers’ markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure” and inserting “direct producer-to-consumer marketing and infrastructure opportunities”;

(3) in subsection (c)—

SEC. 1812. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting “and to promote direct producer-to-consumer marketing” before the period at the end;

(2) in subsection (b)(1)(B), by striking “infrastructure” and inserting “marketing opportunities”;

(3) in subsection (c)(1), by inserting “or a producer network or association” after “cooperative”; and

(3) by striking subsection (e) and inserting the following:

“(e) **Funding.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

“(1) \$5,000,000 for each of fiscal years 2008 through 2011; and

“(2) \$10,000,000 for fiscal year 2012.”.

(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(B) by inserting before paragraph (2) the following new paragraph:

“(1) two or more farmers or farm vendors who sell products through a common channel of distribution;” and

(C) in paragraph (2) (as so redesignated) by striking “an agricultural cooperative” and inserting “an agricultural cooperative or producer network or association”;

(4) by striking subsection (e) and inserting the following new subsections:

“(e) **ELIGIBLE ACTIVITIES.**—A recipient of a grant under this section may use the funds for the following activities:

“(1) Farmers markets.

“(2) Roadside stands.

“(3) Community supported agriculture operations, through which a farmer agrees to deliver a certain quantity of agricultural products to consumers at a set price.

“(4) The purchase of equipment or other activities supporting the use of electronic benefit transfer systems at farmers markets.

“(5) Agritourism activities facilitating the direct sale of agricultural products, including operations where the consumer picks their own agricultural products.

“(6) Other activities as determined appropriate by the Secretary.

“(f) **FUNDING.**—

“(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section—

“(A) \$5,000,000 in each of fiscal year 2008, 2009, and 2010; and

“(B) \$10,000,000 in each of fiscal years 2011 and 2012.

“(2) **USE OF FUNDS.**—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers at farmers’ markets.”.

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<p>SEC. 10404. NATIONAL CLEAN PLANT NETWORK.</p> <p>(a) ESTABLISHMENT.—There is established in the Department of Agriculture a program to be known as the “National Clean Plant Network”.</p> <p>(b) NETWORK.—The Secretary of Agriculture shall use the network—</p> <ul style="list-style-type: none">(1) to develop a sustainable national funding source for clean planting stock programs for horticultural crops determined by the Secretary to be of priority for the United States; and(2) to enter into cooperative agreements to entities that have the expertise, facilities, and climate necessary to efficiently produce, maintain, and distribute healthy planting stock for specialty crops. <p>(c) FUNDING.—</p> <ul style="list-style-type: none">(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$20,000,000 for fiscal years 2008 through 2012.(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.	<p>SEC. 1851. CLEAN PLANT NETWORK.</p> <p>(a) In General- The Secretary shall establish a program to be known as the `National Clean Plant Network' (referred to in this section as the `Program').</p> <p>(b) Requirements- Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to--</p> <ul style="list-style-type: none">(1) produce clean propagative plant material; and(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States. <p>(c) Availability of Clean Plant Source Material- Clean plant source material may be made available to--</p> <ul style="list-style-type: none">(1) a State for a certified plant program of the State; and(2) private nurseries and producers. <p>(d) Consultation and Collaboration- In carrying out the Program, the Secretary shall--</p> <ul style="list-style-type: none">(1) consult with State departments of agriculture and land grant universities; and(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers. <p>(e) Funding- Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program \$4,000,000 for each of fiscal years 2008 through 2012.</p>
<p>SEC. 10405. HEALTHY FOOD URBAN ENTERPRISE DEVELOPMENT PROGRAM.</p> <p>(a) PURPOSE.—The purpose of this section is to support farm and ranch income by significantly enhancing a producer’s share of the final retail product price through improved access to competitive processing and distribution systems which deliver affordable, locally and regionally produced foods to consumers, and improve food access in underserved communities.</p> <p>(b) DEFINITIONS.—In this section:</p> <ul style="list-style-type: none">(1) ELIGIBLE ENTITY.—The term “eligible entity” includes—<ul style="list-style-type: none">(A) a small or mid-sized processor, distributor, wholesaler, or retail	<p>SEC. 1843. HEALTHY FOOD ENTERPRISE DEVELOPMENT CENTER.</p> <p>Title II of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3884) (as amended by section 1842) is amended by adding at the end the following:</p> <p>SEC. 205. HEALTHY FOOD ENTERPRISE DEVELOPMENT CENTER.</p> <p>(a) Definitions- In this section:</p> <ul style="list-style-type: none">(1) CENTER.- The term `Center' means the healthy food enterprise development center established under subsection (b).

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food outlet;

(B) a group of producers operating as a legally recognized marketing alliance;

(C) a producer-owned cooperative;

(D) a nonprofit organization;

(E) an economic development or community development corporation;

(F) a unit of State or local government; and

(G) an academic institution.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(4) **SOCIALLY DISADVANTAGED FARMER OR RANCHER.**—The term “socially disadvantaged farmer or rancher” has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(5) **UNDERSERVED COMMUNITY.**—The term “underserved community” includes any community that may have, as determined by the Secretary—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets;

(B) high incidences of diet-related diseases, including obesity;

(C) high rates of hunger or food insecurity; or

(D) severe or persistent poverty in urban or rural communities, including Indian tribal communities.

(c) **GRANT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary, acting through the head of the market services branch of the Agricultural Marketing Service, shall establish a program under which the Secretary shall provide grants, on a competitive basis, to eligible entities to conduct enterprise feasibility studies (including studies of consumer

(2) **ELIGIBLE ENTITY-** The term `eligible entity' means—

(A) a nonprofit organization;

(B) a cooperative;

(C) a business;

(D) an agricultural producer;

(E) an academic institution;

(F) an individual; and

(G) such other entities as the Secretary may designate.

(3) **SECRETARY-** The term `Secretary' means the Secretary of Agriculture.

(4) **UNDERSERVED COMMUNITY-** The term `underserved community' means a community (including an urban or rural community and an Indian tribal community) that, as determined by the Secretary, has—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

(C) a high rate of hunger or food insecurity; or

(D) severe or persistent poverty.

(b) **Center-** The Secretary, acting through the Agricultural Marketing Service, shall offer to enter into a contract with a nonprofit organization to establish and support a healthy food enterprise development center to increase access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities.

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preference), in accordance with the purpose of this section.

(2) **APPLICATION.**—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) **COORDINATION WITH OTHER AGENCIES.**—In carrying out the program under this subsection, the Secretary shall coordinate, with respect to the development of the program and reviews of grant applications, with—

- (A) the Cooperative State Research, Education, and Extension Service; and
- (B) the Rural Business Cooperative Service.

(4) **PRIORITY.**—In providing grants under this subsection, the Secretary shall give priority to applications with proposed projects that—

- (A) include features effectively targeting participation by socially disadvantaged farmers or ranchers or beginning farmers or ranchers;
- (B) increase employment opportunities in underserved communities;
- (C) support small and mid-sized farm viability and increase farming opportunities; or
- (D) establish and maintain satisfactory environmental and labor standards, including worker protection.

(5) **MAXIMUM AMOUNT.**—The amount of a grant provided under this subsection shall not exceed \$250,000.

(6) **TERM.**—A grant provided under this subsection shall have a term of not more than 3 years.

(7) **REPORTS.**—

(A) **IN GENERAL.**—Each eligible entity that receives a grant under this subsection shall submit to the Secretary an annual report describing the results and progress of each feasibility study to ensure sufficient progress is achieved with respect to the goals of the projects carried out by the eligible entity.

(B) **PUBLIC AVAILABILITY.**—The Secretary shall ensure that any information contained in a report under subparagraph (A) relating to

(c) Activities-

(1) **PURPOSE-** The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

(2) **TECHNICAL ASSISTANCE AND INFORMATION-** The Center shall collect, develop, and provide technical assistance and information to small and mid-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of the products in underserved communities.

(d) **Authority To Subgrant-** The Center may provide subgrants to eligible entities to carry out feasibility studies to establish businesses to carry out the purposes of this section.

(e) **Priority-** In providing technical assistance and grants under subsections (c)(2) and (d), the Center shall give priority to applications that have components that will—

(1) benefit underserved communities; and

(2) develop market opportunities for small and mid-sized farm and ranch operations.

(f) **Report-** For each fiscal year for which the nonprofit organization described in subsection (b) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the previous fiscal year, including—

(1) a description of technical assistance provided;

(2) the total number and a description of the subgrants provided under subsection (d);

(3) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

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consumer preference or producer availability is made available to the public.

(8) **FUNDING.**—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

(d) **GRANT PROGRAM REQUIREMENTS.**—

(1) **TECHNICAL ASSISTANCE AND OUTREACH.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) provide to the public information relating to the grant programs under this section; and

(ii) provide technical assistance to—

(I) socially disadvantaged farmers or ranchers;

(II) Indian tribal organizations;

(III) low-income populations; and

(IV) other underserved communities and producers.

(B) **SERVICE PROVIDERS.**—In carrying out subparagraph (A), the Secretary may enter into contracts, on a competitive basis, with entities that, as determined by the Secretary—

(i) demonstrate experience in serving socially disadvantaged farmers or ranchers and other underserved communities and producers;

(ii) include, in the governance structure of the entity, 2 or more members representing the targeted communities served by the entity; and

(iii) will share information developed or used by the entity with—

(I) researchers;

(II) practitioners; and

(III) other interested parties.

(2) **LIMITATIONS.**—For purposes of the programs under this section, the

(4) a determination of whether the activities identified in paragraph (3) are sustained in the years following the initial provision of technical assistance and subgrants under this section.

(g) **Competitive Award Process-** The Secretary shall use a competitive process to award funds to establish the Center.

(h) **Funding-** Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section—

(1) \$1,000,000 for fiscal year 2009; and

(2) \$2,000,000 for each of fiscal years 2010 through 2012.'

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Secretary—

(A) shall not give preference to any entity based on an agricultural commodity produced or supported by the entity; and

(B) shall encourage, to the maximum extent practicable, projects that use infrastructure efficiently for more than 1 agricultural product.

(3) **REPORT.**—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the programs (including the level of participation in each program) under this section, including information relating to—

(A) projects carried out under this section;

(B) characteristics of the agricultural producers and communities served by the projects;

(C) the benefits of the projects;

(D) data necessary to comply with—

(i) section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1); or

(ii) section 8(b)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)); and

(E) outreach and technical assistance activities carried out by the Secretary under paragraph (1).

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) **SPECIALTY CROP**- The term `specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

(2) **STATE**- The term `State' means each of the several States of the United States.

(3) **STATE DEPARTMENT OF AGRICULTURE**- The term `State department of agriculture' means the agency, commission, or department of a State government

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	<p>responsible for protecting and promoting agriculture in the State.</p>
<p>No comparable provision.</p>	<p>SEC. 1831. FOREIGN MARKET ACCESS STUDY AND STRATEGY PLAN.</p> <p>(a) Definition of Uruguay Round Agreements- In this section, the term `Uruguay Round Agreements' includes any agreement described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)).</p> <p>(b) Study- The Comptroller General of the United States shall study--</p> <p style="padding-left: 40px;">(1) the extent to which United States specialty crops have or have not benefitted from any reductions of foreign trade barriers, as provided for in the Uruguay Round Agreements; and</p> <p style="padding-left: 40px;">(2) the reasons why United States specialty crops have or have not benefitted from such trade-barrier reductions.</p> <p>(c) Strategy Plan- The Secretary shall prepare a foreign market access strategy plan based on the study in subsection (b), to increase exports of specialty crops, including an assessment of the foreign trade barriers that are incompatible with the Uruguay Round Agreements and a strategy for removing those barriers.</p> <p>(d) Report- Not later than 18 months after the date of enactment of this Act--</p> <p style="padding-left: 40px;">(1) the Comptroller General shall submit to Congress a report that contains the results of the study; and</p> <p style="padding-left: 40px;">(2) the Secretary shall submit to Congress the strategy plan.</p>
<p>No comparable provision.</p>	<p>SEC. 1833. CONSULTATIONS ON SANITARY AND PHYTOSANITARY RESTRICTIONS FOR FRUITS AND VEGETABLES.</p> <p>To the maximum extent practicable, the Secretary and the United States Trade Representative shall consult with interested persons, and conduct annual briefings, on sanitary and phytosanitary trade issues, including--</p> <p style="padding-left: 40px;">(1) the development of a strategic risk management framework; and</p> <p style="padding-left: 40px;">(2) as appropriate, implementation of peer review for risk analysis.</p>
<p>No comparable provision.</p>	<p>SEC. 1852. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.</p>

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- (a) In General- As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.
- (b) Payment Rate- The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.
- (c) Payment Quantity- The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.
- (d) Funding-
 - (1) IN GENERAL- Subject to paragraph (2), the Secretary shall make available \$15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.
 - (2) ALLOCATION- Of the amount made available under paragraph (1), the Secretary shall use--
 - (A) \$7,500,000 to make payments to producers of asparagus for the fresh market; and
 - (B) \$7,500,000 to make payments to producers of asparagus for the processed or frozen market.