

AMENDMENT NO. _____ Calendar No. _____

Purpose: To allow organic producers to participate in an organic promotion program.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

(no.) _____

To reauthorize agricultural programs through 2017, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CASEY

Viz:

1 At the appropriate place in title XII, insert the fol-
2 lowing:

3 **SEC. 12 ____ . ORGANIC PROMOTION PROGRAM.**

4 (a) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
5 FROM ASSESSMENTS.—Section 501 of the Federal Agri-
6 culture Improvement and Reform Act of 1996 (7 U.S.C.
7 7401) is amended by striking subsection (e) and inserting
8 the following:

9 “(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
10 FROM ASSESSMENTS.—

11 “(1) IN GENERAL.—Notwithstanding any provi-
12 sion of a commodity promotion law, a person that

1 produces, handles, markets, or imports solely organic
2 products may be exempt from the payment of an as-
3 sessment under a commodity promotion law with re-
4 spect to any agricultural commodity that is certified
5 as ‘organic’ or ‘100 percent organic’ (as defined in
6 part 205 of title 7 of the Code of Federal Regula-
7 tions) (or a successor regulation).

8 “(2) APPROVAL.—The Secretary shall approve
9 the exemption of a person under this subsection if
10 the person maintains a valid organic certificate
11 issued under the Organic Foods Production Act of
12 1990 (7 U.S.C. 6501 et seq.).

13 “(3) TERMINATION OF EFFECTIVENESS.—This
14 subsection shall be effective until the date on which
15 the Secretary issues an organic commodity pro-
16 motion order in accordance with subsection (f).”.

17 (b) ORGANIC COMMODITY PROMOTION ORDER.—Sec-
18 tion 501 of the Federal Agriculture Improvement and Re-
19 form Act of 1996 (7 U.S.C. 7401) (as amended by sub-
20 section (a)) is amended by adding at the end the following:

21 “(f) ORGANIC COMMODITY PROMOTION ORDER.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) CERTIFIED ORGANIC FARM.—The
24 term ‘certified organic farm’ has the meaning

1 given the term in section 2103 of the Organic
2 Foods Production Act of 1990 (7 U.S.C. 6502).

3 “(B) COVERED PERSON.—The term ‘cov-
4 ered person’ means a producer, handler, mar-
5 keter, or importer of an organic agricultural
6 commodity.

7 “(C) DUAL-COVERED AGRICULTURAL COM-
8 MODITY.—The term ‘dual-covered agricultural
9 commodity’ means an agricultural commodity
10 that—

11 “(i) is produced on a certified organic
12 farm; and

13 “(ii) is covered under both—

14 “(I) an organic commodity pro-
15 motion order issued under paragraph
16 (2); and

17 “(II) any other agricultural com-
18 modity promotion order issued under
19 section 514.

20 “(2) AUTHORIZATION.—The Secretary may
21 issue an organic commodity promotion order that in-
22 cludes any agricultural commodity that is—

23 “(A) produced or handled on a certified or-
24 ganic farm; or

1 “(B) imported with a valid organic certifi-
2 cate.

3 “(3) ELECTION.—If the Secretary issues an or-
4 ganic commodity promotion order described in para-
5 graph (2), a covered person may elect, for applicable
6 dual-covered agricultural commodities and in the
7 sole discretion of the covered person, whether to be
8 assessed under the organic commodity promotion
9 order or another applicable agricultural commodity
10 promotion order.”.

11 (c) DEFINITION OF AGRICULTURAL COMMODITY.—
12 Section 513(1) of the Commodity Promotion, Research,
13 and Information Act of 1996 (7 U.S.C. 7412(1)) is
14 amended—

15 (1) by redesignating subparagraphs (E) and
16 (F) as subparagraphs (F) and (G), respectively; and

17 (2) by inserting after subparagraph (D) the fol-
18 lowing:

19 “(E) products, as a class, that are pro-
20 duced on a certified organic farm (as defined in
21 section 2103 of the Organic Foods Production
22 Act of 1990 (7 U.S.C. 6502)) and that are per-
23 mitted to be sold or labeled as ‘organic’ or ‘100
24 percent organic’ (as defined in part 205 of title

1 7 of the Code of Federal Regulations) (or a
2 successor regulation));”.