

109TH CONGRESS
2D SESSION

S. 2487

To ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2006

Mr. CRAIG (for himself, Ms. STABENOW, Mrs. MURRAY, Mr. CRAPO, Mr. SANTORUM, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Specialty Crops Competition Act of 2006”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings and purpose.
 Sec. 3. Definitions.

TITLE I—MARKETING

Sec. 101. Implementation of food safety programs under marketing orders.
 Sec. 102. Increase in maximum amount of assistance authorized under tree assistance program.
 Sec. 103. Fruit and vegetable market news allocation.

TITLE II—SPECIALTY CROP GRANTS AND LOANS

Sec. 201. Grants to States to enhance competitiveness of specialty crops.
 Sec. 202. Operating loans.
 Sec. 203. Increased purchases of fruits, vegetables, and specialty crops.

TITLE III—INTERNATIONAL TRADE

Sec. 301. Foreign market access study and strategy plan.
 Sec. 302. Technical assistance for specialty crops.
 Sec. 303. Animal and Plant Health Inspection Service.
 Sec. 304. Protection of intellectual property rights in plants and plant-derived material.
 Sec. 305. Plant patents.

TITLE IV—SPECIALTY CROP RESEARCH AND GRANTS

Sec. 401. Transfer of administration and funding of Office of Pest Management Policy.
 Sec. 402. National specialty crops development initiative grant program.
 Sec. 403. Mechanized harvesting for production and processing methods.

TITLE V—INVASIVE PEST RESEARCH AND DISEASE RESPONSE

Sec. 501. Foreign invasive pests and diseases.
 Sec. 502. Emergency response Fund.
 Sec. 503. Independent scientific advice for Animal and Plant Health Inspection Service.
 Sec. 504. Food safety initiatives.
 Sec. 505. Clean plant network.

TITLE VI—CONSERVATION

Sec. 601. Elimination of limitation on adjusted gross income from eligibility requirements for environmental quality incentives program.
 Sec. 602. Sustainability practices.

3 **SEC. 2. FINDINGS AND PURPOSE.**

- 4 (a) FINDINGS.—Congress finds that—

1 (1) a secure domestic food supply is a national
2 security imperative for the United States;

3 (2) a competitive specialty crop industry in the
4 United States is necessary for the production of an
5 abundant, affordable supply of highly nutritious
6 fruits, vegetables, and other specialty crops (includ-
7 ing nursery crops, floriculture, and low-growing
8 dense perennial turfgrass sod), which are vital to the
9 health and well-being of all Americans;

10 (3) increased consumption of specialty crops
11 will provide tremendous health and economic bene-
12 fits to both consumers and specialty crop growers;

13 (4) specialty crop growers believe that there are
14 numerous areas of Federal agriculture policy that
15 could be improved to promote increased consumption
16 of specialty crops and increase the competitiveness
17 of producers in the efficient production of affordable
18 specialty crops in the United States;

19 (5) as the globalization of markets continues, it
20 is becoming increasingly difficult for United States
21 producers to compete against heavily subsidized for-
22 eign producers in both the domestic and foreign
23 markets; and

1 (6) United States specialty crop producers con-
2 tinue to face serious tariff and non-tariff trade bar-
3 riers in many export markets.

4 (b) PURPOSE.—It is the purpose of this Act to make
5 necessary changes in and additions to Federal agricultural
6 policy to accomplish the goals of increasing specialty crop
7 consumption and improving the competitiveness of United
8 States specialty crop producers.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture.

13 (2) SPECIALTY CROP.—

14 (A) IN GENERAL.—The term “specialty
15 crop” means each agricultural crop produced in
16 the United States.

17 (B) EXCLUSIONS.—The term “specialty
18 crop” does not include wheat, feed grains, oil-
19 seeds, cotton, rice, peanuts, sugar, dry peas,
20 lentils, chickpeas, and tobacco.

21 (3) STATE.—The term “State” means—

22 (A) each of the several States of the
23 United States;

24 (B) the Commonwealth of Puerto Rico;

25 (C) Guam;

1 (D) American Samoa; and

2 (E) the United States Virgin Islands.

3 (4) STATE DEPARTMENT OF AGRICULTURE.—

4 The term “State department of agriculture” means
5 the agency, commission, or department of a State
6 government responsible for protecting and promoting
7 agriculture in the State.

8 **TITLE I—MARKETING**

9 **SEC. 101. IMPLEMENTATION OF FOOD SAFETY PROGRAMS**

10 **UNDER MARKETING ORDERS.**

11 Section 8c(7) of the Agricultural Adjustment Act (7
12 U.S.C. 608c(7)), reenacted with amendments by the Agri-
13 cultural Marketing Agreement Act of 1937, is amended—

14 (1) by redesignating subparagraphs (C) and
15 (D) as subparagraph (D) and (E), respectively; and

16 (2) by inserting after subparagraph (B) the fol-
17 lowing new subparagraph (C):

18 “(C) In the case of an order relating to a specialty
19 crop (as defined in section 3 of the Specialty Crops Com-
20 petitiveness Act of 2004), authorizing the implementation
21 of food safety programs, such as good agricultural and
22 manufacturing practices, ISO 9000 standards, and Haz-
23 ard Analysis of Critical Control Points programs, designed
24 to enhance the safety of the specialty crop and products
25 derived from specialty crops.”.

1 **SEC. 102. INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE**
 2 **AUTHORIZED UNDER TREE ASSISTANCE PRO-**
 3 **GRAM.**

4 Section 10204(a) of the Farm Security and Rural In-
 5 vestment Act of 2002 (7 U.S.C. 8204(a)) is amended by
 6 striking “\$75,000” and inserting “\$150,000 annually”.

7 **SEC. 103. FRUIT AND VEGETABLE MARKET NEWS ALLOCA-**
 8 **TION.**

9 (a) IN GENERAL.—The Secretary, acting through the
 10 Administrator of the Agricultural Marketing Service, shall
 11 use \$9,000,000 of funds of the Commodity Credit Cor-
 12 poration during fiscal year 2007 to carry out market news
 13 activities to provide timely price information of United
 14 States fruits and vegetables in the United States.

15 (b) FUTURE FUNDING.—Subsequent to fiscal year
 16 2007, funding for the activities described in subsection (a)
 17 shall be annually indexed for inflation.

18 **TITLE II—SPECIALTY CROP**
 19 **GRANTS AND LOANS**

20 **SEC. 201. GRANTS TO STATES TO ENHANCE COMPETITIVE-**
 21 **NESS OF SPECIALTY CROPS.**

22 (a) AVAILABILITY AND PURPOSE OF GRANTS.—

23 (1) IN GENERAL.—For each of fiscal years
 24 2007 through 2009, the Secretary shall make a
 25 grant under this section to each State that submits
 26 an application for a grant for that fiscal year in ac-

1 cordance with the terms and conditions established
2 under paragraph (4).

3 (2) USE OF GRANT FUNDS.—The grant funds
4 shall be used by the State department of agriculture
5 solely to enhance the competitiveness of United
6 States specialty crops.

7 (3) MAINTENANCE OF EFFORT.—The State
8 shall provide assurances to the Secretary that funds
9 provided to the State under this section will be used
10 only to supplement, not to supplant, the amount of
11 Federal, State, and local funds otherwise expended
12 in support of specialty crops and specialty crop pro-
13 ducers in the State.

14 (4) TERMS AND CONDITIONS.—Not later than
15 180 days after the date of enactment of this Act for
16 fiscal year 2006 and before commencement of each
17 of fiscal years 2007 through 2009, the Secretary
18 shall establish terms and conditions for the submis-
19 sion of grant applications for that fiscal year.

20 (b) AMOUNT.—

21 (1) IN GENERAL.—Subject to paragraphs (2)
22 and (3), the amount of the grant for a fiscal year
23 to a State under this section shall bear the same
24 ratio to the total amount made available under sub-
25 section (e) for that fiscal year as—

1 (A) the value of specialty crop production
2 in the State during the preceding calendar year;
3 bears to

4 (B) the value of specialty crop production
5 during that calendar year in all those States
6 submitting applications for a grant for that fis-
7 cal year.

8 (2) MINIMUM GRANT AMOUNT.—Except as pro-
9 vided in paragraph (3), at a minimum, each eligible
10 State shall receive \$3,000,000 per fiscal year as a
11 grant under this section.

12 (3) LIMITATION.—No State shall receive more
13 than \$15,000,000 of the combined amount from
14 paragraph (1) and paragraph (2) for any fiscal year
15 in which this Act applies.

16 (4) AVAILABILITY OF FUNDS.—

17 (A) IN GENERAL.—Any funds remaining
18 after allocations are made under paragraphs (2)
19 and (3) shall be available on a competitive basis
20 to any State department of agriculture that
21 submits an application to the Secretary.

22 (B) CRITERIA.—The Secretary shall—

23 (i) establish criteria for review of ap-
24 plications submitted under subparagraph
25 (A); and

1 (ii) award funds to applicants that
2 best fulfill the criteria.

3 (c) GRANT EXPENDITURE PRIORITIES.—

4 (1) IN GENERAL.—It is the intent of Congress
5 that specialty crop producers, organizations, and
6 commissions should primarily benefit from the dis-
7 position of grant funds under this section.

8 (2) ELIGIBILITY.—To be eligible to receive a
9 grant under this section, a State department of agri-
10 culture shall conduct at least 1 public hearing, or
11 provide some other method for public comment, to
12 obtain the advice and opinion of specialty crop pro-
13 ducers, organizations, and commissions in the State
14 regarding the use of grant funds.

15 (3) CONSIDERATION.—The Secretary shall en-
16 sure that a State department of agriculture con-
17 siders the advice and opinions received under para-
18 graph (2) when making decisions about the use of
19 grant funds.

20 (d) USE OF COMMODITY CREDIT CORPORATION.—

21 The Secretary shall use \$200,000,000 of funds of the
22 Commodity Credit Corporation during each of fiscal years
23 2007 through 2009 to carry out this section.

1 **SEC. 202. OPERATING LOANS.**

2 Section 313(a)(1) of the Consolidated Farm and
3 Rural Development Act (7 U.S.C. 1943(a)(1)) is amend-
4 ed—

5 (1) by inserting “(or, if the borrower is a pro-
6 ducer of a specialty crop (as defined in section 3 of
7 the Specialty Crops Competition Act of 2006),
8 \$500,000)” after “\$200,000”; and

9 (2) by inserting “(or, if the borrower is a pro-
10 ducer of a specialty crop (as so defined),
11 \$1,500,000)” after “\$700,000”.

12 **SEC. 203. INCREASED PURCHASES OF FRUITS, VEGETA-**
13 **BLES, AND SPECIALTY CROPS.**

14 Section 10603(a) of the Farm Security and Rural In-
15 vestment Act of 2002 (7 U.S.C. 612c–4(a)) is amended—

16 (1) by striking “Of the funds” and inserting
17 the following:

18 “(1) IN GENERAL.—Of the funds”;

19 (2) in paragraph (1) (as designated by para-
20 graph (1)), by striking “shall use not” and inserting
21 “shall use, in addition to an amount equal to the
22 amount used for fiscal year 2001, not”; and

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

24 “(2) NO EFFECT ON OTHER PURCHASES.—The
25 purchase of additional fruits, vegetables, and other
26 specialty food crops under paragraph (1) shall not

1 decrease, displace, or otherwise affect any purchase
 2 by the Secretary or any agency or entity of fruits,
 3 vegetables, or other commodities.”.

4 **TITLE III—INTERNATIONAL** 5 **TRADE**

6 **SEC. 301. FOREIGN MARKET ACCESS STUDY AND STRATEGY** 7 **PLAN.**

8 (a) DEFINITION OF URUGUAY ROUND AGREE-
 9 MENTS.—In this section, the term “Uruguay Round
 10 Agreements” includes any agreement described in section
 11 101(d) of the Uruguay Round Agreements Act (19 U.S.C.
 12 3511(d)).

13 (b) STUDY.—The Comptroller General of the United
 14 States shall study—

15 (1) the extent to which United States specialty
 16 crops have or have not benefitted from any reduc-
 17 tions of foreign trade barriers, as provided for in the
 18 Uruguay Round Agreements; and

19 (2) the reasons why United States specialty
 20 crops have or have not benefitted from such trade-
 21 barrier reductions.

22 (c) STRATEGY PLAN.—The Secretary shall prepare
 23 a foreign market access strategy plan based on the study
 24 in subsection (b), to increase exports of specialty crops,
 25 including an assessment of the foreign trade barriers that

1 are incompatible with the Uruguay Round Agreements
 2 and a strategy for removing those barriers.

3 (d) REPORT.—Not later than 1 year after the date
 4 of enactment of this Act—

5 (1) the Comptroller General shall submit to
 6 Congress a report that contains the results of the
 7 study; and

8 (2) the Secretary shall submit to Congress the
 9 strategy plan.

10 **SEC. 302. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.**

11 (a) IN GENERAL.—Section 3205 of the Farm Secu-
 12 rity and Rural Investment Act of 2002 (7 U.S.C. 5680)
 13 is amended—

14 (1) in subsection (d)—

15 (A) by striking “(d) FUNDING.—For” and
 16 all that follows through “\$2,000,000” and in-
 17 serting the following:

18 “(e) FUNDING.—

19 “(1) IN GENERAL.—For each of fiscal years
 20 2007 through 2009, the Secretary shall make avail-
 21 able \$10,000,000”; and

22 (B) by adding at the end the following:

23 “(2) CARRYOVER OF UNOBLIGATED FUNDS.—

24 In a case in which the total amount of funds or com-
 25 modities made available under paragraph (1) for a

1 fiscal year is not obligated in that fiscal year, the
 2 Secretary shall make available in the subsequent fis-
 3 cal year an amount equal to—

4 “(A) the amount made available for the
 5 fiscal year under paragraph (1); plus

6 “(B) the amount not obligated in the pre-
 7 vious fiscal year.”; and

8 (2) by inserting after subsection (c) the fol-
 9 lowing:

10 “(d) PETITION.—A participant in the program may
 11 petition the Secretary for an extension of a project that
 12 exceeds, or will exceed, applicable time restrictions.”.

13 **SEC. 303. ANIMAL AND PLANT HEALTH INSPECTION SERV-**
 14 **ICE.**

15 (a) IN GENERAL.—The Secretary shall establish in
 16 the Animal and Plant Health Inspection Service of the De-
 17 partment of Agriculture, the Sanitary and Phytosanitary
 18 Export Petition Division for the sole purpose of processing
 19 petitions that are submitted to that Service for reducing
 20 sanitary and phytosanitary trade barriers in export mar-
 21 kets.

22 (b) STAFF AND SUPPORT.—The Division shall be
 23 adequately staffed and supported by resources necessary
 24 to manage the work associated with petitions described in
 25 subsection (a).

1 (c) ELIMINATION OF BACKLOG.—Not later than 5
2 years after the date of enactment of this Act, the Sec-
3 retary shall eliminate the backlog of the petitions in exist-
4 ence on the date of enactment of this Act.

5 **SEC. 304. PROTECTION OF INTELLECTUAL PROPERTY**
6 **RIGHTS IN PLANTS AND PLANT-DERIVED MA-**
7 **TERIAL.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 an office in the Department of Agriculture for the sole
10 purpose of encouraging the development and protection of
11 intellectual property rights in plants and material derived
12 from plants.

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

15 (1) before the Office of Patents, Trademarks,
16 and Copyrights of the Department of Commerce and
17 other Federal agencies; and

18 (2) in international governmental and non-
19 governmental organizations dealing with intellectual
20 property rights.

21 **SEC. 305. PLANT PATENTS.**

22 (a) ESSENTIALLY DERIVED PLANT.—Section 100 of
23 title 35, United States Code, is amended by adding at the
24 end the following:

1 “(f) The term ‘essentially derived plant’ means a
2 plant that—

3 “(1) is predominantly derived from another
4 plant (referred to in this paragraph as the ‘initial
5 plant’) or from a plant that is predominantly derived
6 from the initial plant, while retaining the expression
7 of the essential characteristics that result from the
8 genotype of the initial plant;

9 “(2) is clearly distinguishable from the initial
10 plant; and

11 “(3) except for differences that result from the
12 act of derivation, conforms to the initial plant in the
13 expression of the essential characteristics that result
14 from the genotype of the initial plant.”.

15 (b) NOVELTY.—Section 162 of title 35, United States
16 Code, is amended—

17 (1) by striking the section heading and insert-
18 ing the following:

19 **“§ 162. Description, claim, novelty”;**

20 (2) in the first undesignated paragraph, by
21 striking “No plant” and inserting the following:

22 “(a) DESCRIPTION.—No plant”;

23 (3) in the second undesignated paragraph, by
24 striking “The claim” and inserting the following:

25 “(b) CLAIM.—The claim”; and

1 (4) by adding at the end the following:

2 “(c) NOVELTY.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), no plant patent application shall be de-
5 nied, nor shall any issued plant patent be invali-
6 dated, on the grounds that the invention was sold or
7 otherwise disposed of.

8 “(2) EXCEPTIONS.—Paragraph (1) shall not
9 apply if—

10 “(A) more than 1 year prior to the date of
11 the application for patent in the United States,
12 the invention was sold or otherwise disposed of
13 to other persons in the United States, by or
14 with the consent of the inventor or discoverer,
15 or the successor in interest of the inventor or
16 discoverer, for purposes of exploitation of the
17 invention;

18 “(B) more than 4 years prior to the date
19 of the application for patent in the United
20 States, the invention was sold or otherwise dis-
21 posed of to other persons in a foreign country,
22 by or with the consent of the inventor or discov-
23 erer, or the successor in interest of the inventor
24 or discoverer, for purposes of exploitation of the
25 invention; or

1 “(C) more than 6 years prior to the date
2 of the application for patent in the United
3 States, in the case of a tree or vine, the inven-
4 tion was sold or otherwise disposed of to other
5 persons in a foreign country, by or with the
6 consent of the inventor or discoverer, or the
7 successor in interest of the inventor or discov-
8 erer, for purposes of exploitation of the inven-
9 tion.”.

10 (c) PLANT PATENT GRANT.—Section 163 of title 35,
11 United States Code, is amended—

12 (1) by striking “In the case” and inserting the
13 following:

14 “(a) IN GENERAL.—In the case”; and

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

16 “(b) APPLICATION.—Subsection (a) applies equally
17 to—

18 “(1) any plant that is essentially derived from
19 a protected plant, unless the protected plant is an
20 essentially derived plant; and

21 “(2) any plant that is not clearly distinguish-
22 able from a protected plant.”.

23 (d) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 15 of title 35, United States Code is

1 amended by striking the item relating to section 162 and
 2 inserting the following:

“162. Description, claim, novelty.”.

3 (e) APPLICATION.—The amendments made by this
 4 section apply to—

5 (1) all applications for plant patents filed on or
 6 after the date of enactment of this Act, or pending
 7 on that date; and

8 (2) in the case of the amendments made by
 9 subsection (b), all plant patents in force on the date
 10 of enactment of this Act.

11 **TITLE IV—SPECIALTY CROP** 12 **RESEARCH AND GRANTS**

13 **SEC. 401. TRANSFER OF ADMINISTRATION AND FUNDING** 14 **OF OFFICE OF PEST MANAGEMENT POLICY.**

15 (a) TRANSFER.—The Secretary shall transfer the Of-
 16 fice of Pest Management Policy of the Department of Ag-
 17 riculture from the Agricultural Research Service to the Of-
 18 fice of the Secretary for administrative and funding pur-
 19 poses.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 21 authorized to be appropriated to the Secretary for the ac-
 22 tivities of the Office of Pest Management Policy
 23 \$5,000,000 for each fiscal year.

1 **SEC. 402. NATIONAL SPECIALTY CROPS DEVELOPMENT INI-**
2 **TIATIVE GRANT PROGRAM.**

3 (a) IN GENERAL.—The Secretary, acting through in-
4 tegrated competitive grant programs administered by the
5 Cooperative Research, Education, and Extension Service,
6 shall use \$30,000,000 of funds of the Commodity Credit
7 Corporation for each of fiscal years 2007 through 2011
8 to support the National Specialty Crop Development Ini-
9 tiative, a long-term program to improve efficiency and
10 competitiveness of specialty crop producers in the world
11 marketplace.

12 (b) USE OF FUNDS.—The Secretary, acting through
13 the Agricultural Research Service and the Cooperative Re-
14 search, Education, and Extension Service, working jointly
15 with industry, shall use an appropriate amount of funds
16 described in subsection (a) to organize workshops to de-
17 velop a comprehensive strategic plan to address short-
18 term, intermediate-term, and long-term needs in produc-
19 tion technology, marketing, product development, and food
20 safety issues essential to maintain a competitive specialty
21 crop industry.

22 **SEC. 403. MECHANIZED HARVESTING FOR PRODUCTION**
23 **AND PROCESSING METHODS.**

24 The Secretary shall authorize the Administrator of
25 the Agricultural Research Service and the Administrator
26 of the Cooperative State Research, Education, and Exten-

1 sion Service to conduct research in the areas of mecha-
 2 nized harvesting and new production and processing meth-
 3 ods for specialty crops.

4 **TITLE V—INVASIVE PEST RE-**
 5 **SEARCH AND DISEASE RE-**
 6 **SPONSE**

7 **SEC. 501. FOREIGN INVASIVE PESTS AND DISEASES.**

8 (a) IN GENERAL.—The Secretary may conduct spe-
 9 cific research—

10 (1) to identify and prioritize the harmful eco-
 11 nomic and health impact of foreign invasive pests
 12 and diseases threatening the United States; and

13 (2) to develop corresponding eradication and
 14 control programs.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated to carry out this section
 17 \$1,000,000.

18 **SEC. 502. EMERGENCY RESPONSE FUND.**

19 (a) ESTABLISHMENT.—There is established in the
 20 Treasury of the United States a revolving fund, to be
 21 known as the “Invasive Pest and Disease Response Fund”
 22 (referred to in this section as the “Fund”), consisting of—

23 (1) such amounts as may be appropriated to
 24 the Fund; and

1 (2) any proceeds received by the Secretary as
2 reimbursement for services provided by the Sec-
3 retary using amounts in the Fund.

4 (b) AVAILABILITY.—Amounts in the Fund shall re-
5 main available until expended.

6 (c) USE OF FUND.—On request by the Secretary, the
7 Secretary of the Treasury shall transfer from the Fund
8 to the Secretary of Agriculture such amounts as the Sec-
9 retary determines are necessary to support emergency
10 eradication and research activities of the Animal and
11 Plant Health Inspection Service in response to economic
12 and health threats posed by invasive pests and disease to
13 agricultural commodities.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Fund such funds
16 as may be necessary to achieve a balance in the Fund of
17 \$75,000,000 on October 1 of each fiscal year.

18 **SEC. 503. INDEPENDENT SCIENTIFIC ADVICE FOR ANIMAL**
19 **AND PLANT HEALTH INSPECTION SERVICE.**

20 (a) FINDING.—Congress finds that the decision proc-
21 ess at the Animal and Plant Health Inspection Service
22 with respect to requests to import specialty crops into the
23 United States, or export specialty crops from the United
24 States, would have greater credibility if the scientific anal-

1 ysis underlying the requests was subject to independent
2 scientific peer review.

3 (b) PEER REVIEW PROCESS.—

4 (1) IN GENERAL.—The Secretary, acting
5 through the Administrator of the Animal and Plant
6 Health Inspection Service, shall establish a process
7 to obtain independent advice and peer review on the
8 scientific and technical aspects of requests to import
9 specialty crops into the United States or export spe-
10 cialty crops from the United States, including the
11 preparation of risk assessments and the design of
12 mitigation measures.

13 (2) INITIATION.—The independent review proc-
14 ess shall be initiated at the request of the Adminis-
15 trator.

16 (c) QUALIFICATIONS.—Each person who participates
17 in an independent scientific review panel under this sec-
18 tion shall be qualified by education, training, and experi-
19 ence to evaluate scientific and technical information on
20 matters subject to review.

21 (d) REVIEW REQUIRED.—The Administrator shall
22 request an independent review of the scientific and tech-
23 nical work product data that are used in connection with
24 policy guidance on, or in support of, a decision on—

1 (1) any situation in which there has been a re-
2 quest to export a specialty crop grown in the United
3 States to another country;

4 (2) establishment of the appropriate level of
5 protection or level of negligible risk that will be ap-
6 plicable to the consideration of a request for ap-
7 proval to import a specialty crop from another coun-
8 try;

9 (3) consideration of the type (qualitative or
10 quantitative) of risk assessment to conduct with re-
11 spect to a request for approval for the importation
12 of a specialty crop into the United States;

13 (4)(A) the sufficiency, type, and quality of data
14 that should be submitted to the Administrator in
15 conjunction with a request to import a specialty crop
16 into the United States and to merit preparation of
17 a risk assessment; and

18 (B) following preparation of a risk assessment,
19 a review of—

20 (i) the risk assessment, including the as-
21 sumptions and interpretation of the data used;
22 and

23 (ii) the mitigation measures designed to
24 address the plant pest and disease issues rel-
25 evant to the request; or

1 (5) situations in which the Animal and Plant
2 Health Inspection Service is considering permitting
3 an import from a country where—

4 (A) multiple plant pests are present in the
5 growing regions;

6 (B) both plant pests and plant diseases are
7 present in the growing regions; or

8 (C) new information or developments have
9 become known which cast doubt on the sci-
10 entific basis of previous decisions.

11 (e) REVIEW PROCESS.—

12 (1) IN GENERAL.—To facilitate review under
13 this section, the Administrator shall make available
14 to the review panel all of the scientific and technical
15 information in the possession of the Animal and
16 Plant Health Inspection Service that is relevant to
17 the matter to be reviewed.

18 (2) ADVICE AND COMMENTS.—Not later than a
19 date specified by the Administrator, the panel shall
20 make available to the Administrator—

21 (A) advice and comments on the adequacy
22 of the scientific and technical basis of the pro-
23 posed action; and

24 (B) any pertinent information in the pos-
25 session of the panel.

1 (f) USE OF TECHNICAL AND SCIENTIFIC CAPABILI-
2 TIES OF FEDERAL AGENCIES.—In preparing advice and
3 comments under subsection (e)(2)(A), a review panel may
4 make use of the technical and scientific capabilities of any
5 Federal agency having relevant expertise.

6 (g) COMMITTEES AND INVESTIGATIVE PANELS.—
7 The Administrator may establish such committees and
8 panels as are necessary to carry out this section.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such funds as are nec-
11 essary to carry out this section.

12 **SEC. 504. FOOD SAFETY INITIATIVES.**

13 (a) INITIATIVE AUTHORIZED.—The Secretary may
14 carry out a food safety education program to educate the
15 public and persons in the fresh produce industry about—

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

18 (2) methods of reducing the threat of cross-con-
19 tamination of fresh produce through unsanitary han-
20 dling practices.

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to the Secretary to carry
 3 out this section \$1,000,000.

4 **SEC. 505. CLEAN PLANT NETWORK.**

5 (a) IN GENERAL.—The Secretary shall establish a
 6 program to be known as the “National Clean Plant Net-
 7 work” (referred to in this section as the “Program”).

8 (b) REQUIREMENTS.—Under the Program, the Sec-
 9 retary shall establish a network of clean plant centers for
 10 diagnostic and pathogen elimination services to—

11 (1) produce clean propagative plant material;
 12 and

13 (2) maintain blocks of pathogen-tested plant
 14 material in sites located throughout the United
 15 States.

16 (c) AVAILABILITY OF CLEAN PLANT SOURCE MATE-
 17 RIAL.—Clean plant source material may be made available
 18 to—

19 (1) a State for a certified plant program of the
 20 State; and

21 (2) private nurseries and growers.

22 (d) CONSULTATION AND COLLABORATION.—In car-
 23 rying out the Program, the Secretary shall—

24 (1) consult with State departments of agri-
 25 culture and land grant universities; and

1 (2) to the extent practicable and with input
 2 from the appropriate State officials and industry
 3 representatives, use existing Federal or State facili-
 4 ties to serve as clean plant centers.

5 (e) FUNDING.—The Secretary shall use \$5,000,000
 6 each year of funds of the Commodity Credit Corporation
 7 to carry out the Program.

8 **TITLE VI—CONSERVATION**

9 **SEC. 601. ELIMINATION OF LIMITATION ON ADJUSTED** 10 **GROSS INCOME FROM ELIGIBILITY REQUIRE-** 11 **MENTS FOR ENVIRONMENTAL QUALITY IN-** 12 **CENTIVES PROGRAM.**

13 Section 1001D(b)(2)(C) of the Food Security Act of
 14 1985 (7 U.S.C. 1308–3a(b)(2)(C)) is amended by insert-
 15 ing “(other than the program under chapter 4 of subtitle
 16 D of that title)” after “of this Act”.

17 **SEC. 602. SUSTAINABILITY PRACTICES.**

18 (a) ENCOURAGEMENT OF VOLUNTARY SUSTAIN-
 19 ABILITY PRACTICES GUIDELINES.—In administering this
 20 Act and the amendments made by this Act, the Secretary
 21 shall encourage the development of voluntary sustainable
 22 practices guidelines for producers and processors of spe-
 23 cialty crops, including provisions that—

24 (1) enhance producer-to-producer and proc-
 25 essor-to-processor education about—

1 (A) the importance of sustainable prac-
2 tices; and

3 (B) how self-governance will enhance the
4 economic viability and future of the specialty
5 crop community; and

6 (2) demonstrate that working closely with
7 neighbors, communities, and other stakeholders to
8 maintain an open dialogue can address concerns, en-
9 hance mutual respect, and accelerate results.

10 (b) PRIORITY IN ELIGIBILITY FOR CONSERVATION
11 PROGRAMS.—In establishing eligibility for participation in
12 conservation programs administered by the Secretary, the
13 Secretary may give priority to specialty crop producers
14 that follow the sustainability guidelines.

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