

§ 6712. Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program

(a) Definitions

In this section:

(1) Advisory Council

The term “Advisory Council” means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council established under subsection (f)(1).

(2) Agriculture or forestry credit

The term “agriculture or forestry credit” means a credit representing an amount of greenhouse gas emissions from an agricultural or forestry activity that are prevented, reduced, or mitigated (including through the sequestration of carbon) as a result of an agricultural or forestry activity.

(3) Beginning, socially disadvantaged, limited resource, or veteran farmer, rancher, or private forest landowner

The term “beginning, socially disadvantaged, limited resource, or veteran farmer, rancher, or private forest landowner” means a farmer, rancher, or private forest landowner who is—

(A) a beginning farmer or rancher (as defined in section 2279(a) of this title);

(B) a socially disadvantaged farmer or rancher (as defined in section 2003(e) of this title);

(C) a limited resource farmer or rancher (as defined in section 1470.3 of title 7, Code of Federal Regulations (or successor regulations)); or

(D) a veteran farmer (as defined in section 2279 of this title).

(4) Covered entity

The term “covered entity” means a person or entity, including a private business, non-profit organization, or public agency, that either—

(A) is a provider of technical assistance to farmers, ranchers, or private forest landowners in carrying out sustainable land use management practices that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon); or

(B) is a third-party verifier entity that conducts the verification of the processes described in protocols for voluntary environmental credit markets.

(5) Greenhouse gas

The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide; and

(D) any other gas that the Secretary, in consultation with the Advisory Council, determines has been identified to have heat trapping qualities.

(6) Program

The term “Program” means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program established under subsection (b).

(7) Protocol

The term “protocol” means a systematic approach for generating an agriculture or forestry credit, which follows a transparent and thorough science-based methodology (including 1 or more baseline scenarios)—

(A) for the development of projects to prevent, reduce, or mitigate greenhouse gas emissions (including projects to sequester carbon); and

(B) for demonstrating how to quantify, monitor, report, and verify the prevention, reduction, or mitigation of greenhouse gas emissions by projects described in subparagraph (A).

(8) Socially disadvantaged group

The term “socially disadvantaged group” has the meaning given that term in section 2003(e) of this title.

(9) Technical assistance

The term “technical assistance” means technical expertise, information, and tools to assist a farmer, rancher, or private forest landowner, who is engaged in or wants to engage in a project to prevent, reduce, or mitigate greenhouse gas emissions (including a project to sequester carbon), as necessary to meet a protocol.

(10) Voluntary environmental credit market

The term “voluntary environmental credit market” means a voluntary market through which agriculture or forestry credits may be bought or sold.

(b) Establishment of program

(1) Determination

(A) In general

Not later than 270 days after December 29, 2022, the Secretary shall make a determination of whether establishing a voluntary program to register covered entities that carry out activities described in subsection (c)(2) will further each of the following purposes:

(i) Facilitating the participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets.

(ii) Facilitating the provision of technical assistance, through covered entities, to farmers, ranchers, and private forest landowners to help overcome barriers to entry into voluntary environmental credit markets.

(iii) Ensuring that participating farmers, ranchers, and private forest landowners receive fair distribution of revenues derived from the sale of an agriculture or forestry credit.

(iv) Increasing access for farmers, ranchers, and private forest landowners to resources relating to existing voluntary environmental credit markets, including information relating to the basic market structure and the various roles and qualifications of different parties.

(B) Considerations

In making the determination under this paragraph, the Secretary shall consider the

results of the assessment conducted under subsection (g)(2)(A) and any other relevant information.

(2) Establishment

If the Secretary determines under paragraph (1) that establishing such a program will further such purposes, the Secretary shall establish a voluntary program, to be known as the “Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program”, to register covered entities that carry out activities described in subsection (c).

(3) Report

Not later than 90 days after making the determination under paragraph (1), the Secretary shall publish a report describing the reasons for such determination, including how establishing a program under this subsection would or would not further each of the purposes described in paragraph (1)(A).

(c) Protocols, qualifications, and activities

(1) Widely accepted protocols and qualifications

After providing public notice and at least a 60-day period for public comment, but not later than 90 days after the date on which the Program is established, the Secretary shall publish—

(A) a list of, and documents relating to, widely accepted protocols that are designed to ensure consistency, reliability, effectiveness, efficiency, and transparency of voluntary environmental credit markets, including protocol documents and details relating to—

- (i) calculations;
- (ii) sampling methodologies;
- (iii) voluntary environmental credit accounting principles;
- (iv) systems for verification, monitoring, measurement, and reporting; and
- (v) methods to account for additionality, permanence, leakage, and, where appropriate, avoidance of double counting; and

(B) descriptions of widely accepted qualifications possessed by covered entities that provide technical assistance to farmers, ranchers, and private forest landowners.

(2) Activities

A covered entity may register under the Program with respect to technical assistance or process verification the covered entity carries out for activities that prevent, reduce, or mitigate greenhouse gas emissions, including—

- (A) land or soil carbon sequestration;
- (B) emissions reductions derived from fuel choice or reduced fuel use;
- (C) livestock emissions reductions, including emissions reductions achieved through—
 - (i) feeds, feed additives, and the use of byproducts as feed sources; or
 - (ii) manure management practices;
- (D) on-farm energy generation;
- (E) energy feedstock production;
- (F) fertilizer or nutrient use emissions reductions;

(G) reforestation;

(H) forest management, including improving harvesting practices and thinning diseased trees;

(I) prevention of the conversion of forests, grasslands, and wetlands;

(J) restoration of wetlands or grasslands;

(K) grassland management, including prescribed grazing;

(L) current practices associated with private land conservation programs administered by the Secretary; and

(M) such other activities, or combinations of activities, that the Secretary, in consultation with the Advisory Council, determines to be appropriate.

(3) Inclusions

In publishing the list of widely accepted protocols and the descriptions of widely accepted qualifications under paragraph (1), the Secretary, in consultation with the Advisory Council, shall include all relevant information relating to market-based protocols, as appropriate, with regard to—

- (A) quantification;
- (B) verification;
- (C) additionality;
- (D) permanence;
- (E) reporting; and
- (F) other expertise, as determined by the Secretary.

(4) Periodic review

As appropriate, the Secretary shall periodically review and revise the list and descriptions published under paragraph (1) to include any additional protocols or qualifications described in paragraph (3).

(d) Registration, website, and publication of lists

(1) Registration list

(A) In general

Not later than 1 year after establishing the Program, the Secretary shall publish, through a website maintained by the Secretary, a registration list consisting of a list of covered entities that have submitted information to the Secretary, which list the Secretary shall regularly update.

(B) Registration

A covered entity may register under the Program to be included on the registration list by submitting to the Secretary, through a website maintained by the Secretary, information that—

(i) shall include—

(I) the region in which the covered entity provides its services;

(II) whether the covered entity is a technical assistance provider or a verifier; and

(III) the protocols in which the covered entity has proficiency; and

(ii) may include additional information that—

(I) has been identified by the Advisory Council in its initial assessment under subsection (g)(1) to ensure certainty for producers in the marketplace for agriculture or forestry credits; and

(II) the Secretary determines is appropriate for inclusion.

(2) Website and solicitation

During the 180-day period beginning on the date on which the Program is established, the Secretary shall publish, through an existing website maintained by the Secretary—

(A) information describing how covered entities may register under the Program in accordance with paragraph (1);

(B) a list of the widely accepted protocols and qualifications published by the Secretary under subsection (c)(1); and

(C) instructions and suggestions to assist farmers, ranchers, and private forest landowners in facilitating the development of agriculture or forestry credits and accessing voluntary environmental credit markets, including—

(i) through working with covered entities registered under the Program; and

(ii) by providing information relating to programs, registries, and protocols of programs and registries that provide market-based participation opportunities for working and conservation agricultural and forestry lands.

(3) Programmatic integrity

The Secretary shall ensure, to the maximum extent practicable, that covered entities registered under the Program—

(A) act in good faith to provide realistic estimates of costs and revenues relating to activities and verification of processes described in subsection (c)(2), as applicable to the covered entity; and

(B) demonstrate expertise in, and are able to perform in accordance with, best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(4) Removal from registration list

(A) In general

(i) Removal

The Secretary shall remove a covered entity from the registration list under the Program if the Secretary determines that the covered entity has not acted in accordance with—

(I) the information provided by the entity under paragraph (1)(B); or

(II) best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(ii) Determination

The Secretary may make a determination under clause (i)—

(I) based on a periodic review of a representative sample of covered entities, which shall occur not less frequently than once each year; or

(II) as necessary.

(B) Appeal of removal

(i) In general

A covered entity that has been removed from the registration list pursuant to sub-

paragraph (A) may appeal the determination to the Secretary.

(ii) Re-registration

A covered entity that appeals a determination under clause (i) may re-register under the Program if the covered entity successfully proves, as determined by the Secretary, that the covered entity has acted in accordance with, as applicable—

(I) the information provided by the entity under paragraph (1)(B); and

(II) best management practices for agricultural and forestry activities that prevent, reduce, or mitigate greenhouse gas emissions (including through the sequestration of carbon).

(C) Notification

If the Secretary removes a covered entity from the registration list pursuant to subparagraph (A), to the extent practicable, the Secretary shall—

(i) request from that covered entity contact information for all farmers, ranchers, and private forest landowners to which the covered entity provided technical assistance or the verification of the processes described in protocols of voluntary environmental credit markets; and

(ii) notify those farmers, ranchers, and private forest landowners of the removal.

(5) Savings clause

Nothing in this section authorizes the Secretary to compel a farmer, rancher, or private forest landowner to participate in a transaction or project facilitated by a covered entity certified under paragraph (1).

(e) Submission of fraudulent information or claims

(1) In general

A person or entity, regardless of whether the person or entity is registered under the Program, shall not make a fraudulent submission under subsection (d) or make a fraudulent claim regarding the presence of that person or entity on the registration list published under such subsection.

(2) Penalty

Any person or entity that violates paragraph (1) shall be—

(A) subject to a civil penalty equal to such amount as the Secretary determines to be appropriate, not to exceed \$1,000 per violation; and

(B) ineligible to register under the Program for the 5-year period beginning on the date of the violation.

(f) Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council

(1) In general

During the 90-day period beginning on the date on which the Program is established, the Secretary shall establish an advisory council, to be known as the “Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council”.

(2) Membership**(A) In general**

The Advisory Council shall be composed of members appointed by the Secretary in accordance with this paragraph.

(B) General representation

The Advisory Council shall—

(i) be broadly representative of the agriculture and private forest sectors;

(ii) include beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners; and

(iii) be composed of not less than 51 percent farmers, ranchers, or private forest landowners.

(C) Members

Members appointed under subparagraph (A) shall include—

(i) not more than 2 representatives of the Department of Agriculture, as determined by the Secretary;

(ii) not more than 1 representative of the Environmental Protection Agency, as determined by the Administrator of the Environmental Protection Agency;

(iii) not more than 1 representative of the National Institute of Standards and Technology;

(iv) not fewer than 12 representatives of the agriculture industry, appointed in a manner that is broadly representative of the agriculture sector, including not fewer than 6 active farmers and ranchers;

(v) not fewer than 4 representatives of private forest landowners or the forestry and forest products industry appointed in a manner that is broadly representative of the private forest sector;

(vi) not more than 4 representatives of the relevant scientific research community, including not fewer than 2 representatives from land-grant colleges and universities (as defined in section 3103 of this title), of which 1 shall be a representative of a college or university eligible to receive funds under the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University;

(vii) not more than 2 experts or professionals familiar with voluntary environmental credit markets and the verification requirements in those markets;

(viii) not more than 3 members of non-governmental or civil society organizations with relevant expertise, of which not fewer than 1 shall represent the interests of socially disadvantaged groups;

(ix) not more than 3 members of private sector entities or organizations that participate in voluntary environmental credit markets; and

(x) any other individual whom the Secretary determines to be necessary to ensure that the Advisory Council is composed of a diverse group of representatives of industry, academia, independent researchers, and public and private entities.

(D) Chair

The Secretary shall designate a member of the Advisory Council to serve as the Chair.

(E) Terms**(i) In general**

The term of a member of the Advisory Council shall be 2 years, except that, of the members first appointed—

(I) not fewer than 8 members shall serve for a term of 1 year;

(II) not fewer than 12 members shall serve for a term of 2 years; and

(III) not fewer than 12 members shall serve for a term of 3 years.

(ii) Additional terms

After the initial term of a member of the Advisory Council, including the members first appointed, the member may serve not more than 4 additional 2-year terms.

(3) Meetings**(A) Frequency**

The Advisory Council shall meet not less frequently than annually, at the call of the Chair.

(B) Initial meeting

During the 90-day period beginning on the date on which the members are appointed under paragraph (2)(A), the Advisory Council shall hold an initial meeting.

(4) General duties

The Advisory Council shall—

(A) periodically review and recommend any appropriate changes to—

(i) the list of protocols and description of qualifications published by the Secretary under subsection (c)(1); and

(ii) the activities described in subsection (c)(1)(B);

(B) make recommendations to the Secretary regarding the best practices that should be included in the protocols, description of qualifications, and activities described in subparagraph (A); and

(C) advise the Secretary regarding—

(i) the current methods used by voluntary environmental credit markets to quantify and verify the prevention, reduction, or mitigation of greenhouse gas emissions (including the sequestration of carbon);

(ii) means to reduce barriers to entry in the business of providing technical assistance or the verification of the processes described in protocols of voluntary environmental credit markets for covered entities, including by improving technical assistance provided by the Secretary;

(iii) means to reduce compliance and verification costs for farmers, ranchers, and private forest landowners in entering voluntary environmental credit markets, including through mechanisms and processes to aggregate the value of activities across land ownership;

(iv) issues relating to land and asset ownership in light of evolving voluntary environmental credit markets; and

(v) additional means to reduce barriers to entry in voluntary environmental credit markets for farmers, ranchers, and private forest landowners, particularly for beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners.

(5) Compensation

The members of the Advisory Council shall serve without compensation.

(6) Conflict of interest

The Secretary shall prohibit any member of the Advisory Council from—

(A) engaging in any determinations or activities of the Advisory Council that may result in the favoring of, or a direct and predictable effect on—

(i) the member or a family member, as determined by the Secretary;

(ii) stock owned by the member or a family member, as determined by the Secretary; or

(iii) the employer of, or a business owned in whole or in part by, the member or a family member, as determined by the Secretary; or

(B) providing advice or recommendations regarding, or otherwise participating in, matters of the Advisory Council that—

(i) constitute a conflict of interest under section 208 of title 18; or

(ii) may call into question the integrity of the Advisory Council, the Program, or the technical assistance or verification activities described under subsection (c)(2).

(7) FACA applicability

The Advisory Council shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.),¹ except that section 14(a)(2) of that Act shall not apply.

(g) Assessment

(1) Initial assessment

Not later than 90 days after the Advisory Council holds an initial meeting, the Advisory Council shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate an initial assessment that examines ways to ensure certainty for farmers, ranchers, or private forest landowners in the marketplace for agriculture or forestry credits, including identification of any information that may be appropriate for entities to provide when registering under subsection (d)(1)(B).

(2) General assessment

Not later than 240 days after December 29, 2022, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall—

(A) conduct an assessment, which incorporates information from existing publications and reports of the Department of Agriculture and other entities with relevant expertise, regarding—

(i) the number and categories of non-Federal actors in the nonprofit and for-profit sectors involved in development, generation, or sale of agriculture or forestry credits in voluntary environmental credit markets;

(ii) the estimated overall domestic market demand for agriculture or forestry credits at the end of the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

(iii) the total number of agriculture or forestry credits (measured in metric tons of carbon dioxide equivalent) that were estimated to be in development, generated, or sold in market transactions during the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

(iv) the estimated supply and demand of metric tons of carbon dioxide equivalent of offsets in the global marketplace for the next 4 years;

(v) the barriers to entry due to compliance and verification costs described in subsection (f)(4)(C)(iii);

(vi) the state of monitoring and measurement technologies needed to quantify long-term carbon sequestration in soils and from other activities to prevent, reduce, or mitigate greenhouse gas emissions in the agriculture and forestry sectors;

(vii) means to reduce barriers to entry into voluntary environmental credit markets for beginning, socially disadvantaged, limited resource, and veteran farmers, ranchers, and private forest landowners, and the extent to which existing protocols of voluntary environmental credit markets allow for aggregation of projects among farmers, ranchers, and private forest landowners;

(viii) the extent to which the existing regimes for generating and selling agriculture or forestry credits (as the regimes exist at the end of the preceding 4-calendar year period, and historically), and existing voluntary environmental credit markets, may be impeded or constricted, or achieve greater scale and reach, if the Department of Agriculture were involved, including involvement in education described in clause (ix);

(ix) the extent to which Department of Agriculture education of stakeholders about voluntary environmental credit markets would benefit those stakeholders, including whether that education would reduce barriers to entry identified under clause (v);

(x) the extent to which existing protocols of voluntary environmental credit markets, including verification, additionality, permanence, and reporting, adequately take into consideration and account for factors encountered by the agriculture and private forest sectors in preventing, reducing, or mitigating greenhouse gas emissions (including by sequestering carbon) through agriculture and for-

¹ See References in Text note below.

estry practices, considering variances across regions, topography, soil types, crop or species varieties, and business models;

(xi) the extent to which existing protocols of voluntary environmental credit markets consider options to ensure the continued valuation, through discounting or other means, of agriculture and forestry credits in the case of the practices underlying those credits being disrupted due to unavoidable events, including production challenges and natural disasters; and

(xii) opportunities for other voluntary markets outside of voluntary environmental credit markets to foster the trading, buying, or selling of credits that are derived from activities that provide other ecosystem service benefits, including activities that improve water quality, water quantity, wildlife habitat enhancement, and other ecosystem services, as the Secretary determines appropriate;

(B) publish the assessment; and

(C) submit the assessment to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(3) Quadriennial assessment

The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Council, shall conduct the assessment described in paragraph (2)(A) and publish and submit such assessment in accordance with subparagraphs (B) and (C) of paragraph (2) every 4 years after the publication and submission of the first assessment under subparagraphs (B) and (C) of paragraph (2).

(h) Confidentiality

(1) Prohibition

(A) In general

Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department of Agriculture or any agency of the Department of Agriculture, or any other person may not disclose to the public the information held by the Secretary described in subparagraph (B).

(B) Information

(i) In general

Except as provided in clause (ii), the information prohibited from disclosure under subparagraph (A) is—

(I) personally identifiable information, including in a contract or service agreement, of a farmer, rancher, or private forest landowner, obtained by the Secretary under subsection (d)(4)(C)(i); and

(II) confidential business information in a contract or service agreement of a farmer, rancher, or private forest landowner obtained by the Secretary under subsection (d)(4)(C)(i).

(ii) Aggregated release

Information described in clause (i) may be released to the public if the information has been transformed into a statistical or

aggregate form that does not allow the identification of the person who supplied or is the subject of the particular information.

(2) Exception

Paragraph (1) shall not prohibit the disclosure by an officer or employee of the Federal Government of information described in paragraph (1)(B) as otherwise directed by the Secretary or the Attorney General for enforcement purposes.

(i) Funding

(1) Authorization of appropriations

In addition to the amount made available under paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2023 through 2027.

(2) Direct funding

(A) Rescission

There is rescinded \$4,100,000 of the unobligated balance of amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117-2).

(B) Appropriation

If such unobligated amounts are available to execute the rescission under subparagraph (A), on the day after the execution of the rescission, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, \$4,100,000 to carry out this section to remain available for fiscal years 2023 through 2027.

(3) Prohibition

None of the funds of the Commodity Credit Corporation shall be used to carry out this section.

(j) Rule of construction

Nothing in this section shall be construed to provide authority to the Secretary for the establishment or operation of a Federal market through which agriculture or forestry credits may be bought or sold.

(Pub. L. 117-328, div. HH, title I, §201, Dec. 29, 2022, 136 Stat. 5971.)

Editorial Notes

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (f)(2)(C)(vi), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (f)(7), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. Section 14 of the Act was repealed and restated as section 1013 of Title 5. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

Section 1003 of the American Rescue Plan Act of 2021, referred to in subsec. (i)(2)(A), is section 1003 of Pub. L.

117-2, title I, Mar. 11, 2021, 135 Stat. 12, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Consolidated Appropriations Act, 2023, and not as part of the Global Climate Change Prevention Act of 1990 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 101 of div. HH of Pub. L. 117-328, set out as a note under section 2016a of this title.

CHAPTER 97—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION

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§ 6801. Findings and declaration of policy

(a) Findings

Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment;

(2)(A) cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses; and

(B) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers—

(A) purchase most of the cut flowers and cut greens marketed by producers;

(B) prepare the cut flowers and cut greens for retail consumption;

(C) serve as an intermediary between the source of the product and the retailer;

(D) otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce; and

(E) add efficiencies to the market process that ensure the availability of a much greater variety of the product to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(5)(A) cut flowers and cut greens move in interstate and foreign commerce; and

(B) cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in cut flowers and cut greens;

(6) the maintenance and expansion of markets in existence on December 14, 1993, and the development of new or improved markets or uses for cut flowers and cut greens, are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of markets in existence on December 14, 1993, and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this chapter in that the program will enhance the market development efforts of the programs for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for cut flowers and cut greens; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point at which the flowers and greens are sold by handlers into the retail market.

(b) Policy and purpose

It is the policy of Congress that it is in the public interest, and it is the purpose of this chapter, to authorize the establishment,