

109TH CONGRESS
2^D SESSION

H. R. 6193

To continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts, and other specialty crops for American consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2006

Mr. POMBO (for himself, Mr. CARDOZA, Mr. PUTNAM, Mr. SALAZAR, Mr. RENZI, Mr. KUHL of New York, Mr. WALSH, Mrs. BONO, Ms. HOOLEY, Mr. COSTA, Mr. HINCHEY, Mr. CARNAHAN, Mr. BOYD, Mr. BROWN of South Carolina, Mr. CASE, Mr. DOGGETT, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FOLEY, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HIGGINS, Mr. HINOJOSA, Ms. KAPTUR, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. MCINTYRE, Mr. MICHAUD, Mr. NUNES, Mr. PLATTS, Mr. RADANOVICH, Mr. REYNOLDS, Mrs. TAUSCHER, Mr. BOUCHER, Mr. BACA, Mr. GALLEGLY, Mr. WU, Mr. THOMPSON of California, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHWARZ of Michigan, Mr. BLUMENAUER, Mr. ALLEN, Mr. WALDEN of Oregon, Mr. GOODE, Ms. WOOLSEY, Mrs. KELLY, and Mr. GILCHREST) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts, and other specialty crops for Amer-

ican consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Equitable Agriculture Today for a Healthy America Act”
 6 or the “EAT Healthy America Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—COMMODITY-RELATED PROVISIONS

- Sec. 101. Flexible payment limitations for disaster payments to reflect variations in cost of production and crop value.
- Sec. 102. Adjusted gross income limitations on receipt of disaster assistance by first handlers of specialty crops.
- Sec. 103. Equitable treatment of specialty crop producers in distribution of disaster assistance.
- Sec. 104. Tree assistance program.

TITLE II—CONSERVATION

- Sec. 201. Conservation reserve program.
- Sec. 202. Wetlands reserve program.
- Sec. 203. Funding for Farmland Protection Program.
- Sec. 204. Grassland reserve program.
- Sec. 205. Wildlife habitat incentive program.
- Sec. 206. Environmental quality incentives program.
- Sec. 207. Integrated pest management initiative.
- Sec. 208. Technical assistance under Department of Agriculture conservation programs.
- Sec. 209. Pilot program regarding native plants habitat restoration and endangered or threatened plant species recovery.
- Sec. 210. Exclusion of payments under Department of Agriculture conservation programs from adjusted gross income limitation.

TITLE III—TRADE

- Sec. 301. Technical assistance for specialty crops.

- Sec. 302. Coordination of trade objectives between key agencies.
- Sec. 303. Market access program.
- Sec. 304. Grant program for market analysis related to anti-dumping and countervailing duty cases involving specialty crops.
- Sec. 305. Sense of Congress regarding certain antitrust laws applicable to agriculture.

TITLE IV—INVASIVE PESTS AND DISEASES

- Sec. 401. Threat identification and mitigation program.
- Sec. 402. Emergency eradication programs.
- Sec. 403. Animal and Plant Health Inspection Service Export Division.
- Sec. 404. Consultations on sanitary and phytosanitary restrictions for fruits and vegetables.
- Sec. 405. Multi-species fruit fly research and sterile fly production.

TITLE V—NUTRITION

- Sec. 501. Findings.
- Sec. 502. Expansion of Fresh Fruit and Vegetable Program.
- Sec. 503. Fruit and Vegetable Nutrition Promotion Program.
- Sec. 504. Use of “Dietary Guidelines for Americans” in special nutrition programs and school lunch programs.
- Sec. 505. Section 32 specialty crop purchases.
- Sec. 506. School preference study.
- Sec. 507. Independent evaluation of Department of Agriculture commodity purchase process.
- Sec. 508. Amendments to the food stamp program.
- Sec. 509. Sense of the congress regarding nutritional supplements.
- Sec. 510. Food stamp fruit and vegetable ebt pilot project.

TITLE VI—AGRICULTURAL RESEARCH

- Sec. 601. Specialty Crops Economic and Policy Research Institute.
- Sec. 602. Development of specialty crop priority for the National Research Initiative.
- Sec. 603. Establishment of specialty crop research grants program for producers to improve efficiency and competitiveness.
- Sec. 604. National Clean Plant Network.
- Sec. 605. Prioritizing current Federal research activities for specialty crops.

TITLE VII—RENEWABLE ENERGY

- Sec. 701. Inventory of specialty crop biomass waste as part of annual assessment of renewable energy resources.
- Sec. 702. Department of Agriculture bioenergy program.
- Sec. 703. Grants for development of business plans and construction projects to use specialty crop biomass waste for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Specialty crop block grants.
- Sec. 802. Federal Insecticide, Fungicide, and Rodenticide Act; requests by State agencies for exemptions.

- Sec. 803. Protection of intellectual property rights in plants and plant-derived material.
- Sec. 804. Grant program to improve transportation infrastructure to reduce cost of transportation of specialty crops.
- Sec. 805. Additional funds for Agricultural Marketing Service specialty crop market news activities.
- Sec. 806. Value-added grant program to promote creation, expansion, or operation of value-added processing of specialty crops.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Specialty crop production in the United
4 States accounts for \$50.8 billion in farmgate value,
5 and, according to the Economic Research Service of
6 the Department of Agriculture, specialty crops ac-
7 count for more than 45 percent of the farmgate
8 value of all crops produced in the United States.

9 (2) Specialty crop producers deserve a competi-
10 tive and sustainable environment for specialty crop
11 production, and the Specialty Crops Competitiveness
12 Act of 2004 (Public Law 108–465; 7 U.S.C. 1621
13 note) represented an initial attempt to ensure the
14 long-term competitiveness and sustainability of
15 United States specialty crop production.

16 (3) Additional Federal investment in the com-
17 petitiveness and sustainability of the United States
18 specialty crop industry will produce a strong return
19 on investment for all of America, not just producers.

20 (4) By expanding the market for and avail-
21 ability of safe, wholesome, healthy, and affordable

1 fruits, vegetables, tree nuts, and other specialty
2 crops, Congress can assist Americans in achieving
3 the goal of doubling their fruit and vegetable con-
4 sumption, as called for in the Department of Agri-
5 culture and Department of Health and Human Serv-
6 ices 2005 Dietary Guidelines.

7 (5) Federal investment in the United States
8 specialty crop industry is required to create a fair
9 and level playing field with international competitors
10 that do not have to comply with the regulatory re-
11 quirements imposed on United States producers in
12 the areas of environmental regulation, labor, food
13 safety, and other area.

14 (6) Without appropriate and adequate assist-
15 ance United States specialty crop production may
16 relocate to less restrictive foreign growing areas.

17 (7) Consumers in United States export markets
18 are increasingly demanding high-value specialty food
19 products as their disposable income rises, and a
20 thriving and competitive United States specialty
21 crop industry will support strong growth in export
22 markets and improve the United States balance of
23 trade.

24 (8) In order to realize the goal of increasing ag-
25 ricultural exports, it is critical that Federal policy

1 and resources support efforts to remove the many
2 existing international trade barriers that continue to
3 hamper United States specialty crop exports.

4 (9) The competitiveness of United States spe-
5 cialty crop producers also depends on maintaining
6 the current restrictions in section 1106 of the Farm
7 Security and Rural Investment Act of 2002 (7
8 U.S.C. 7916) that prohibits the planting of fruits
9 and vegetables and other specialty crops on acres for
10 which a producer receives direct payments or
11 counter-cyclical payments, including not allowing
12 any temporary loss in program benefits as a remedy
13 for one year or other short-term shifts to specialty
14 crops.

15 (b) PURPOSES.—It is the purpose of this Act to build
16 upon the success of the Specialty Crops Competitiveness
17 Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note)
18 by making additional changes in Federal agriculture policy
19 to accomplish the goals of increasing fruit, vegetable, and
20 tree nut consumption and improving the competitiveness
21 of United States specialty crop producers.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) The term “Secretary” means the Secretary
25 of Agriculture.

1 (2) The term “specialty crop” means fruits and
2 vegetables, tree nuts, dried fruits, and nursery crops,
3 including floriculture.

4 (3) The term “State” means the several States,
5 the District of Columbia, and the Commonwealth of
6 Puerto Rico.

7 **TITLE I—COMMODITY-RELATED** 8 **PROVISIONS**

9 **SEC. 101. FLEXIBLE PAYMENT LIMITATIONS FOR DISASTER** 10 **PAYMENTS TO REFLECT VARIATIONS IN COST** 11 **OF PRODUCTION AND CROP VALUE.**

12 (a) FLEXIBLE PAYMENT LIMITATIONS.—In lieu of
13 using a single, specific dollar amount limitation on the
14 total amount of disaster assistance that a producer of spe-
15 cialty crops may receive under any provision of law, the
16 Secretary of Agriculture shall develop and use a series of
17 payment limitations that reflect cost-of-production and
18 crop value variations.

19 (b) USE OF FARM SERVICE AGENCY DATA.—The
20 Secretary of Agriculture may use existing data maintained
21 by the Department of Agriculture regarding cost of pro-
22 duction and crop value for various agricultural enterprises.

23 (c) APPLICABILITY.—The flexible payment limita-
24 tions required by subsection (a) shall apply with respect
25 to any natural disaster occurring after the date of the en-

1 actment of this Act for which disaster assistance is pro-
2 vided by the Secretary of Agriculture under any provision
3 of law to producers of specialty crops.

4 **SEC. 102. ADJUSTED GROSS INCOME LIMITATIONS ON RE-**
5 **CEIPT OF DISASTER ASSISTANCE BY FIRST**
6 **HANDLERS OF SPECIALTY CROPS.**

7 (a) CHANGE TO APPLICATION OF LIMITATIONS.—
8 For purposes of applying the adjusted gross income limita-
9 tions on the receipt of disaster assistance to a first handler
10 of specialty crops, the Secretary of Agriculture shall treat
11 income derived by the first handler from the initial prepa-
12 ration of the specialty crops for marketing and the mar-
13 keting of the specialty crops as income derived from a
14 farming operation.

15 (b) FIRST HANDLER DEFINED.—In this section, the
16 term “first handler” means a person who—

17 (1) receives or otherwise acquires specialty
18 crops from a producer and prepares for marketing
19 or markets the specialty crops; or

20 (2) prepares for marketing and markets spe-
21 cialty crops produced by the person.

1 **SEC. 103. EQUITABLE TREATMENT OF SPECIALTY CROP**
2 **PRODUCERS IN DISTRIBUTION OF DISASTER**
3 **ASSISTANCE.**

4 In providing disaster assistance to producers suf-
5 fering losses due to natural disasters, the Secretary of Ag-
6 riculture shall seek to ensure that—

7 (1) producers of specialty crops receive assist-
8 ance through programs that are designed to meet
9 the specific needs of such producers and reflect the
10 production practices of such producers; and

11 (2) eligibility for assistance and the provision of
12 assistance is not be tied to traditional programs of
13 the Department of Agriculture, such as direct pay-
14 ments under section 1103 or 1303 of the Farm Se-
15 curity and Rural Investment Act of 2002 (7 U.S.C.
16 7913, 7953) or crop insurance.

17 **SEC. 104. TREE ASSISTANCE PROGRAM.**

18 (a) INCLUSION OF NURSERY TREE GROWERS.—

19 (1) ELIGIBILITY.—Section 10201 of the Farm
20 Security and Rural Investment Act of 2003 (7
21 U.S.C. 8201) is amended—

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

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

1 “(3) NURSERY TREE GROWER.—The term
2 ‘nursery tree grower’ means a person that produces
3 trees in either containers or in the ground for com-
4 mercial sale for replanting or grafting by the ulti-
5 mate purchaser for use in the production of a food
6 crop.”.

7 (2) CONFORMING AMENDMENTS.—Subtitle C of
8 title X of such Act is amended—

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

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

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

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

19 (b) INCREASE IN AUTHORIZED AMOUNT OF ASSIST-
20 ANCE.—Section 10204(a) of such Act is amended by strik-
21 ing “\$75,000” and inserting “\$150,000 per year”.

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

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

3 **TITLE II—CONSERVATION**

4 **SEC. 201. CONSERVATION RESERVE PROGRAM.**

5 (a) EXTENSION OF PROGRAM.—Section 1231 of the
6 Food Security Act of 1985 (16 U.S.C. 3831) is amend-
7 ed—

8 (1) in subsection (a), by striking “2007” and
9 inserting “2012”;

10 (2) in subsection (d)(1), by striking “2007”
11 and inserting “2012”;

12 (3) in subsection (e)(3), by striking “2002” and
13 inserting “2008”; and

14 (4) in subsection (h)(1), by striking “2007”
15 and inserting “2012”.

16 (b) ELIGIBLE LAND.—Section 1231(b) of such Act
17 (16 U.S.C. 3831(b)) is amended—

18 (1) by striking the period at the end of para-
19 graph (1) and inserting a semicolon;

20 (2) in paragraph (4), by striking “or” at the
21 end of subparagraph (C);

22 (3) by striking the period at the end of para-
23 graph (5) and inserting “; or”

24 (4) by adding at the end the following new
25 paragraph:

1 “(6) marginal pasture land or hay land that is
2 otherwise ineligible, if the land is to be devoted to
3 native vegetation appropriate to the locale and—

4 “(A) will provide suitable habitat for State
5 or federally listed threatened or endangered
6 species or species determined by the Secretary
7 of the Interior to be species of concern; or

8 “(B) will contribute to the restoration of a
9 critically endangered ecosystem or endangered
10 ecosystem, as defined by the Secretary.”.

11 (c) USE OF GENERAL SIGNUP PROCESS.—Section
12 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by
13 adding at the end the following new sentence: “To the
14 maximum extent practicable, the Secretary shall ensure
15 that not more than 85 percent of the acres maintained
16 in the conservation reserve at any 1 time during the 2008
17 through 2012 calendar years are acres that were enrolled
18 through general signup under section 1234(c)(2)(A).”.

19 (d) DUTIES OF PARTICIPANTS.—Section 1232(a) of
20 such Act (16 U.S.C. 3832(a)) is amended—

21 (1) in paragraph (4)—

22 (A) by redesignating subparagraphs (A)
23 and (B) as subparagraphs (B) and (C), respec-
24 tively; and

1 (B) by inserting before subparagraph (B),
2 as so redesignated, the following new subpara-
3 graph:

4 “(A) to the maximum extent feasible for a
5 contract entered into after the date of the en-
6 actment of the Equitable Agriculture Today for
7 a Healthy America Act, approved vegetative
8 cover shall not include plant species considered
9 invasive to the locale, as determined by the Sec-
10 retary;”;

11 (2) by redesignating paragraphs (5) through
12 (10) as paragraphs (6) through (11); respectively;
13 and

14 (3) by inserting after paragraph (4) the fol-
15 lowing new paragraph:

16 “(5) to undertake appropriate management ac-
17 tivities on the land, including any necessary haying
18 and grazing activities, as needed throughout the
19 term of the contract to achieve the purposes of the
20 conservation reserve program;”.

21 (e) CONSERVATION PLAN.—Section 1232(b)(1)(A) of
22 such Act (16 U.S.C. 3832(b)(1)(A)) is amended by insert-
23 ing before the semicolon at the end the following: “, in-
24 cluding appropriate management activities required by
25 subsection (a)(5)”.

1 (f) COST-SHARE AND MANAGEMENT ASSISTANCE.—
2 Section 1234(b) of such Act (16 U.S.C. 3834(b)) is
3 amended—

4 (1) in paragraph (1), by inserting before the pe-
5 riod at the end the following: “, except that the Sec-
6 retary shall pay 75 percent of the cost of estab-
7 lishing measures and practices that will benefit a
8 federally or State listed threatened or endangered
9 species required under a contract entered into under
10 this subchapter”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(6) MANAGEMENT COSTS.—The Secretary
14 shall pay 75 percent of the cost of management ac-
15 tivities, including control of invasive species, re-
16 quired under a contract entered into under this sub-
17 chapter.”.

18 (g) WILDLIFE CRITERIA.—Section 1234(c)(3)(B) of
19 such Act (16 U.S.C. 3834(c)(3)(B)) is amended by insert-
20 ing before the period the following: “, taking into consider-
21 ation the recommendations of States concerning species
22 or ecosystems that are State priorities for recovery or res-
23 toration”.

1 (h) RARE AND DECLINING HABITAT.—Section
2 1234(c) of such Act (16 U.S.C. 3834(c)) is amended by
3 adding at the end the following new paragraph:

4 “(5) RARE AND DECLINING HABITAT.—The
5 Secretary may approve a request by a State to es-
6 tablish continuous enrollment categories for rare and
7 declining habitat in specific areas of the State to
8 benefit specific State or federally listed threatened
9 or endangered species.”.

10 (i) RENTAL PAYMENT LIMITATIONS.—Section
11 1234(f) of such Act (16 U.S.C. 3834(f)) is amended—

12 (1) in paragraph (1), by inserting before the pe-
13 riod at the end the following: “, except that the Sec-
14 retary may waive this payment limitation for persons
15 participating in a conservation reserve enhancement
16 program or cooperative conservation project if the
17 Secretary determines such a waiver is necessary to
18 achieve the objectives of the conservation reserve en-
19 hancement program or project”; and

20 (2) in paragraph (4), by adding at the end the
21 following new subparagraph:

22 “(C) IRRIGATED LAND.—In determining
23 the amount of annual rental payments for own-
24 ers and operators seeking to enroll irrigated
25 land in a conservation reserve enhancement

1 program, the Secretary shall consider the aver-
2 age rental rate for irrigated land in the area.”.

3 **SEC. 202. WETLANDS RESERVE PROGRAM.**

4 (a) **MAXIMUM ENROLLMENT.**—Section 1237(b)(1) of
5 the Food Security Act of 1985 (16 U.S.C. 3837(b)(1))
6 is amended—

7 (1) by striking “2,275,000 acres” and inserting
8 “5,000,000 acres”; and

9 (2) by striking “250,000 acres” and inserting
10 “320,000 acres”.

11 (b) **WETLAND EASEMENT CONSERVATION PLAN.**—
12 Section 1237A(b)(3) of such Act (16 U.S.C. 3837a(b)(3))
13 is amended by inserting before the semicolon at the end
14 the following: “, including activities necessary to maintain
15 hydrologic, habitat, and other functional values”.

16 (c) **COST-SHARE AND MANAGEMENT ASSISTANCE.**—
17 Section 1237C of such Act (16 U.S.C. 3837c) is amend-
18 ed—

19 (1) in subsection (a)(1), by inserting “including
20 necessary hydrologic and habitat maintenance activi-
21 ties,” after “values,”; and

22 (2) in subsection (b), by adding at the end the
23 following new paragraph:

24 “(4) **MANAGEMENT COSTS.**—The Secretary
25 may make payments to owners to cover up to the

1 full actual cost of undertaking any ongoing or peri-
2 odic management activities necessary to maintain
3 the hydrologic, habitat, and other functional values
4 of wetland enrolled in the wetlands reserve pro-
5 gram.”.

6 (d) EASEMENT PRIORITY AND STATE ALLOCA-
7 TION.—Section 1237C of such Act (16 U.S.C. 3837c) is
8 amended—

9 (1) in subsection (d), by striking “wildlife.” and
10 inserting “wildlife, particularly rare species, or im-
11 proving water quality.”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) ALLOCATION TO STATES.—In making alloca-
15 tions to States to carry out this subchapter, the Secretary
16 shall consider to what degree each State gives priority to
17 the protection and restoration of habitat for migratory
18 birds and other wildlife, particularly rare species including
19 threatened, endangered, or candidate species, and for im-
20 proving water quality.”.

21 (e) CONFORMING AMENDMENT.—Section 1237(c) of
22 such Act (16 U.S.C. 3837(c)) is amended by striking
23 “2007” and inserting “2012”.

1 **SEC. 203. FUNDING FOR FARMLAND PROTECTION PRO-**
2 **GRAM.**

3 Paragraph (4) of subsection (a) of section 1241 of
4 the Food Security Act of 1985 (16 U.S.C. 3841) is
5 amended to read as follows:

6 “(4) The farmland protection program under
7 subchapter B of chapter 2, using \$300,000,000 in
8 each of fiscal years 2008 through 2012.”.

9 **SEC. 204. GRASSLAND RESERVE PROGRAM.**

10 (a) **EXTENSION AND FUNDING.**—Paragraph (5) of
11 section 1241(a) of the Food Security Act of 1985 (16
12 U.S.C. 3841(a)) is amended to read as follows:

13 “(5) The grassland reserve program under sub-
14 chapter C of chapter 2.”.

15 (b) **MAXIMUM ENROLLMENT AND LIMITATION ON**
16 **USE OF RENTAL AGREEMENTS.**—Subsection (b)(1) of
17 section 1238N of such Act (16 U.S.C. 3838N) is amended
18 by striking “2,000,000 acres” and inserting “10,000,000
19 acres”.

20 (c) **ENROLLMENT OF CONSERVATION RESERVE PRO-**
21 **GRAM LAND.**—Section 1238N of such Act (16 U.S.C.
22 3838N) is amended by adding at the end the following
23 new subsection:

24 “(d) **ENROLLMENT OF CONSERVATION RESERVE**
25 **PROGRAM LAND.**—

1 “(1) ENROLLMENT AUTHORIZED.—Subject to
2 the eligibility requirements of subsection (c) and all
3 other requirements of this subchapter, land enrolled
4 in the conservation reserve program may be enrolled
5 in the grassland reserve program if the Secretary de-
6 termines that enrollment of the land will support
7 plant and animal biodiversity and advance the other
8 objectives of the grassland reserve program.

9 “(2) METHOD OF ENROLLMENT.—Land en-
10 rolled in the program under this subsection shall be
11 enrolled through long-term agreements or easements
12 as described in subsection (b)(2)(A)(ii).

13 “(3) PROHIBITION ON DUPLICATION OF PAY-
14 MENTS.—Land enrolled in the program under this
15 subsection shall no longer be eligible for payments
16 under the conservation reserve program.”.

17 **SEC. 205. WILDLIFE HABITAT INCENTIVE PROGRAM.**

18 (a) EXTENSION AND FUNDING.—Section 1241(a)(7)
19 of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7))
20 is amended by striking subparagraphs (A) through (D)
21 and inserting the following new subparagraphs:

22 “(A) \$100,000,000 in fiscal year 2008;

23 “(B) \$140,000,000 in fiscal year 2009;

24 “(C) \$200,000,000 in each of fiscal years
25 2010 and 2011; and

1 “(D) \$300,000,000 in fiscal year 2012.”.

2 (b) INCREASED COST SHARE AUTHORIZED FOR
3 LONG-TERM AGREEMENTS AND CONTRACTS.—Subsection
4 (b)(2)(A) of section 1240N of such Act (16 U.S.C.
5 3839bb–1) is amended by striking “in addition to amounts
6 provided under paragraph (1)” and inserting “in an
7 amount up to 100 percent of the actual cost of any prac-
8 tice required by the agreement or contract”.

9 (c) INCENTIVE PAYMENTS AND PROGRAM PRIOR-
10 ITIES.—Section 1240N of such Act (16 U.S.C. 3839bb–
11 1) is amended by adding at the end the following new sub-
12 sections:

13 “(d) INCENTIVE PAYMENTS FOR AGREEMENTS BEN-
14 EFITTING LISTED SPECIES.—In a case in which the Sec-
15 retary enters into an agreement or contract to protect and
16 restore habitat for a federally or State-listed endangered,
17 threatened, or candidate species, the Secretary may pro-
18 vide incentive payments to landowners to protect and re-
19 store the habitat, including the cost of management activi-
20 ties needed during the term of the agreement or contract.

21 “(e) PRIORITIES.—In carrying out this section, the
22 Secretary shall give priority to agreements and contracts
23 that protect and restore habitat for rare species.

24 “(f) RELATION TO STATE WILDLIFE ACTION
25 PLANS.—The Secretary shall ensure that implementation

1 of this section in a State takes into consideration the wild-
2 life action plan for that State.

3 “(g) ALLOCATIONS.—In making allocations to States
4 to carry out this chapter, the Secretary shall consider to
5 what degree each State gives priority to the protection and
6 restoration of habitat under subsection (e) and complies
7 with the wildlife action plan for the State under subsection
8 (f).

9 “(h) COOPERATIVE AGREEMENTS.—To the max-
10 imum extent practicable, the Secretary shall enter into co-
11 operative agreements with State wildlife and natural re-
12 sources agencies to implement this section, including deliv-
13 ery of technical assistance.”

14 **SEC. 206. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
15 **GRAM.**

16 (a) EXTENSION.—

17 (1) FUNDING EXTENSION AND INCREASE.—

18 Section 1241(a) of the Food Security Act of 1985
19 (16 U.S.C. 3841(a)) is amended by striking para-
20 graph (6) and inserting the following new para-
21 graph:

22 “(6) The environmental quality incentives pro-
23 gram under chapter 4, using, to the maximum ex-
24 tent practicable—

25 “(A) \$1,400,000,000 in fiscal year 2008;

1 “(B) \$1,600,000,000 in fiscal year 2009;

2 “(C) \$1,800,000,000 in each of fiscal
3 years 2010 and 2011; and

4 “(D) \$2,000,000,000 in fiscal year 2012.”.

5 (2) CONFORMING AMENDMENTS.—Chapter 4 of
6 subtitle D of title XII of such Act is amended—

7 (A) in section 1240B(a)(1) (16 U.S.C.
8 3839aa–2(a)(1)), by striking “2007” and in-
9 serting “2012”; and

10 (B) in subsection 1240G (16 U.S.C.
11 3839aa–7), by striking “2007” and inserting
12 “2012”.

13 (b) DEMONSTRATION OF STRUCTURAL AND LAND
14 MANAGEMENT PRACTICES.—

15 (1) ELIGIBILITY.—Section 1240B(a)(2) of the
16 Food Security Act of 1985 (16 U.S.C. 3839aa–
17 (a)(2)) is amended—

18 (A) by striking “and” at the end of sub-
19 paragraph (A);

20 (B) by striking the period at the end of
21 subparagraph (B) and inserting “; and”; and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(C) a producer that demonstrates a struc-
25 tural or land management practice, including

1 project monitoring, measurement, outreach, or
2 education shall be eligible to receive cost-share
3 or incentive payments.”.

4 (2) CONFORMING AMENDMENTS.—(A) Section
5 1240(3) of such Act (16 U.S.C. 3839aa(3)) is
6 amended by striking “and maintain” and inserting
7 “, maintain, and demonstrate”.

8 (B) Section 1240F(1) of such Act (16 U.S.C.
9 3839aa–6(1)) is amended by striking “and imple-
10 menting” and inserting “, implementing, or dem-
11 onstrating”.

12 (c) BIDDING DOWN.—Section 1240B(c) of the Food
13 Security Act of 1985 (16 U.S.C. 3839aa–2(c)) is amended
14 by inserting before the period at the end the following:
15 “, except that this prohibition does not relieve the Sec-
16 retary of the obligation to ensure that cost-effectiveness
17 is prioritized in the evaluation of offers and payments, as
18 provided by section 1240C(1)”.

19 (d) INCENTIVE PAYMENT RATES.—Section 1240B(e)
20 of the Food Security Act of 1985 (16 U.S.C. 3839aa–
21 2(e)(2)) is amended—

22 (1) in paragraph (1), by adding at the end the
23 following new sentence: “The Secretary shall estab-
24 lish different rates to accommodate variation in the
25 cost of practices and product value.”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3) RATES FOR COMPONENT PRACTICES.—The
4 Secretary shall develop additional incentive payment
5 rates for components of a practice that promotes
6 residue, nutrient, pest, invasive species, or air qual-
7 ity management. The amount and rate of incentive
8 payments for a component practice shall be scaled
9 according to the anticipated level of impact of that
10 practice on the priority resource concerns, such that
11 more advanced management practices that yield
12 greater environmental benefit will receive higher
13 payments.”.

14 (e) ALLOCATION OF FUNDING.—Section 1240B(g) of
15 the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g))
16 is amended by adding at the end the following new sen-
17 tence: “When making initial allocations of funds to States
18 to make cost-share and incentive payments under this
19 chapter, the Secretary shall consider to what degree pro-
20 ducers in each State are under pressure to comply with
21 existing local, State, or Federal environmental regulations,
22 or may have to comply with such regulations in the fu-
23 ture.”.

24 (f) EVALUATION OF APPLICATIONS FOR COST-SHARE
25 PAYMENTS AND INCENTIVE PAYMENTS.—Section 1240C

1 of the Food Security Act of 1985 (16 U.S.C. 3839aa–3)
2 is amended to read as follows:

3 **“SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-**
4 **SHARE PAYMENTS AND INCENTIVE PAY-**
5 **MENTS.**

6 “In evaluating applications for cost-share payments
7 and incentive payments, the Secretary shall—

8 “(1) prioritize applications based on how effec-
9 tively and comprehensively designated resource con-
10 cerns are addressed;

11 “(2) prioritize applications based on their over-
12 all level of cost-effectiveness to ensure that the con-
13 servation practices, systems, and approaches pro-
14 posed are the most efficient means of producing the
15 proposed project’s anticipated environmental bene-
16 fits;

17 “(3) reward higher levels of environmental per-
18 formance, such as advanced levels of management
19 within management practices; and

20 “(4) develop criteria for evaluating applications
21 that will ensure that national, State, and local con-
22 servation priorities are effectively addressed.”.

23 (g) SUPPORT FOR PROGRAM PLANS.—Section 1240F
24 of the Food Security Act of 1985 (16 U.S.C. 3839aa–6)
25 is amended—

1 (1) by striking “and” at the end of paragraph
2 (1);

3 (2) by striking the period at the end of para-
4 graph (2) and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(3) developing partnerships with other agen-
8 cies and contracting with technical assistance pro-
9 viders to supplement Department expertise and
10 staffing capacity as necessary.”.

11 (h) CONSERVATION INNOVATION GRANTS.—Section
12 1240H of the Food Security Act of 1985 (16 U.S.C.
13 3839aa–8) is amended—

14 (1) in subsection (a), by striking “may” and in-
15 serting “shall”;

16 (2) in subsection (b)—

17 (A) by striking “USE” and inserting “INI-
18 TIAL GRANTS”;

19 (B) by striking “may” and inserting
20 “shall”;

21 (C) in paragraph (2)—

22 (i) by striking “and” at the end of
23 subparagraph (A); and

24 (ii) by adding at the end the following
25 new subparagraph:

1 “(C) alternative energy projects, such as
2 solar and wind power energy systems and con-
3 version of equipment to run on bio-fuels, to re-
4 duce greenhouse gas emissions and reliance on
5 fossil fuels in farm operations;”.

6 (D) by striking the period at the end of
7 paragraph (3) and inserting “; and”; and

8 (E) by adding at the end the following new
9 paragraph:

10 “(4) include a plan for technology transfer.”;

11 (3) by adding at the end the following new sub-
12 sections:

13 “(d) TECHNOLOGY TRANSFER.—To the maximum
14 extent practicable, the Secretary shall ensure efficient, ef-
15 fective transfer of innovative technologies and approaches
16 demonstrated through projects that receive funding under
17 this section.

18 “(e) FUNDING.—Of the amounts made available
19 under section 1241(a)(6) to carry out this chapter, the
20 Secretary shall use to carry out this section—

21 “(1) 40,000,000 for fiscal year 2008;

22 “(2) 50,000,000 for fiscal year 2009;

23 “(3) 60,000,000 for fiscal year 2010; and

24 “(4) 75,000,000 for each of fiscal years 2011
25 and 2012.”.

1 (i) SAVINGS AND FUNDING UNDER GROUND AND
2 SURFACE WATER CONSERVATION PROGRAM.—Section
3 1240I of the Food Security Act of 1985 (16 U.S.C.
4 3839aa–9) is amended by striking subsection (c) and in-
5 serting the following new subsection:

6 “(b) FUNDING.—The Secretary shall use
7 \$100,000,000 of the funds of the Commodity Credit Cor-
8 poration to carry out this section for each of fiscal years
9 2008 through 2012. These funds are in addition to
10 amounts made available under section 1241(a)(6) to carry
11 out this chapter.”.

12 (j) AIR QUALITY IMPROVEMENT AND PERFORMANCE
13 INCENTIVES FOR STATES.—Chapter 4 of subtitle D of
14 title XII of such Act is amended by adding at the end
15 the following new sections:

16 **“SEC. 1240J. AIR QUALITY IMPROVEMENT.**

17 “(a) AVAILABILITY COST-SHARE PAYMENTS AND IN-
18 CENTIVE PAYMENTS.—In carrying out this chapter, the
19 Secretary shall promote air quality by providing cost-share
20 payments and incentive payments to individual producers
21 to address air quality concerns associated with agriculture.

22 “(b) LOCATIONS.—In order for producers to receive
23 payments under this section, a project must be located in
24 a county—

1 “(1) that is in non-attainment for ambient air
2 quality standards for ozone, particulate matter, or
3 both;

4 “(2) in which there is air quality degradation,
5 recognized by a State or local regulating agency, to
6 which agricultural emissions significantly contribute;
7 or

8 “(3) in which the Secretary determines that
9 pesticide drift is a priority concern.

10 “(c) PRIORITY.—The Secretary shall give priority to
11 projects that—

12 “(1) involve multiple producers implementing
13 eligible conservation activities in a coordinated way
14 to promote air quality; or

15 “(2) are designed to encourage broad adoption
16 of innovative approaches, including approaches in-
17 volving the use of innovative technologies and inte-
18 grated pest management, so long as the technologies
19 do not have the unintended consequence of compro-
20 mising other environmental goals.

21 “(d) FUNDING.—

22 “(1) AMOUNTS.—The Secretary shall use funds
23 of the Commodity Credit Corporation to carry out
24 this section in the following amounts:

25 “(A) \$25,000,000 for fiscal year 2008;

1 “(B) \$45,000,000 for fiscal year 2009;

2 “(C) \$60,000,000 for fiscal year 2010; and

3 “(D) \$75,000,000 million for each of fiscal
4 years 2011 and 2012.

5 “(2) RELATION TO OTHER FUNDS.—The funds
6 made available under paragraph (1) are in addition
7 to amounts made available under section 1241(a)(6)
8 to carry out this chapter.

9 **“SEC. 1240K. PERFORMANCE INCENTIVES FOR STATES.**

10 “(a) HIGH LEVEL OF PERFORMANCE BONUS.—For
11 each of fiscal years 2008 through 2012, 20 percent of the
12 funds made available under this chapter shall be reserved
13 by the Secretary for bonus allocations to States that dem-
14 onstrate a high level of performance in implementing the
15 environmental quality incentives program.

16 “(b) SPECIAL CONSIDERATIONS.— In evaluating
17 State performance under subsection (a), the Secretary
18 shall reward States that—

19 “(1) consistently meet the requirements of sec-
20 tion 1240C in evaluating offers and payments;

21 “(2) dedicate a portion of their annual environ-
22 mental quality incentives program allocation to
23 multi-producer cooperative efforts to address specific
24 resource concerns;

1 “(3) demonstrate effective and efficient pro-
2 gram delivery, including the provision of adequate
3 technical assistance to all program participants
4 through appropriate staffing and through coopera-
5 tion with other Federal, State, Tribal, and local
6 agencies, for-profit and nonprofit organizations, and
7 individuals with demonstrated expertise in the plan-
8 ning and implementation of conservation practices,
9 systems, and approaches;

10 “(4) collaborate with other Federal and State
11 agencies, local governments, educational institutions,
12 and for-profit and nonprofit organizations to evalu-
13 ate the environmental outcomes associated with im-
14 plementation of the environmental quality incentives
15 program;

16 “(5) ensure broad participation in State Tech-
17 nical Committees; and

18 “(6) ensure that priorities established at the
19 State level are effectively addressed by local work
20 groups.”.

21 **SEC. 207. INTEGRATED PEST MANAGEMENT INITIATIVE.**

22 Subtitle F of title XII of the Food Security Act of
23 1985 (16 U.S.C. 3830 et seq.) is amended by adding at
24 the end the following new section:

1 **“SEC. 1257. INTEGRATED PEST MANAGEMENT INITIATIVE.**

2 “(a) INITIATIVE REQUIRED.—The Secretary shall
3 implement an integrated pest management initiative in
4 priority regions identified by the Secretary under sub-
5 section (b) for the purpose of assisting agricultural pro-
6 ducers operating in such regions to comply with pest man-
7 agement regulations and alleviate the need for additional
8 regulations regarding pest management activities.

9 “(b) IDENTIFICATION OF PRIORITY REGIONS.—

10 “(1) IDENTIFICATION.—The Secretary of Agri-
11 culture shall identify priority regions where the
12 adoption by agricultural producers of integrated pest
13 management practices and approaches offers the
14 greatest potential benefit to producers seeking to
15 comply with environmental regulations and alleviate
16 the need for additional regulations resulting from
17 pest management activities. Priority regions shall in-
18 clude agricultural lands dominated by the production
19 of specialty crops and agricultural lands where agri-
20 cultural pest management activities are regulated for
21 the purpose of mitigating specific impacts to human
22 health or the environment, such as an area in which
23 pollutants exceed authorized total maximum daily
24 load or an air quality non-attainment area.

25 “(2) CONSULTATION.— The Secretary shall
26 identify priority regions in consultation with the En-

1 vironmental Protection Agency, the United States
2 Geological Service, the United States Fish and Wild-
3 life Service, agricultural producers, appropriated
4 State agencies, and other interested persons.

5 “(c) ACTIVITIES IN PRIORITY REGIONS.—

6 “(1) EXPEDITED APPROVAL OF MANAGEMENT
7 PRACTICES.—The Secretary of Agriculture shall de-
8 velop the best-available integrated pest management
9 practices for the primary agricultural commodities
10 and significant pests in each priority region identi-
11 fied under subsection (b) and expedite approval of
12 these practices for implementation by agricultural
13 producers.

14 “(2) IMPROVED EVALUATION OF MANAGEMENT
15 PLANS.—The Secretary shall develop and make
16 available criteria to enable staff of the Natural Re-
17 sources Conservation Service and agricultural pro-
18 ducers operating in priority regions identified under
19 subsection (b) to effectively compare pest manage-
20 ment plans, considering relative risks and potential
21 benefits to multiple resources of concern, including
22 air, surface water, ground water, bees and other pol-
23 linators, wildlife, and worker safety.

24 “(3) TECHNICAL ASSISTANCE.—The Secretary
25 shall enter in cooperative agreements, memorandums

1 of understanding, and contracts for services with
2 other agencies and non-Federal organizations, as
3 necessary, to assist in providing technical assistance
4 regarding integrated pest management planning and
5 implementation to producers operating in priority re-
6 gions identified under subsection (b).

7 “(4) MARKETING.—The Secretary shall market
8 the availability of integrated pest management tools
9 and training to agricultural producers in the priority
10 regions identified under subsection (b).

11 “(5) PROGRAM INTEGRATION.—The Secretary
12 shall set goals for integrating the integrated pest
13 management initiative with the environmental qual-
14 ity incentives program established under chapter 4
15 of subtitle D of title XII of the Food Security Act
16 of 1985 (16 U.S.C. 3839aa et seq.) and other con-
17 servation programs in each priority region identified
18 under subsection (b), including indicators of the ex-
19 tent to which these programs fund integrated pest
20 management practices and the extent to which sup-
21 ported integrated pest management practices reduce
22 pesticide use and risk.

23 “(d) FUNDING.—The Secretary of Agriculture may
24 use resources provided for programs under this title to im-
25 plement the integrated pest management initiative.”.

1 **SEC. 208. TECHNICAL ASSISTANCE UNDER DEPARTMENT**
2 **OF AGRICULTURE CONSERVATION PRO-**
3 **GRAMS.**

4 (a) USE OF THIRD-PARTY PROVIDERS.—Section
5 1242 of the Food Security Act of 1985 (16 U.S.C. 3842)
6 is amended—

7 (1) in subsection (a), by striking paragraph (2)
8 and inserting the following new paragraph:

9 “(2) at the option of the producer, through an
10 approved third party, if available.”; and

11 (2) in subsection (b)—

12 (A) by striking paragraph (1) and insert-
13 ing the following new paragraph:

14 “(1) SYSTEM FOR EVALUATION OF PRO-
15 VIDERS.—The Secretary shall establish, by regula-
16 tion, a system for approving individuals and entities
17 to provide technical assistance to carry out programs
18 under this chapter, including criteria for the evalua-
19 tion of providers or potential providers of technical
20 assistance. The system shall require, as part of the
21 approval process, consultation with county commit-
22 tees established under section 8(b) of the Soil Con-
23 servation and Domestic Allotment Act (16 U.S.C.
24 590h(b)).”;

25 (B) by striking paragraph (3) and insert-
26 ing the following new paragraph:

1 “(3) COMPETITIVE BIDDING.—The Secretary
2 may accept bids from approved third parties to pro-
3 vide technical assistance to producers eligible for
4 that assistance.”; and

5 (C) in paragraph (4), by striking “may re-
6 quest” and inserting “shall request, to the max-
7 imum extent practicable,”.

8 (b) COOPERATIVE CONSERVATION EDUCATIONAL AS-
9 SISTANCE PROGRAM.—Such section is further amended by
10 adding at the end the following new subsection:

11 “(c) COOPERATIVE CONSERVATION EDUCATIONAL
12 ASSISTANCE PROGRAM.—The Secretary shall establish a
13 cooperative conservation educational assistance program
14 through which a student at an institution of higher edu-
15 cation, in a field of study such as agronomy, conservation
16 biology, engineering, and other subject relevant to the pro-
17 vision of technical assistance under this section, may re-
18 ceive educational assistance in exchange for a commitment
19 of service to the Natural Resources Conservation Service
20 or other agency within the Department of Agriculture in-
21 volved in providing such assistance. Establishment of the
22 program shall be carried out by rulemaking, and the final
23 rule shall be issued not later than 180 days after the date
24 of the enactment of this subsection.”.

1 **SEC. 209. PILOT PROGRAM REGARDING NATIVE PLANTS**
2 **HABITAT RESTORATION AND ENDANGERED**
3 **OR THREATENED PLANT SPECIES RECOVERY.**

4 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
5 of Agriculture shall carry out a pilot program at the
6 Lockeford Plant Materials Center of the Natural Re-
7 sources Conservation Service to recover endangered or
8 threatened plant species and help restore habitat with na-
9 tive plants, while enhancing agriculture operations. The
10 pilot program shall be known as the native plants habitat
11 restoration and endangered or threatened plant species re-
12 covery pilot program.

13 (b) ELEMENTS OF PROGRAM.—Under the program,
14 the Lockeford Plant Materials Center shall—

15 (1) collect endangered or threatened plants and
16 plant materials, with the consent of affected land-
17 owners, from throughout the State of California,
18 propagate them and develop a seed source for agri-
19 culture and other interested parties to be able to use
20 the plants as part of commercial and agriculture op-
21 erations for restoration purposes;

22 (2) develop and demonstrate endangered or
23 threatened plant production methods;

24 (3) develop and demonstrate endangered or
25 threatened plant establishment and maintenance
26 techniques; and

1 (4) assist with private sector planting of endan-
2 gered or threatened plants.

3 (c) RELATION TO ENDANGERED SPECIES ACT.—

4 (1) AGREEMENT.—The Secretary of the Inte-
5 rior may enter into an agreement with the Secretary
6 of Agriculture to facilitate the implementation of
7 this section with regard to an endangered or threat-
8 ened plant species if the Secretary of Interior deter-
9 mines that the activities of the Lockeford Plant Ma-
10 terials Center are likely to contribute to the con-
11 servation of the species.

12 (2) IMPLEMENTATION REGULATIONS.—In con-
13 sultation with the Secretary of Agriculture, the Sec-
14 retary of Interior shall promulgate draft regulations
15 for implementation of this subsection not later than
16 90 days after the date of the enactment of this Act
17 and shall promulgate final regulations for implemen-
18 tation of this subsection not later than 180 days
19 after that date.

20 (3) PROTECTED ACTIVITIES.—The following ac-
21 tivities shall not be subject to section 7 or 9 of the
22 Endangered Species Act of 1973 (16 U.S.C. 1536,
23 1538):

1 (A) Any determination of the Secretary of
2 the Interior made under paragraph (1) or any
3 agreement entered into under such paragraph.

4 (B) Any action taken to implement such
5 agreement.

6 (C) The sale or offering for sale by the
7 Lockeford Plant Materials Center of any plants,
8 including seeds, parts, products, or progeny
9 thereof, for use in restoration efforts as part of
10 an agricultural operation.

11 (D) The consideration of or promulgation
12 of draft and final regulations under paragraph
13 (2).

14 (4) PRESENCE OF PLANTS FROM CENTER.—
15 The presence of any plants obtained from the
16 Lockeford Plant Materials Center, or the progeny of
17 such plants, on non-Federal land shall not be taken
18 into account by the Secretary of the Interior in car-
19 rying out section 7 of the Endangered Species Act
20 of 1973 (16 U.S.C. 1536).

21 (d) TECHNICAL ASSISTANCE.—The Secretary shall
22 request the United States Fish and Wildlife Service to
23 provide technical assistance to the Lockeford Plant Mate-
24 rials Center to carry out the program.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to the Secretary \$8,000,000
 3 for each of fiscal years 2008 through 2012 to carry out
 4 the program.

5 **SEC. 210. EXCLUSION OF PAYMENTS UNDER DEPARTMENT**
 6 **OF AGRICULTURE CONSERVATION PRO-**
 7 **GRAMS FROM ADJUSTED GROSS INCOME**
 8 **LIMITATION.**

9 Section 1001D(b)(2) of the Food Security Act of
 10 1985 (7 U.S.C. 1308–3a) is amended by striking subpara-
 11 graph (C).

12 **TITLE III—TRADE**

13 **SEC. 301. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.**

14 (a) FUNDING AND CARRYOVER OF FUNDING.—Sub-
 15 section (d) of section 3205 of the Farm Security and
 16 Rural Investment Act of 2002 (7 U.S.C. 5680) is amended
 17 to read as follows:

18 “(d) FUNDING AND CARRYOVER OF FUNDING.—

19 “(1) FUNDING.—To carry out the program, the
 20 Secretary shall make available funds of the Com-
 21 modity Credit Corporation, or an equal value of
 22 commodities owned by the Commodity Credit Cor-
 23 poration, in the amount of—

24 “(A) \$4,000,000 for fiscal year 2008;

25 “(B) \$6,000,000 for fiscal year 2009;

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

2 “(D) \$10,000,000 for each of fiscal years
3 2011 and 2012.

4 “(2) CARRYOVER OF FUNDING.—Funds made
5 available for the program under paragraph (1) or
6 under section 201 of the Specialty Crops Competi-
7 tiveness Act of 2004 (Public Law 108–465; 118
8 Stat. 3884) shall remain available until expended.”.

9 (b) FLEXIBILITY.—Such section is further amended
10 by adding at the end the following new subsection:

11 “(e) FLEXIBILITY.—In providing technical assistance
12 under the program, the Secretary should provide for case-
13 by-case extensions, upon the approval of the Administrator
14 of the Foreign Agricultural Service, of time frames pro-
15 vided by regulations in connection with that assistance.”.

16 **SEC. 302. COORDINATION OF TRADE OBJECTIVES BETWEEN**
17 **KEY AGENCIES.**

18 The President shall take steps to ensure increased co-
19 ordination among relevant agencies within the Depart-
20 ment of Agriculture and other agencies within the Execu-
21 tive branch of export and import trade objectives and
22 greater transparency on work related to sanitary and
23 phytosanitary trade issues.

1 **SEC. 303. MARKET ACCESS PROGRAM.**

2 Section 211(c)(1)(A) of the Agricultural Trade Act
3 of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended—

4 (1) by striking “and” before “\$200,000,000”;

5 and

6 (2) by inserting “and \$350,000,000 for each of
7 fiscal years 2008 through 2012,” after “2007,”.

8 **SEC. 304. GRANT PROGRAM FOR MARKET ANALYSIS RE-**
9 **LATED TO ANTI-DUMPING AND COUNTER-**
10 **VAILING DUTY CASES INVOLVING SPECIALTY**
11 **CROPS.**

12 (a) GRANTS AUTHORIZED.—The Secretary of Agri-
13 culture may make grants under this section to a State
14 agency or an association of specialty crop producers (in
15 this section referred to as an “eligible entity”) to conduct
16 or procure market analysis in connection with anti-dump-
17 ing and countervailing duty cases involving a specialty
18 crop under consideration by the United States Inter-
19 national Trade Commission or the Department of Com-
20 merce.

21 (b) GRANT CRITERIA.—To be eligible for a grant
22 under this section, an eligible entity must establish to the
23 satisfaction of the Secretary that—

24 (1) there has been significant price underselling
25 of the imported specialty crop, as compared with the

1 previous three-year average price of the domestic
2 specialty crop; and

3 (2) there is a significant increase of the volume
4 or market penetration of the imported specialty crop
5 over the previous three years.

6 (c) **MATCHING FUNDS.**—An eligible entity receiving
7 a grant under this section shall contribute non-Federal
8 funds toward the market analysis project for which the
9 grant is provided in an amount at least equal to the
10 amount of the grant.

11 (d) **FUNDING.**—The Secretary of Agriculture shall
12 use \$10,000,000 of funds of the Commodity Credit Cor-
13 poration for each of the fiscal years 2008 through 2012
14 to make grants under this section.

15 **SEC. 305. SENSE OF CONGRESS REGARDING CERTAIN ANTI-**
16 **TRUST LAWS APPLICABLE TO AGRICULTURE.**

17 It is the sense of Congress that the Export Trading
18 Company Act (ETC), the Webb-Pomerene Export Act,
19 and the Capper-Volstead Act should be strongly supported
20 because these antitrust laws promote United States agri-
21 cultural exports and allow specialty crop producers key
22 protections.

1 **TITLE IV—INVASIVE PESTS AND**
2 **DISEASES**

3 **SEC. 401. THREAT IDENTIFICATION AND MITIGATION PRO-**
4 **GRAM.**

5 (a) ESTABLISHMENT.—The Administrator of the
6 Animal and Plant Health Inspection Service shall estab-
7 lish and administer a program to determine and prioritize
8 foreign threats to domestic production of specialty crops,
9 including threats of bioterrorism.

10 (b) PROGRAM.—In conducting the program estab-
11 lished under subsection (a), the Administrator of the Ani-
12 mal and Plant Health Inspection Service shall—

13 (1) protect the interests of the domestic spe-
14 cialty crop industry;

15 (2) prevent, control, and eradicate foreign and
16 domestic pest and disease threats in the United
17 States;

18 (3) consult with the Administrator of the Agri-
19 cultural Research Service, where appropriate; and

20 (4) not use funds available pursuant to sub-
21 section (c) for eradication efforts that enhance im-
22 port opportunities into the United States.

23 (c) FUNDING.—Of the funds available to the Com-
24 modity Credit Corporation, the Administrator shall use

1 \$100,000,000 in each of fiscal years 2008 through 2012
2 to carry out this section.

3 **SEC. 402. EMERGENCY ERADICATION PROGRAMS.**

4 (a) IN GENERAL.—The Secretary of Agriculture shall
5 use funds available to the Commodity Credit Corporation
6 for emergency response and eradication programs, includ-
7 ing for the hiring of additional personnel. Such funds shall
8 be used only for domestic emergency response and eradi-
9 cation.

10 (b) COMPENSATION.—If the Secretary of Agriculture
11 determines that compensation should be provided to a
12 grower under an emergency eradication program under
13 subsection (a), the Secretary shall provide such compensa-
14 tion using the existing administrative services of the Farm
15 Service Agency and the Animal and Plant Health Inspec-
16 tion Service.

17 **SEC. 403. ANIMAL AND PLANT HEALTH INSPECTION SERV-**
18 **ICE EXPORT DIVISION.**

19 (a) ESTABLISHMENT.—The Administrator of the
20 Animal and Plant Health Inspection Service shall estab-
21 lish a sanitary and phytosanitary export petitions division
22 within the Animal and Plant Health Inspection Service.

23 (b) DUTIES.—The division established under sub-
24 section (a) shall—

1 (1) process sanitary and phytosanitary export
2 petitions;

3 (2) establish a public docket for sanitary and
4 phytosanitary export petitions; and

5 (3) complete review of sanitary and
6 phytosanitary export petitions filed on or before the
7 date of the enactment of this Act not later than five
8 years after such date.

9 **SEC. 404. CONSULTATIONS ON SANITARY AND**
10 **PHYTOSANITARY RESTRICTIONS FOR FRUITS**
11 **AND VEGETABLES.**

12 (a) AMENDMENTS.—Section 2104(b)(2)(A)(ii)(II) of
13 the Bipartisan Trade Promotion Authority Act of 2002
14 (19 U.S.C. 3804(b)(2)(A)(ii)(II)) is amended—

15 (1) by striking “whether the products so identi-
16 fied” and inserting “whether—

17 “(aa) the products so identified”;
18 and

19 (2) by adding at the end the following:

20 “(bb) any fruits or vegetables so
21 identified are subject to or likely to be
22 subject to unjustified sanitary or
23 phytosanitary restrictions, including
24 those not based on scientific principles
25 in contravention of the Uruguay

1 Round Agreements, as determined by
2 the United States Trade Representa-
3 tive in consultation with the Agricul-
4 tural Technical Advisory Committee
5 for Trade in Fruits and Vegetables of
6 the Department of Agriculture; and”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) apply with respect to the initiation of nego-
9 tiations to enter into any trade agreement that is subject
10 to the provisions of section 2103(b) of the Bipartisan
11 Trade Promotion Authority Act of 2002 (19 U.S.C.
12 3804(b)) on or after the date of the enactment of this
13 Act.

14 **SEC. 405. MULTI-SPECIES FRUIT FLY RESEARCH AND STER-**
15 **ILE FLY PRODUCTION.**

16 (a) CONSTRUCTION.—The Secretary of Agriculture
17 shall construct a warehouse and irradiation containment
18 facility in Waimanalo, Hawaii, to support fruit fly rearing
19 activities and to house an irradiation to sterilize fruit flies.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated—

22 (1) \$15,000,000 for the construction of a ware-
23 house and irradiation containment facility pursuant
24 to subsection (a); and

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

4 **TITLE V—NUTRITION**

5 **SEC. 501. FINDINGS.**

6 Congress finds the following:

7 (1) Fruits and vegetables offer consumers a
8 healthy and nutritious product that is recognized as
9 critical to the prevention of heart disease, stroke,
10 and some cancers and other chronic diseases, the re-
11 duction of obesity and diabetes, and the maintenance
12 of overall good health.

13 (2) Proper nutrition is critical in promoting
14 good health, preventing disease, and improving qual-
15 ity of life.

16 (3) Agriculture policies and related domestic
17 and international nutrition assistance programs
18 should support incentives and key strategies that
19 help Americans reach national health goals and ulti-
20 mately reduce health care costs.

21 **SEC. 502. EXPANSION OF FRESH FRUIT AND VEGETABLE** 22 **PROGRAM.**

23 Section 18 of the Richard B. Russell National School
24 Lunch Act (42 U.S.C. 1769) is amended in subsection
25 (g)—

1 (1) in paragraph (1)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “July 2004 and each subse-
4 quent school year” and inserting “October 2007
5 and each school year thereafter”; and

6 (B) by amending subparagraphs (A) and
7 (B) to read as follows:

8 “(A) 100 elementary or secondary schools
9 in each State;

10 “(B) additional elementary or secondary
11 schools in each State in proportion to the stu-
12 dent population of the State;”.

13 (2) in paragraph (3)(A), by striking “paragraph
14 (1)(B)” and inserting “paragraph (1)”;

15 (3) in paragraph (5), in each of subparagraphs
16 (A) and (B), by striking “2008” and inserting
17 “2011”; and

18 (4) in paragraph (6)(B)(i)—

19 (A) by striking “October 1, 2004, and on
20 each October 1 thereafter,” and inserting “Oc-
21 tober 1, 2007, and on each October 1 there-
22 after,”; and

23 (B) by striking “\$9,000,000” and insert-
24 ing “\$300,000,000”.

1 **SEC. 503. FRUIT AND VEGETABLE NUTRITION PROMOTION**
2 **PROGRAM.**

3 (a) **IN GENERAL.**—The Secretary of Agriculture, act-
4 ing through the Administrator of the Agricultural Mar-
5 keting Service, shall establish and carry out a program
6 to provide assistance to eligible trade organizations to in-
7 crease the consumption of fruits and vegetables in the
8 United States to meet Federal health guidelines.

9 (b) **REQUIREMENTS FOR PARTICIPATION.**—To be eli-
10 gible for assistance under this section, an organization
11 shall—

12 (1) be an eligible trade organization;

13 (2) prepare and submit a plan to increase the
14 consumption of fruits and vegetables in the United
15 States to the Administrator of the Agricultural Mar-
16 keting Service that meets any guidelines governing
17 such plans established by the Administrator; and

18 (3) meet any other requirements established by
19 the Administrator.

20 (c) **ELIGIBLE TRADE ORGANIZATIONS.**—An eligible
21 trade organization under this section shall be—

22 (1) a non-profit fruit and vegetable trade orga-
23 nizations in the United States;

24 (2) a non-profit State or regional fruit and veg-
25 etable organization;

1 (3) a fruit and vegetable agricultural coopera-
2 tive in the United States;

3 (4) a commodity board or commission in the
4 United States; or

5 (5) a small business engaged in the fruit and
6 vegetable industry in the United States.

7 (d) MATCHING FUNDS.—Assistance provided under
8 this section shall not exceed—

9 (1) in the case of an organization described in
10 paragraphs (1) through (4) of subsection (c), 90
11 percent of the cost of the plan to increase the con-
12 sumption of fruits and vegetables in the United
13 States submitted under subsection (b)(2); and

14 (2) in the case of an organization described in
15 subsection (c)(5), 50 percent of the cost of the plan
16 to increase the consumption of fruits and vegetables
17 in the United States submitted under subsection
18 (b)(2).

19 (e) FUNDING.—Of the funds available to the Com-
20 modity Credit Corporation, the Administrator of the Agri-
21 cultural Marketing Service shall use \$100,000,000 in each
22 of fiscal years 2008 through 2011 to carry out this sec-
23 tion.

1 **SEC. 504. USE OF “DIETARY GUIDELINES FOR AMERICANS”**
2 **IN SPECIAL NUTRITION PROGRAMS AND**
3 **SCHOOL LUNCH PROGRAMS.**

4 Section 9(a) of the Richard B. Russell National
5 School Lunch Act (42 U.S.C. 1758(a)) is amended by add-
6 ing at the end the following:

7 “(5) ALLOCATIONS TO BE BASED ON DIETARY
8 GUIDELINES.—For school year 2007 and each school
9 year thereafter, the Secretary shall ensure that allo-
10 cations of food and food ingredients offered in school
11 nutrition programs under this Act and the Child
12 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are
13 based on the most recent Dietary Guidelines for
14 Americans.”.

15 **SEC. 505. SECTION 32 SPECIALTY CROP PURCHASES.**

16 (a) **MINIMUM LEVEL OF PURCHASES.**—Section 32 of
17 the Act of August 24, 1935 (7 U.S.C. 612c) is amended
18 in the sixth sentence by inserting after “and their prod-
19 ucts” the following: “, and, for each of fiscal years 2008
20 through 2012, the Secretary of Agriculture shall devote
21 not less than \$400,000,000 of sums appropriated under
22 this section to purchases of non-basic agricultural com-
23 modities, such as fruits, vegetables, and other specialty
24 food crops”.

25 (b) **EXPANSION OF DOD FRESH PROGRAM.**—Such
26 section is further amended by inserting after the sixth sen-

1 tence, as amended by subsection (a), the following new
2 sentence: “Of the funds specified in the preceding sen-
3 tence, the Secretary of Agriculture shall expend not less
4 than \$150,000,000 for each of fiscal years 2008 through
5 2012 for the purchase of fresh fruits and vegetables for
6 distribution to schools and service institutions in accord-
7 ance with section 6(a) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1755(a)).”.

9 **SEC. 506. SCHOOL PREFERENCE STUDY.**

10 The Secretary of Agriculture shall carry out a study
11 on the preferences of elementary and secondary schools
12 for commodity distribution, including the extent to which
13 such schools prefer commodity distribution to include
14 fresh fruits and vegetables, and submit to Congress a re-
15 port on the results of the study. The report shall include
16 an analysis of the logistical issues that would impede ef-
17 forts to increase the extent to which commodity distribu-
18 tion to schools includes fresh fruits and vegetables, and
19 shall include recommendations for improving the avail-
20 ability of fresh fruits and vegetables to schools.

21 **SEC. 507. INDEPENDENT EVALUATION OF DEPARTMENT OF**
22 **AGRICULTURE COMMODITY PURCHASE**
23 **PROCESS.**

24 (a) **EVALUATION REQUIRED.**—The Secretary of Agri-
25 culture shall arrange to have performed an independent

1 evaluation of the commodity purchasing processes (and
2 the statutory and regulatory authority underlying such
3 processes) used by the Department of Agriculture to re-
4 move surplus commodities from the market and support
5 commodity prices and producer incomes, especially with
6 regard to activities under section 32 of the Act of August
7 24, 1935 (7 U.S.C. 612c) and the importance of increas-
8 ing purchases of perishable specialty crops.

9 (b) SUBMISSION OF RESULTS.—The Secretary of Ag-
10 riculture shall submit to Congress a report on the results
11 of the evaluation.

12 **SEC. 508. AMENDMENTS TO THE FOOD STAMP PROGRAM.**

13 (a) DEFINITION.—Section 3 of the Food Stamp Act
14 of 1977 (7 U.S.C. 2012) is amended by adding at the end
15 the following:

16 “(v) ‘food stamp nutrition education’ means direct
17 education, group activities, community health promotion,
18 and comprehensive public health approaches (including
19 but not limited to, social marketing, mass media, public-
20 private partnerships, policy, systems and environmental
21 changes, and evaluation) that promote healthy eating and
22 make healthy food and physical activity choices more de-
23 sired, affordable, and accessible. To serve all those poten-
24 tially eligible for food stamps, nutrition education pro-
25 grams should be designed to reach large numbers of low-

1 income individuals. Programs shall support behavior
2 change consistent with the Dietary Guidelines for Ameri-
3 cans, including a diet rich in fruits and vegetables, whole
4 grains, and low-fat milk products.”.

5 (b) ADMINISTRATION.—Section 11(e)(1)(A) of the
6 Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A) is
7 amended by inserting “, and provide food stamp nutrition
8 education” after “program” .

9 **SEC. 509. SENSE OF THE CONGRESS REGARDING NUTRI-**
10 **TIONAL SUPPLEMENTS.**

11 It is the sense of the Congress that benefits provided
12 under the Food Stamp Act of 1977 should not be available
13 to purchase nutrition supplements or anything other than
14 food.

15 **SEC. 510. FOOD STAMP FRUIT AND VEGETABLE EBT PILOT**
16 **PROJECT.**

17 (a) FINDING.—The Congress finds that increased
18 consumption of fruits and vegetables by participants in the
19 food stamp program will significantly improve the overall
20 dietary habits of such participants.

21 (b) PILOT PROJECT.—The Secretary of Agriculture
22 shall establish and carry out a pilot project that will pro-
23 vide to each participant in the food stamp program who
24 receives benefits in the form of an electronic benefit trans-
25 fer, financial incentives for each dollar of such benefits

1 expended by such recipient to facilitate the purchase of
2 fresh fruits and vegetables.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$10,000,000 for each of 5
5 fiscal years to carry out this section.

6 **TITLE VI—AGRICULTURAL** 7 **RESEARCH**

8 **SEC. 601. SPECIALTY CROPS ECONOMIC AND POLICY RE-** 9 **SEARCH INSTITUTE.**

10 (a) ESTABLISHMENT.—There is established within
11 the Department of Agriculture a Specialty Crops Eco-
12 nomic and Policy Research Institute to study economic
13 and public policy issues that affect the competitiveness of
14 United States specialty crops from a regional and national
15 perspective.

16 (b) INSTITUTE OBJECTIVES.—The objectives of the
17 Institute established under this section shall be as follows:

18 (1) To provide Congress with a resource for
19 analysis of the specialty crop sector, including the
20 impact of changes in domestic and international
21 markets, production and new product technologies,
22 alternative policies and macroeconomic conditions on
23 specialty crop production, use, farm and retail
24 prices, and farm income and financial stability from
25 a national, regional, and farm-level perspective.

1 (2) To provide annual review of the economic
2 state of the specialty crop industry from a regional
3 perspective.

4 (3) To provide specialty crop producers with
5 World Wide Web-based risk management tools that
6 can be used to assess the impact of policy, market,
7 and technological change on their production oper-
8 ations.

9 (4) To develop an information series that pro-
10 vides applied information useful to specialty crop
11 growers, their associations, and other interested
12 stakeholders in evaluating that industry from a re-
13 gional and national perspective.

14 (5) To disseminate the results of research
15 through printed reports, workshops, specialty crop
16 grower association meetings, and on the World Wide
17 Web.

18 (6) To provide research and policy internship
19 opportunities for undergraduate and graduate stu-
20 dents.

21 (c) FUNDING.—Of the funds of the Commodity Cred-
22 it Corporation, the Secretary shall make available
23 \$3,770,000 to carry out this section.

1 **SEC. 602. DEVELOPMENT OF SPECIALTY CROP PRIORITY**
2 **FOR THE NATIONAL RESEARCH INITIATIVE.**

3 The Secretary of Agriculture shall develop a specialty
4 crop priority area within the overall areas of emphasis of
5 the National Research Initiative. Funds available to the
6 Secretary for the specialty crop priority area shall be ex-
7 pended on the applied research and extension programs
8 that increase the quality of specialty crop research.

9 **SEC. 603. ESTABLISHMENT OF SPECIALTY CROP RESEARCH**
10 **GRANTS PROGRAM FOR PRODUCERS TO IM-**
11 **PROVE EFFICIENCY AND COMPETITIVENESS.**

12 (a) **ESTABLISHMENT.**—The Secretary of Agriculture
13 shall establish a program to award grants to eligible enti-
14 ties to improve the efficiency and competitiveness of
15 United States specialty crop producers.

16 (b) **ELIGIBLE ENTITIES.**—The Secretary shall deter-
17 mine eligible entities for grants under this section. Such
18 entities shall include nonprofit United States specialty
19 crop trade organizations and foundations, nonprofit State
20 and regional specialty crop organizations, United States
21 specialty crop agricultural cooperatives, commodity boards
22 and commissions, university research and extension pro-
23 grams, and small United States businesses in the specialty
24 crop industry.

25 (c) **USE OF FUNDS.**—Funds from grants under this
26 program shall be used for one or more of the following:

1 (1) Research that addresses the short-term, in-
2 intermediate, and long term needs of the United
3 States specialty crop industry in production tech-
4 nology (such as plant breeding, pest management,
5 production, physiology, food science).

6 (2) Mechanization, marketing, product develop-
7 ment, food security, and food safety to improve the
8 competitiveness of the United States specialty crop
9 industry.

10 (3) Development and implementation of indus-
11 try-specific strategic plans to prioritize research and
12 develop United States specialty crop industry and
13 research collaboration.

14 (d) FUNDING.—Of the funds of the Commodity Cred-
15 it Corporation, the Secretary shall make available
16 \$200,000,000 for each of fiscal years 2008 through 2012
17 to carry out this section.

18 **SEC. 604. NATIONAL CLEAN PLANT NETWORK.**

19 (a) ESTABLISHMENT.—There is established in the
20 Department of Agriculture, as part of the Cooperative
21 State Research, Education, and Extension Service, a pro-
22 gram to be known as the “National Clean Plant Net-
23 work”. The Secretary of Agriculture shall use the network
24 to develop a sustainable national funding source for clean
25 planting stock programs for horticultural crops deter-

1 mined by the Secretary to be of priority for the United
2 States. Such funding shall be used to award grants to enti-
3 ties that have the expertise, facilities, and climate nec-
4 essary to efficiently produce, maintain, and distribute
5 healthy planting stock for specialty crops.

6 (b) PRIORITIES.—Section 1408A(c) of the Specialty
7 Crops Competitiveness Act of 2004 (7 U.S.C. 3123a(c))
8 is amended by adding at the end the following:

9 “(4) Priorities for Federal research activities
10 related to United States specialty crops.”.

11 (c) FUNDING.—Of the funds of the Commodity Cred-
12 it Corporation, the Secretary of Agriculture shall make
13 available \$5,000,000 for each of fiscal years 2008 through
14 2012 to carry out this section.

15 **SEC. 605. PRIORITIZING CURRENT FEDERAL RESEARCH AC-**
16 **TIVITIES FOR SPECIALTY CROPS.**

17 The Secretary of Agriculture shall—

18 (1) coordinate with and assist producers and
19 organizations comprised of key stakeholders working
20 together to develop and implement applied research
21 and extension related to the United States specialty
22 crop industry;

23 (2) deliver information to key stakeholders in a
24 user-friendly form, in addition to a standard re-
25 search publication and, in turn, be rewarded for

1 their abilities to deliver information to both the sci-
2 entific community and the end-user; and

3 (3) ensure that research and extension activities
4 conducted by Federal agencies be required to have
5 industry-appointed panels involved in the
6 prioritization, administration, and oversight of use of
7 Federal available to develop and implement applied
8 research and extension related to the United States
9 specialty crop industry.

10 **TITLE VII—RENEWABLE ENERGY**

11 **SEC. 701. INVENTORY OF SPECIALTY CROP BIOMASS WASTE**

12 **AS PART OF ANNUAL ASSESSMENT OF RE-** 13 **NEWABLE ENERGY RESOURCES.**

14 Section 201 of the Energy Policy Act of 2005 (Public
15 Law 109–58; 42 U.S.C. 15851) is amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 “(c) INVENTORY OF SPECIALTY CROP BIOMASS.—

21 “(1) INVENTORY.—As part of each assessment
22 of biomass renewable energy resources under sub-
23 section (a), the Secretary shall develop an inventory,
24 on a State and county basis, of specialty crop bio-
25 mass that could be potentially utilized in the produc-

1 tion of electric energy, useful heat, transportation
2 fuels, petroleum-based product substitutes, and
3 other value-added products.

4 “(2) COOPERATION AND FUNDING.—The Sec-
5 retary shall prepare the inventory in cooperation
6 with the Secretary of Agriculture, and the Secretary
7 of Agriculture may contribute up to \$25,000,000 of
8 funds of the Commodity Credit Corporation each fis-
9 cal year to assist in the development of the inven-
10 tory. Amounts contributed under this paragraph are
11 in addition to amounts appropriated pursuant to the
12 authorization of appropriations in subsection (d).

13 “(3) DEFINITIONS.—In this subsection:

14 “(A) SPECIALTY CROP.—The term ‘spe-
15 cialty crop’ has the meaning given that term in
16 section 3(1) of the Equitable Agriculture Today
17 for a Healthy America Act.

18 “(B) SPECIALTY CROP BIOMASS.—The
19 term ‘specialty crop biomass’ means agricul-
20 tural waste from specialty crop production, in-
21 cluding waste derived from orchard tree crops,
22 vineyard crops, and nut crops, and other fruit
23 and vegetable byproducts or residues.”.

1 **SEC. 702. DEPARTMENT OF AGRICULTURE BIOENERGY**
2 **PROGRAM.**

3 (a) DEFINITION OF ELIGIBLE COMMODITIES UNDER
4 PROGRAM.—Subsection (a)(3) of section 9010 of the
5 Farm Security and Rural Investment Act of 2002 (7
6 U.S.C. 8108) is amended—

7 (1) by redesignating subparagraphs (B), (C),
8 and (D) as subparagraphs (C), (D), and (E), respec-
9 tively; and

10 (2) by inserting after subparagraph (A) the fol-
11 lowing new subparagraph:

12 “(B) specialty crop agricultural waste, in-
13 cluding waste derived from orchard tree crops,
14 vineyard crops, and nut crops, and other fruit
15 and vegetable byproducts or residues.”.

16 (b) REAUTHORIZATION.—Subsection (c) of such sec-
17 tion is amended by striking paragraph (2) and inserting
18 the following new paragraph:

19 “(2) \$175,000,000 for each of fiscal years 2008
20 through 2012.”.

1 **SEC. 703. GRANTS FOR DEVELOPMENT OF BUSINESS PLANS**
2 **AND CONSTRUCTION PROJECTS TO USE SPE-**
3 **CIALTY CROP BIOMASS WASTE FOR ELEC-**
4 **TRIC ENERGY, USEFUL HEAT, TRANSPOR-**
5 **TATION FUELS, PETROLEUM-BASED PROD-**
6 **UCT SUBSTITUTES, AND OTHER COMMER-**
7 **CIAL PURPOSES.**

8 (a) **BIOMASS COMMERCIAL USE GRANT PROGRAM.**—
9 The Secretary of Agriculture may make a grant to any
10 person for the purpose of assisting the person to develop
11 a business plan or construct a facility to use specialty crop
12 waste and residues as a raw material to produce electric
13 energy, sensible heat, transportation fuels, substitutes for
14 petroleum-based products, or other value-added products.

15 (b) **GRANT SHARE.**—A grant under this section may
16 not cover more than 80 percent of the cost to develop the
17 business plan or construct the facility for which the grant
18 is made.

19 (c) **SELECTION.**—The Secretary shall select grant re-
20 cipients under this section after giving consideration to the
21 anticipated public benefits of the project, including the
22 quantity of specialty crop waste and residues to be used
23 by the resulting facility, opportunities for the creation or
24 expansion of small businesses and micro-businesses, and
25 the potential for new job creation.

1 (d) MONITORING OF GRANT RECIPIENT ACTIVI-
2 TIES.—As a condition of a grant under this section, the
3 grant recipient shall keep such records as the Secretary
4 may require to fully and accurately disclose the use of the
5 grant funds.

6 (e) REPORT.—Not later than October 1, 2010, the
7 Secretary of Agriculture shall submit to Congress a report
8 describing the results of the grant program authorized by
9 this section.

10 (f) FUNDING.—The Secretary of Agriculture shall
11 use \$25,000,000 of funds of the Commodity Credit Cor-
12 poration for each of the fiscal years 2007 through 2012
13 to make grants under this section.

14 **TITLE VIII—MISCELLANEOUS**
15 **PROVISIONS**

16 **SEC. 801. SPECIALTY CROP BLOCK GRANTS.**

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

21 (b) FUNDING SOURCE AND INCREASE IN ANNUAL
22 FUNDING.—Subsection (i) of such section is amended to
23 read as follows:

24 “(i) FUNDING.—The Secretary of Agriculture shall
25 use \$500,000,000 of funds of the Commodity Credit Cor-

1 poration for each of the fiscal years 2008 through 2012
2 to make grants under this section.”.

3 (c) CONFORMING AMENDMENTS.—Such section is
4 further amended—

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

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

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

15 **SEC. 802. FEDERAL INSECTICIDE, FUNGICIDE, AND**
16 **RODENTICIDE ACT; REQUESTS BY STATE**
17 **AGENCIES FOR EXEMPTIONS.**

18 Section 18 of the Federal Insecticide, Fungicide, and
19 Rodenticide Act (7 U.S.C. 136p) is amended—

20 (1) by striking “The Administrator may,” and
21 inserting the following:

22 “(a) IN GENERAL.—The Administrator may,”; and

23 (2) by adding at the end the following:

24 “(b) REQUEST FOR EXEMPTION; REPORT TO CON-
25 GRESS IN CASE OF DELAY.—If a State agency requests

1 an exemption under subsection (a) and the Administrator
2 does not approve or deny the request within the 50-day
3 period beginning on the date on which the request was
4 submitted to the Administrator, the Administrator shall
5 submit to the Committee on Agriculture in the House of
6 Representatives, and the Committee on Agriculture, Nu-
7 trition, and Forestry in the Senate, a report that provides
8 notice of such fact and an explanation of the reasons un-
9 derlying the failure of the Administrator to approve or
10 deny the request within such period.”.

11 **SEC. 803. PROTECTION OF INTELLECTUAL PROPERTY**
12 **RIGHTS IN PLANTS AND PLANT-DERIVED MA-**
13 **TERIAL.**

14 (a) ESTABLISHMENT.—The Secretary of Agriculture
15 shall expand the Office of Technology Transfer of the De-
16 partment of Agriculture for the purpose of encouraging
17 the development and protection of intellectual property
18 rights in plants and material derived from plants.

19 (b) DUTIES.—The office shall be an advocate for the
20 interests of United States producers of specialty crops—

21 (1) before the Office of Patents, Trademarks,
22 and Copyrights of the United States Department of
23 Commerce and other Federal agencies; and

1 (2) in international governmental and non-
2 governmental organizations dealing with intellectual
3 property rights.

4 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
5 authorized to be appropriated to the Secretary of Agri-
6 culture \$10,000,000 for each of fiscal years 2008 through
7 2012 to carry out this section.

8 **SEC. 804. GRANT PROGRAM TO IMPROVE TRANSPOR-**
9 **TATION INFRASTRUCTURE TO REDUCE COST**
10 **OF TRANSPORTATION OF SPECIALTY CROPS.**

11 (a) **GRANTS AUTHORIZED.**—The Secretary of Agri-
12 culture, acting through the Transportation Services
13 Branch of the Department of Agriculture, may make
14 grants under this section to an eligible entity described
15 in subsection (b)—

16 (1) to expand and improve transportation infra-
17 structure to improve the cost-effective movement of
18 specialty crops to markets inside or outside the
19 United States; and

20 (2) to address regional intermodal transpor-
21 tation deficiencies that adversely affect the move-
22 ment of specialty crops to markets inside or outside
23 the United States.

24 (b) **ELIGIBLE GRANT RECIPIENTS.**—Grants may be
25 made under this section to State and local governments,

1 grower cooperatives, individual specialty crop producers or
2 groups of producers, individual shippers, and State and
3 regional producer and shipper organizations.

4 (c) MATCHING FUNDS.—The recipient of a grant
5 under this section shall contribute an amount of non-Fed-
6 eral funds toward the project for which the grant is pro-
7 vided that is at least equal to the amount of grant funds
8 received by the recipient under this section.

9 (d) FUNDING.—The Secretary of Agriculture shall
10 use \$75,000,000 of funds of the Commodity Credit Cor-
11 poration for each of the fiscal years 2008 through 2012
12 to make grants under this section.

13 **SEC. 805. ADDITIONAL FUNDS FOR AGRICULTURAL MAR-**
14 **KETING SERVICE SPECIALTY CROP MARKET**
15 **NEWS ACTIVITIES.**

16 From funds of the Commodity Credit Corporation,
17 the Secretary of Agriculture shall transfer \$9,000,000 for
18 each of the fiscal years 2008 through 2012 to the Agricul-
19 tural Marketing Service to support the market news activi-
20 ties of the Agricultural Marketing Service regarding spe-
21 cialty crops.

1 **SEC. 806. VALUE-ADDED GRANT PROGRAM TO PROMOTE**
2 **CREATION, EXPANSION, OR OPERATION OF**
3 **VALUE-ADDED PROCESSING OF SPECIALTY**
4 **CROPS.**

5 (a) GRANTS AUTHORIZED.—The Secretary of Agri-
6 culture may make grants to an eligible entity described
7 in subsection (b) to promote the creation, expansion, or
8 operation of value-added processing in connection with the
9 production of a specialty crop.

10 (b) ELIGIBLE GRANT RECIPIENTS.—To be eligible
11 for a grant under this section, an entity must be under
12 majority ownership by a specialty crop producer.

13 (c) AMOUNT OF GRANT.—The total amount received
14 by an entity under this section may not exceed \$150,000.

15 (d) USE OF GRANT.—An entity may use grant funds
16 provided under this section to create, expand, or operate
17 value-added processing in connection with production of
18 a specialty crop. The grant funds may be used to cover
19 both operational and capital expenses,

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

25 (f) FUNDING.—The Secretary of Agriculture shall
26 use \$150,000,000 of funds of the Commodity Credit Cor-

- 1 poration for each of the fiscal years 2008 through 2012
- 2 to make grants under this section.

○