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1 **Subtitle A—Honey and Bees**

2 **SEC. 10001. ANNUAL REPORT ON RESPONSE TO HONEY BEE**
3 **COLONY COLLAPSE DISORDER.**

4 The Secretary of Agriculture shall submit to Con-
5 gress an annual report describing the progress made by
6 the Department of Agriculture in investigating the cause
7 or causes of honey bee colony collapse and in finding ap-
8 propriate strategies to reduce colony loss.

9 **Subtitle B—Horticulture**
10 **Provisions**

11 **SEC. 10101. TREE ASSISTANCE PROGRAM.**

12 (a) INCLUSION OF NURSERY TREE GROWERS.—

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

16 (A) by redesignating paragraphs (3) and
17 (4) as paragraphs (4) and (5), respectively; and

18 (B) by inserting after paragraph (2) the
19 following new paragraph:

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

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

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

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

8 (ii) in subsection (b), by inserting “or
9 nursery tree grower” after “eligible or-
10 chardist”; and

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

14 (b) ANNUAL PAYMENT LIMITATION.—Section
15 10204(a) of the Farm Security and Rural Investment Act
16 of 2002 (7 U.S.C. 8204(a)) is amended by striking
17 “\$75,000” and inserting “\$150,000 per year”.

18 (c) APPLICABILITY.—The amendments made by this
19 section shall apply with respect to any natural disaster oc-
20 ccurring after the date of the enactment of this Act for
21 which assistance is provided by the Secretary of Agri-
22 culture under the tree assistance program.

23 **SEC. 10102. SPECIALTY CROP BLOCK GRANTS.**

24 (a) EXTENSION OF PROGRAM.—Subsection (a) of
25 section 101 of the Specialty Crops Competitiveness Act

1 of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is
2 amended by striking “2009” and inserting “2012”.

3 (b) AVAILABILITY OF FUNDS.—Subsection (i) of sec-
4 tion 101 of the Specialty Crops Competitiveness Act of
5 2004 is amended to read as follows:

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

9 “(1) \$40,000,000 in fiscal year 2008;

10 “(2) \$45,000,000 in fiscal year 2009;

11 “(3) \$50,000,000 in fiscal year 2010;

12 “(4) \$55,000,000 in fiscal year 2011; and

13 “(5) \$75,000,000 in fiscal year 2012.”.

14 (c) CONFORMING AMENDMENTS.—Section 101 of the
15 Specialty Crops Competitiveness Act of 2004 (Public Law
16 108–465; 7 U.S.C. 1621 note) is further amended—

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

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

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

4 **SEC. 10103. ADDITIONAL SECTION 32 FUNDS FOR PUR-**
5 **CHASE OF FRUITS, VEGETABLES, AND NUTS**
6 **TO SUPPORT DOMESTIC NUTRITION ASSIST-**
7 **ANCE PROGRAMS.**

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

- 18 (1) \$190,000,000 in fiscal year 2008.
19 (2) \$193,000,000 in fiscal year 2009.
20 (3) \$199,000,000 in fiscal year 2010.
21 (4) \$203,000,000 in fiscal year 2011.
22 (5) \$206,000,000 in fiscal year 2012 and each
23 fiscal year thereafter.

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

4 (c) VALUE ADDED PRODUCTS.—The Secretary may
5 consider offering value-added products containing fruits,
6 vegetables or nuts under this section, taking into ac-
7 count—

8 (1) whether demand exists for the value-added
9 product; and

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

12 **SEC. 10104. INDEPENDENT EVALUATION OF DEPARTMENT**
13 **OF AGRICULTURE COMMODITY PURCHASE**
14 **PROCESS.**

15 (a) EVALUATION REQUIRED.—The Secretary of Agri-
16 culture shall arrange to have performed an independent
17 evaluation of the commodity purchasing processes (and
18 the statutory and regulatory authority underlying such
19 processes) used by the Department of Agriculture to re-
20 move surplus commodities from the market and support
21 commodity prices and producer incomes, especially with
22 regard to activities under section 32 of the Act of August
23 24, 1935 (7 U.S.C. 612c) and the importance of increas-
24 ing purchases of specialty crops.

1 (b) SUBMISSION OF RESULTS.—Not later than one
2 year after the date of the enactment of this Act, the Sec-
3 retary of Agriculture shall submit to Congress a report
4 on the results of the evaluation.

5 **SEC. 10105. QUALITY REQUIREMENTS FOR CLEMENTINES.**

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

11 **SEC. 10106. IMPLEMENTATION OF FOOD SAFETY PRO-**
12 **GRAMS UNDER MARKETING ORDERS.**

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

17 “(K) In the case of an order related to a specialty
18 crop (as such term is defined in section 3(1) of the Spe-
19 cialty Crops Competitiveness Act of 2004 (Public Law
20 108-465; 118 Stat. 3883)), authorizing the implementa-
21 tion of quality-related food safety programs designed to
22 enhance the safety of the specialty crop and products de-
23 rived from specialty crops.”.

1 **SEC. 10107. INCLUSION OF SPECIALTY CROPS IN CENSUS**
2 **OF AGRICULTURE.**

3 Section 2(a) of the Census of Agriculture Act of 1997
4 (7 U.S.C. 2204g(a) is amended by adding at the end the
5 following new sentence: “Beginning with the census of ag-
6 riculture required to be conducted in 2008, the Secretary
7 shall conduct as part of each census of agriculture a cen-
8 sus of specialty crops (as such term is defined in section
9 3(1) of the Specialty Crops Competitiveness Act of 2004
10 (Public Law 108-465; 118 Stat. 3883)).”.

11 **SEC. 10108. MATURITY REQUIREMENTS FOR HASS AVOCA-**
12 **DOS.**

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

15 **“SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCA-**
16 **DOS.**

17 “(a) **MINIMUM PERCENTAGE OF DRY MATTER.**—Not
18 later than 180 days after the date of the enactment of
19 the **【2007 Farm Bill】**, the Secretary of Agriculture shall
20 issue final regulations to require that all Hass avocados
21 sold to consumers in the United States meet the minimum
22 maturity standard of not less than 20.8 percent dry mat-
23 ter.

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

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

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

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

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

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

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

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

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

24 “(e) DIVERSION.—In the case of any Hass avocados
25 that do not meet the requirements of this section or the

1 regulations issued pursuant to this section, the Secretary
2 may—

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

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

7 “(f) FEES.—The Secretary may prescribe and collect
8 fees to cover the costs of providing for the inspection of
9 Hass avocados under this section. All fees and penalties
10 collected shall be credited to the accounts that incur such
11 costs and shall remain available until expended without
12 fiscal year limitation.

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

16 **SEC. 10109. MUSHROOM PROMOTION, RESEARCH, AND CON-**
17 **SUMER INFORMATION.**

18 (a) REGIONS AND MEMBERS.—Section 1925(b)(2) of
19 the Mushroom Promotion, Research, and Consumer Infor-
20 mation Act of 1990 (subtitle B of title XIX of Public Law
21 101–624; 7 U.S.C. 6104(b)(2)) is amended—

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

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

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

6 “(E) ADDITIONAL MEMBERS.—In addition
7 to the members appointed pursuant to para-
8 graph (1), and subject to the nine-member limit
9 of members on the council provided in such
10 paragraph, the Secretary shall appoint addi-
11 tional members to the council from a region
12 which attains additional pounds of production
13 as follows:

14 “(i) If a region’s annual production is
15 greater than 110,000,000 pounds, but less
16 than or equal to 180,000,000 pounds, the
17 region shall be represented by one addi-
18 tional member.

19 “(ii) If a region’s annual production is
20 greater than 180,000,000 pounds, but less
21 than or equal to 260,000,000 pounds, the
22 region shall be represented by two addi-
23 tional members.

24 “(iii) If a region’s annual production
25 is greater than 260,000,000 pounds, the

1 region shall be represented by three addi-
2 tional members.”.

3 (b) POWERS AND DUTIES OF COUNCIL.—Section
4 1925(c) of the Mushroom Promotion, Research, and Con-
5 sumer Information Act of 1990 (subtitle B of title XIX
6 of Public Law 101–624; 7 U.S.C. 6104(c)) is amended—

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

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

11 “(6) to develop a program for good agricultural
12 practices and good handling practices for mush-
13 rooms;”.

14 **SEC. 10110. FRESH PRODUCE EDUCATION INITIATIVE.**

15 (a) INITIATIVE AUTHORIZED.—The Secretary of Ag-
16 riculture may carry out a program to educate persons in-
17 volved in the fresh produce industry and the public
18 about—

19 (1) scientifically proven practices for reducing
20 microbiological pathogens on fresh produce; and

21 (2) methods of reducing the threat of cross-con-
22 tamination of fresh produce through unsanitary han-
23 dling practices.

24 (b) COOPERATION.—The Secretary may carry out the
25 program in cooperation with public or private partners.

1 (c) FUNDING.—There are authorized to be appro-
2 priated such sums as are necessary for each of fiscal years
3 2008 through 2012 to carry out this section.

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

6 **SEC. 10201. PEST AND DISEASE PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary of Agriculture
8 shall establish a program to—

9 (1) conduct early pest detection and surveil-
10 lance activities in cooperation with state depart-
11 ments of agriculture;

12 (2) determine and prioritize pest and disease
13 threats to domestic production of specialty crops;
14 and

15 (3) create an audit-based certification approach
16 to protect against the spread of plant pests and to
17 facilitate the interstate movement of plants and
18 plant products.

19 (b) EARLY PEST DETECTION AND SURVEILLANCE
20 IMPROVEMENT PROGRAM.—

21 (1) COOPERATIVE AGREEMENTS.—The Sec-
22 retary of Agriculture shall enter into cooperative
23 agreements with State departments of agriculture to
24 provide grants to such State departments of agri-

1 culture for early pest detection and surveillance ac-
2 tivities.

3 (2) APPLICATION.—A State department of agri-
4 culture seeking to enter into a cooperative agree-
5 ment under this subsection shall submit to the Sec-
6 retary an application containing such information as
7 the Secretary may require. The Secretary shall no-
8 tify applicants of the following:

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

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

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

20 (3) USE OF FUNDS.—

21 (A) PEST DETECTION AND SURVEILLANCE
22 ACTIVITIES.—A State department of agriculture
23 that receives funds under this section shall use
24 the funds to carry out early pest detection and

1 surveillance activities approved by the Secretary
2 to prevent the introduction or spread of a pest.

3 (B) SUBAGREEMENTS.—A State depart-
4 ment of agriculture may use funds received
5 under this section to enter into subagreements
6 with political subdivisions in such State that
7 have legal responsibilities relating to agricul-
8 tural pest and disease surveillance.

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

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

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

19 (C) The geographic location of that State
20 and if such location is conducive to agricultural
21 pest and disease establishment due to the cli-
22 mate or crop diversity of that State.

23 (D) The types of agricultural commodities
24 or plants produced in that State and if the
25 commodities or plants produced are conducive

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

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

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

11 (5) COST-SHARE.—

12 (A) FEDERAL COST SHARE; FORM OF NON-
13 FEDERAL COST SHARE.—Except as provided in
14 subparagraph (B), a cooperative agreement en-
15 tered into under paragraph (1) shall provide
16 that—

17 (i) the Federal share of carrying out
18 the cooperative agreement shall not exceed
19 75 percent of the total cost;

20 (ii) the non-Federal share of the cost
21 of carrying out the agreement may be pro-
22 vided in-kind; and

23 (iii) in-kind costs may include indirect
24 costs as considered appropriate by the Sec-
25 retary.

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

8 (C) SPECIAL FUNDING CONSIDER-
9 ATIONS.—The non-federal share of carrying out
10 paragraph (4) shall not exceed 40 percent of
11 the total costs of carrying out such paragraph.

12 (6) REPORTING REQUIREMENT.—Not later than
13 180 days after the date of completion of an early
14 pest detection and surveillance activity conducted by
15 a State department of agriculture using funds pro-
16 vided under this section, the department of agri-
17 culture shall submit to the Secretary a report that
18 describes the purposes and results of the activities,
19 including any activities conducted pursuant to a sub-
20 agreement referred to in paragraph (3)(B).

21 (c) THREAT IDENTIFICATION AND MITIGATION PRO-
22 GRAM.—

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

1 (A) develop risk assessments of the exist-
2 ing and potential threat to the specialty crop in-
3 dustry in the United States from pests and dis-
4 ease;

5 (B) prepare a list prioritizing pest and dis-
6 ease threats to the specialty crop industry;

7 (C) develop action plans, in consultation
8 with State departments of agriculture and other
9 State or regional resource partnerships, that ef-
10 fectively address pest and disease threats to the
11 specialty crop industry, including pathway anal-
12 ysis, domestic and offshore mitigation meas-
13 ures, and comprehensive exclusion measures at
14 ports of entry and other key distribution cen-
15 ters, in addition to strategies to employ if a
16 pest or disease is introduced;

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

23 (E) collaborate with the nursery industry,
24 research institutions, and other appropriate en-
25 tities to develop a nursery pest risk manage-

1 ment system to identify nursery pests and dis-
2 eases, prevent the introduction, establishment,
3 and spread of such pests and diseases, and re-
4 duce the risk of, prioritize, mitigate, and eradi-
5 cate such pests and diseases.

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

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

24 (e) COOPERATIVE AGREEMENTS.—The Secretary
25 may enter into cooperative agreements with other Federal

1 departments or agencies, States or political subdivisions
2 of States, national governments, local governments of
3 other nations, domestic or international organizations, do-
4 mestic or international associations, and other persons to
5 carry out this section.

6 (f) CONSULTATION.—The Secretary shall consult
7 with the National Plant Board, State departments of agri-
8 culture, and specialty crop grower organizations to estab-
9 lish funding priorities under this section for each fiscal
10 year.

11 (g) ADMINISTRATIVE COSTS.—Not more than 5 per-
12 cent of the funds provided under this section may be used
13 for administrative costs.

14 (h) DEFINITIONS.—In this section:

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

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

1 (3) SPECIALTY CROP.—The term “specialty
2 crop” has the meaning given the term in section
3 3(1) of the Specialty Crop Competitiveness Act of
4 2004 (Public Law 108-465; 118 Stat. 3883; 7
5 U.S.C. 1621 note).

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

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

14 (j) FUNDING.—Of the funds fo the Commodity Credit
15 Corporation, the Secretary shall make available to carry
16 out this section—

17 (1) \$10,000,000 for fiscal year 2008;

18 (2) \$20,000,000 for fiscal year 2009;

19 (3) \$30,000,000 for fiscal year 2010;

20 (4) \$40,000,000 for fiscal year 2011; and

21 (5) \$100,000,000 for fiscal year 2012.

22 **SEC. 10202. MULTI-SPECIES FRUIT FLY RESEARCH AND**
23 **STERILE FLY PRODUCTION.**

24 (a) CONSTRUCTION.—The Secretary of Agriculture
25 shall construct a warehouse and irradiation containment

1 facility in Waimanalo, Hawaii, to support fruit fly rearing
2 and sterilization activities.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated—

5 (1) \$15,000,000 for the construction of a ware-
6 house and irradiation containment facility pursuant
7 to subsection (a); and

8 (2) \$1,000,000 for fiscal year 2008 and each
9 subsequent fiscal year for maintenance to the facili-
10 ties constructed pursuant to this section.

11 **Subtitle D—Organic Agriculture**

12 **SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST- 13 SHARE PROGRAM.**

14 Section 10606 of the Farm Security and Rural In-
15 vestment Act of 2002 (7 U.S.C. 6523) is amended—

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

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

21 **SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA.**

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

1 **“SEC. 7407. ORGANIC DATA COLLECTION AND PUBLICA-**
2 **TION.**

3 “(a) DATA COLLECTION AND PUBLICATION.—To as-
4 sist organic farmers in making informed production and
5 marketing decisions, the Secretary of Agriculture shall col-
6 lect and publish segregated data and survey information
7 about the price, production, and marketing of major or-
8 ganically produced commodities, as determined by the Sec-
9 retary.

10 “(b) FUNDING.—The Secretary of Agriculture shall
11 use \$3,000,000 of funds of the Commodity Credit Cor-
12 poration to carry out this section during fiscal year 2008,
13 and such funds shall remain available until expended.”.

14 (b) IMPLEMENTATION REPORT.—Not later than 180
15 days after the date of the enactment of this Act, the Sec-
16 retary of Agriculture shall submit to Congress a report
17 regarding the progress made in implementing the amend-
18 ment made by subsection (a).

19 **Subtitle E—Miscellaneous**
20 **Provisions**

21 **SEC. 10401. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL**
22 **INSPECTION FUNCTIONS TO THE**
23 **DEPARTMENT OF AGRICULTURE.**

24 (a) REPEAL OF TRANSFER OF FUNCTIONS.—Section
25 421 of the Homeland Security Act of 2002 (6 U.S.C. 231)
26 is repealed.

1 (b) CONFORMING AMENDMENT TO FUNCTIONS OF
2 SECRETARY OF HOMELAND SECURITY.—Section 402 of
3 the Homeland Security Act of 2002 (6 U.S.C. 202) is
4 amended—

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

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

8 (c) TRANSFER AGREEMENT.—

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

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

22 (d) RESTORATION OF DEPARTMENT OF AGRI-
23 CULTURE EMPLOYEES.—Not later than the effective date
24 specified in subsection (g), all full-time equivalent posi-
25 tions of the Department of Agriculture transferred to the

1 Department of Homeland Security under section 421(g)
2 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))
3 (as in effect on the day before such effective date) shall
4 be restored to the Department of Agriculture.

5 (e) AUTHORITY OF APHIS.—

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

15 (2) INFORMATION GATHERING AND INSPEC-
16 TIONS.—In carrying out the program under para-
17 graph (1), the Administrator shall have full access
18 to—

19 (A) each secure area of any terminal for
20 screening passengers or cargo under the control
21 of the Department of Homeland Security on the
22 day before the date of enactment of this Act for
23 purposes of carrying out inspections and gath-
24 ering information; and

1 (B) each database (including any database
2 relating to cargo manifests or employee and
3 business records) under the control of the De-
4 partment of Homeland Security on the day be-
5 fore the date of enactment of this Act for pur-
6 poses of gathering information.

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

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

12 (A) continue to collect any agricultural
13 quarantine inspection user fee; and

14 (B) administer any reserve account for the
15 fees.

16 (5) CAREER TRACK PROGRAM.—

17 (A) IN GENERAL.—The Administrator
18 shall establish a program, to be known as the
19 “import and entry agriculture inspector career
20 track program”, to support the development of
21 long-term career professionals with expertise in
22 import and entry agriculture inspection.

23 (B) STRATEGIC PLAN AND TRAINING.—In
24 carrying out the program under this paragraph,

1 the Administrator, in coordination with the Sec-
2 retary of Agriculture, shall—

3 (i) develop a strategic plan to incor-
4 porate import and entry agricultural in-
5 spectors into the infrastructure protecting
6 food, fiber, forests, bioenergy, and the en-
7 vironment of the United States from ani-
8 mal and plant pests, diseases, and noxious
9 weeds; and

10 (ii) as part of the plan under clause
11 (i), provide training for import and entry
12 agricultural inspectors participating in the
13 program not less frequently than once each
14 year to improve inspection skills.

15 (f) DUTIES OF SECRETARY OF AGRICULTURE.—

16 (1) OPERATING PROCEDURES AND TRACKING
17 SYSTEM.—The Secretary of Agriculture shall—

18 (A) develop standard operating procedures
19 for inspection, monitoring, and auditing relating
20 to import and entry agricultural inspections, in
21 accordance with recommendations from the
22 Comptroller General of the United States and
23 reports of interagency advisory groups, as appli-
24 cable; and

1 (B) ensure that the Animal and Plant
2 Health Inspection Service has a national elec-
3 tronic system with real-time tracking capability
4 for monitoring, tracking, and reporting inspec-
5 tion activities of the Service.

6 (2) FEDERAL AND STATE COOPERATION.—

7 (A) COMMUNICATION SYSTEM.—The Sec-
8 retary of Agriculture shall develop and maintain
9 an integrated, real-time communication system
10 with respect to import and entry agricultural
11 inspections to alert State departments of agri-
12 culture of significant inspection findings of the
13 Animal and Plant Health Inspection Service.

14 (3) FUNDING.—The Secretary of Agriculture
15 shall pay the costs of each import and entry agricul-
16 tural inspector employed by the Animal and Plant
17 Health Inspection Service from amounts made avail-
18 able to the Department of Agriculture for the appli-
19 cable fiscal year.

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

1 **SEC. 10402. GRANT PROGRAM TO IMPROVE MOVEMENT OF**
2 **SPECIALTY CROPS.**

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

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

9 (2) to address regional intermodal transpor-
10 tation deficiencies that adversely affect the move-
11 ment of specialty crops to markets inside or outside
12 the United States.

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

16 (1) State and local governments.

17 (2) Grower cooperatives.

18 (3) State or regional producer and shipper or-
19 ganizations.

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

22 (c) MATCHING FUNDS.—The recipient of a grant
23 under this section shall contribute an amount of non-Fed-
24 eral funds toward the project for which the grant is pro-
25 vided that is at least equal to the amount of grant funds
26 received by the recipient under this section.

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

5 **SEC. 10403. AUTHORIZATION OF APPROPRIATIONS FOR**
6 **MARKET NEWS ACTIVITIES REGARDING SPE-**
7 **CIALTY CROPS.**

8 There are authorized to be appropriated to the Sec-
9 retary of Agriculture such sums as may be necessary for
10 each of the fiscal years 2008 through 2012 to support the
11 market news activities regarding specialty crops (as such
12 term is defined in section 3(1) of the Specialty Crops Com-
13 petitiveness Act of 2004 (Public Law 108-465; 118 Stat.
14 3883)).

15 **SEC. 10404. FARMERS' MARKET PROMOTION PROGRAM.**

16 Subsection (e) of section 6 of the Farmer-to-Con-
17 sumer Direct Marketing Act of 1976 is amended to read
18 as follows:

19 “(e) FUNDING.—

20 “(1) IN GENERAL.—Of the funds of the Com-
21 modity Credit Corporation, the Secretary of Agri-
22 culture use to carry out this section—

23 “(A) \$5,000,000 in each of fiscals year
24 2008, 2009, and 2010; and

1 “(B) \$10,000,000 in each of fiscal years
2 2011 and 2012.

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

8 **SEC. 10405. NATIONAL CLEAN PLANT NETWORK.**

9 (a) ESTABLISHMENT.—There is established in the
10 Department of Agriculture a program to be known as the
11 “National Clean Plant Network”.

12 (b) NETWORK.—The Secretary of Agriculture shall
13 use the network—

14 (1) to develop a sustainable national funding
15 source for clean planting stock programs for horti-
16 cultural crops determined by the Secretary to be of
17 priority for the United States; and

18 (2) to enter into cooperative agreements to enti-
19 ties that have the expertise, facilities, and climate
20 necessary to efficiently produce, maintain, and dis-
21 tribute healthy planting stock for specialty crops.

22 (c) FUNDING.—There are authorized to be appro-
23 priated such sums as are necessary for each of fiscal years
24 2008 through 2012 to carry out the section.