

(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

(C) submit to Congress the report required under subsection (a)(3), including—

(i) in the Senate—

(I) the Committee on Agriculture, Nutrition, and Forestry;

(II) the Committee on Commerce, Science, and Transportation;

(III) the Committee on Energy and Natural Resources; and

(IV) the Committee on Environment and Public Works; and

(ii) in the House of Representatives—

(I) the Committee on Agriculture;

(II) the Committee on Energy and Commerce;

(III) the Committee on Transportation and Infrastructure; and

(IV) the Committee on Science and Technology; and

(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

**SEC. 9003. RENEWABLE FERTILIZER STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2009.

## **TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE**

**SEC. 10001. DEFINITIONS.**

In this title:

(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 DEPARTMENT OF AGRICULTURE.—The term “State department of agriculture” means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

## **Subtitle A—Horticulture Marketing and Information**

### **SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.**

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes (including the budgetary, statutory, and regulatory authority underlying the processes) used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

### **SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.**

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,”.

### **SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.**

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended—

(1) by striking “In 1998” and inserting the following:

“(1) IN GENERAL.—In 1998”; and

(2) by adding at the end the following:

“(2) INCLUSION OF SPECIALTY CROPS.—Effective 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 that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).”.

### **SEC. 10104. 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 limit of 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 as follows:

“(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

“(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

“(iii) If the annual production of a 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—

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

(2) by inserting after paragraph (5) the following:

“(6) to develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;”.

#### **SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.**

(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—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

#### **SEC. 10106. 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)—

(A) in subparagraph (A), by inserting “agri-tourism activities,” after “programs,”; and

(B) in subparagraph (B)—

(i) by inserting “agri-tourism activities,” after “programs,” and

(ii) by striking “infrastructure” and inserting “marketing opportunities”;

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

(4) by striking subsection (e) and inserting the following:  
“(e) FUNDING.—

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

“(A) \$3,000,000 for fiscal year 2008;

“(B) \$5,000,000 for each of fiscal years 2009 through 2010; and

“(C) \$10,000,000 for 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 for Federal nutrition programs at farmers’ markets.

“(3) INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

“(4) LIMITATION.—Funds described in paragraph (2)—

“(A) may not be used for the ongoing cost of carrying out any project; and

“(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers’ markets following the receipt of the grant.”.

**SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.**

(a) IN GENERAL.—The Secretary shall—

(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and

(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, 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 until expended.

**SEC. 10108. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND 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.

**SEC. 10109. SPECIALTY CROP BLOCK GRANTS.**

(a) **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”.

(b) **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”.

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

(1) in subsection (a)—

(A) by striking “Subject to the appropriation of funds to carry out this section” and inserting “Using the funds made available under subsection (j)”; and

(B) by striking “2009” and inserting “2012”;

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

(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 equal to the higher of—

“(1) \$100,000; or

“(2)  $\frac{1}{3}$  of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.”; and

(4) by striking subsection (i) and inserting the following:

“(i) **REALLOCATION.**—

“(1) **IN GENERAL.**—The Secretary shall reallocate to other States in accordance with paragraph (2) any amounts made available for a fiscal year under this section that are not obligated or expended by a date during that fiscal year determined by the Secretary.

“(2) **PRO RATA ALLOCATION.**—The Secretary shall allocate funds described in paragraph (1) pro rata to the remaining States that applied during the specified grant application period.

“(3) **USE OF REALLOCATED FUNDS.**—Funds allocated to a State under this subsection shall be used by the State only to carry out projects that were previously approved in the State plan of the State.

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

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

“(2) \$49,000,000 for fiscal year 2009; and

“(3) \$55,000,000 for each of fiscal years 2010 through 2012.”.

## **Subtitle B—Pest and Disease Management**

### **SEC. 10201. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.**

(a) **IN GENERAL.**—Subtitle A of the Plant Protection Act (7 U.S.C. 7711 et seq.) is amended by adding at the end the following:

#### **“SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.**

“(a) **DEFINITIONS.**—In this section:

“(1) **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—

“(A) the plant pests become established; or

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

“(2) **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).

“(3) **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.

“(b) **EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.**—

“(1) **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.

“(2) **CONSULTATION.**—In carrying out this subsection, the Secretary shall consult with—

“(A) the National Plant Board; and

“(B) other interested parties.

“(3) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

“(4) **APPLICATION.**—

“(A) **IN GENERAL.**—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.

“(B) **NOTIFICATION.**—The Secretary shall notify applicants of—

“(i) the requirements to be imposed on a State department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement;

“(ii) 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; and

“(iii) the means of identifying pathways of pest introductions.

“(5) USE OF FUNDS.—

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

“(B) SUBAGREEMENTS.—Nothing in this subsection prevents a State department of agriculture from using funds received under paragraph (4) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

“(C) 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.

“(D) 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 subparagraph (A) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

“(6) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

“(A) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests or diseases, taking into consideration—

“(i) the number of international ports of entry in the State;

“(ii) the volume of international passenger and cargo entry into the State;

“(iii) the geographic location of the State and if the location or types of agricultural commodities produced in the State are conducive to agricultural pest and disease establishment due to the climate, crop diversity, or natural resources (including unique plant species) of the State; and

“(iv) whether the Secretary has determined that an agricultural pest or disease in the State is a Federal concern ; and

“(B) 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 complement Federal detection efforts.

“(7) REPORTING REQUIREMENT.—Not later than 90 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 section, the State

department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

“(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops.

“(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—

“(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

“(B) collaborate with the National Plant Board; and

“(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States.

“(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the action plans described in paragraph (2), including an accounting of funds expended on the action plans.

“(d) 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—

“(1) audit-based certification systems, such as best management practices—

“(A) to address plant pests; and

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

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

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

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

“(C) to reduce the risk of and mitigate those plant pests and diseases.

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

“(1) \$12,000,000 for fiscal year 2009;

“(2) \$45,000,000 for fiscal year 2010;

“(3) \$50,000,000 for fiscal year 2011; and

“(4) \$50,000,000 for fiscal year 2012 and each fiscal year thereafter.”

(b) CONGRESSIONAL DISAPPROVAL.—Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.



**SEC. 10202. NATIONAL CLEAN PLANT NETWORK.**

(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”).

(b) **REQUIREMENTS.**—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

- (1) produce clean propagative plant material; and
- (2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) **AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.**—Clean plant source material may be made available to—

- (1) a State for a certified plant program of the State; and
- (2) private nurseries and producers.

(d) **CONSULTATION AND COLLABORATION.**—In carrying out the Program, the Secretary shall—

- (1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); 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.

(e) **FUNDING.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program \$5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

**SEC. 10203. PLANT PROTECTION.**

(a) **REVIEW OF PAYMENT OF COMPENSATION.**—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended in the second sentence by striking “of longer than 60 days”.

(b) **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”.

(c) **SUBPOENA AUTHORITY.**—Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(1) by striking subsection (a) and inserting the following:  
“(a) **AUTHORITY TO ISSUE.**—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.”;

(2) in subsection (b), by striking “documentary”; and

(3) in subsection (c)—

(A) in the first sentence, by striking “testimony of any witness and the production of documentary evidence” and inserting “testimony of any witness, the production of evidence, or the inspection of premises”; and

(B) in the second sentence, by striking “question or to produce documentary evidence” and inserting “question, produce evidence, or permit the inspection of premises”.

(d) **WILLFUL VIOLATIONS.**—Section 424(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking “and \$500,000 for all violations adjudicated in a single proceeding” and inserting “\$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and \$1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation”.

**SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.**

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) take action on each issue identified in the document entitled “Lessons Learned and Revisions under Consideration for APHIS’ Biotechnology Framework”, dated October 4, 2007; and

(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) **INCLUSIONS.**—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement distances;

(8) standards for quality management systems and effective research; and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) **CONSIDERATION.**—In carrying out subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances;

and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans;

and

(G) to submit reports as the Secretary considers to be appropriate.

**SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND.**

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORIZED EQUIPMENT.**—

(A) **IN GENERAL.**—The term “authorized equipment” means any equipment necessary for the management of forest land.

(B) **INCLUSIONS.**—The term “authorized equipment” includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) **FUND.**—The term “Fund” means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Pest and Disease Revolving Loan Fund”, consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) **EXPENDITURES FROM FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) **ADMINISTRATIVE EXPENSES.**—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) **TRANSFERS OF AMOUNTS.**—

(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) **USES OF FUND.**—

(1) **LOANS.**—

(A) **IN GENERAL.**—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or

(ii) \$5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

**SEC. 10206. COOPERATIVE AGREEMENTS RELATING TO PLANT PEST AND DISEASE PREVENTION ACTIVITIES.**

Section 431 of the Plant Protection Act (7 U.S.C. 7751) is amended by adding at the end the following:

“(f) TRANSFER OF COOPERATIVE AGREEMENT FUND.—

“(1) IN GENERAL.—A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

“(2) REQUIREMENTS.—To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

“(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

“(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

“(i) the Department of Agriculture; or

“(ii) the State department of agriculture that has jurisdiction over the unit of local government.”.

## **Subtitle C—Organic Agriculture**

### **SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.**

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking “\$5,000,000 for fiscal year 2002” and inserting “\$22,000,000 for fiscal year 2008”;

(2) in subsection (b)(2), by striking “\$500” and inserting “\$750”; and

(3) by adding at the end the following:

“(c) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.”.

### **SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.**

Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

#### **“SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.**

“(a) IN GENERAL.—The Secretary shall collect and report data on the production and marketing of organic agricultural products.

“(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall, at a minimum—

“(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

“(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

“(3) develop surveys and report statistical analysis on organically produced agricultural products.

“(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(1) describes the progress that has been made in implementing this section; and

“(2) identifies any additional production and marketing data needs.

“(d) FUNDING.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000, to remain available until expended.

“(2) ADDITIONAL FUNDING.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than \$5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.”.

**SEC. 10303. NATIONAL ORGANIC PROGRAM.**

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking “There are” and inserting the following:

“(a) IN GENERAL.—There are”; and

(2) by adding at the end the following:

“(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this title, there are authorized to be appropriated—

“(1) \$5,000,000 for fiscal year 2008;

“(2) \$6,500,000 for fiscal year 2009;

“(3) \$8,000,000 for fiscal year 2010;

“(4) \$9,500,000 for fiscal year 2011;

“(5) \$11,000,000 for fiscal year 2012; and

“(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.”.

## Subtitle D—Miscellaneous

**SEC. 10401. NATIONAL HONEY BOARD.**

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:

“(12) REFERENDUM REQUIREMENT.—

“(A) DEFINITION OF EXISTING HONEY BOARD.—The term ‘existing Honey Board’ means the Honey Board in effect on the date of enactment of this paragraph.

“(B) CONDUCT OF REFERENDA.—Notwithstanding any other provision of law, subject to subparagraph (C), the order providing for the establishment and operation of the existing Honey Board shall continue in force, until the Secretary first conducts, at the earliest practicable date, but not later than 180 days after the date of enactment of this paragraph, referenda on orders to establish a honey

packer-importer board or a United States honey producer board.

“(C) REQUIREMENTS.—In conducting referenda under subparagraph (B), and in exercising fiduciary responsibilities in any transition to any 1 or more successor boards, the Secretary shall—

“(i) conduct a referendum of eligible United States honey producers for the establishment of a marketing board solely for United States honey producers;

“(ii) conduct a referendum of eligible packers, importers, and handlers of honey for the establishment of a marketing board for packers, importers, and handlers of honey;

“(iii) notwithstanding the timing of the referenda required under clauses (i) and (ii) or of the establishment of any 1 or more successor boards pursuant to those referenda, ensure that the rights and interests of honey producers, importers, packers, and handlers of honey are equitably protected in any disposition of the assets, facilities, intellectual property, and programs of the existing Honey Board and in the transition to any 1 or more new successor marketing boards;

“(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

“(I) any 1 or more successor boards, if approved, are operational; and

“(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

“(v) discontinue collection of assessments under the order establishing the existing Honey Board on the date the Secretary requires that collections commence pursuant to an order approved in a referendum by eligible producers or processors and importers of honey.

“(D) HONEY BOARD REFERENDUM.—If 1 or more orders are approved pursuant to paragraph (C)—

“(i) the Secretary shall not be required to conduct a continuation referendum on the order in existence on the date of enactment of this paragraph; and

“(ii) that order shall be terminated pursuant to the provisions of the order.”.

**SEC. 10402. IDENTIFICATION OF HONEY.**

(a) IN GENERAL.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

“(6) IDENTIFICATION OF HONEY.—

“(A) IN GENERAL.—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 is hereby prohibited under this Act unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) 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 the words ‘Product of’ or other words of similar meaning.

“(B) VIOLATION.—A violation of the requirements of subparagraph (A) may be deemed by the Secretary to be sufficient cause for debarment from the benefits of this Act only with respect to honey.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

**SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.**

(a) GRANTS AUTHORIZED.—The Secretary 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, or any combination of:

- (1) State and local governments.
- (2) Grower cooperatives.
- (3) National, State, or regional organizations of producers, shippers, or carriers.
- (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 to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

**SEC. 10404. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.**

(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.

## TITLE XI—LIVESTOCK

### SEC. 11001. LIVESTOCK MANDATORY REPORTING.

(a) WEB SITE IMPROVEMENTS AND USER EDUCATION.—

(1) IN GENERAL.—Section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)) is amended to read as follows:

“(g) ELECTRONIC REPORTING AND PUBLISHING.—

“(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

“(2) IMPROVEMENTS AND EDUCATION.—

“(A) ENHANCED ELECTRONIC PUBLISHING.—The Secretary shall develop and implement an enhanced system of electronic publishing to disseminate information collected pursuant to this subtitle. Such system shall—

“(i) present information in a format that can be readily understood by producers, packers, and other market participants;

“(ii) adhere to the publication deadlines in this subtitle;

“(iii) present information in charts and graphs, as appropriate;

“(iv) present comparative information for prior reporting periods, as the Secretary considers appropriate; and

“(v) be updated as soon as practicable after information is reported to the Secretary.

“(B) EDUCATION.—The Secretary shall carry out a market news education program to educate the public and persons in the livestock and meat industries about—

“(i) usage of the system developed under subparagraph (A); and

“(ii) interpreting and understanding information collected and disseminated through such system.”.

(2) APPLICABILITY.—

(A) ENHANCED REPORTING.—The Secretary of Agriculture shall develop and implement the system required under paragraph (2)(A) of section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended by paragraph (1), not later than one year after the date