

BENNET
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AMENDMENT NO. _____ Calendar No. _____

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

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

~~S. 10~~

To reauthorize agricultural programs through 2018.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. BENNET AND MS. GILLIBRAND

Viz:

1 In section 10005(b), strike subsection (d) of section
2 2123 of the Organic Foods Production Act of 1990 (7
3 U.S.C. 6522) (as added by that section).

4 At the end of subtitle C of title XII, add the fol-
5 lowing:

6 SEC. 12. ORGANIC PRODUCT PROMOTION ORDERS.

7 (a) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
8 FROM PROMOTION ORDER ASSESSMENTS.—Section 501
9 of the Federal Agriculture Improvement and Reform Act
10 of 1996 (7 U.S.C. 7401) is amended by striking sub-
11 section (e) and inserting the following:

1 “(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
2 FROM PROMOTION ORDER ASSESSMENTS.—

3 “(1) IN GENERAL.—Notwithstanding any provi-
4 sion of a commodity promotion law, a person that
5 produces, handles, markets, or imports organic prod-
6 ucts may be exempt from the payment of an assess-
7 ment under a commodity promotion law with respect
8 to any agricultural commodity that is certified as
9 ‘organic’ or ‘100 percent organic’ (as defined in part
10 205 of title 7, Code of Federal Regulations (or suc-
11 cessor regulations)).

12 “(2) SPLIT OPERATIONS.—The exemption de-
13 scribed in paragraph (1) shall apply to an agricul-
14 tural commodity described in that paragraph regard-
15 less of whether the agricultural commodity subject
16 to the exemption is produced, handled, or marketed
17 by a person that also produces, handles, or markets
18 conventional or nonorganic agricultural products, in-
19 cluding conventional or nonorganic agricultural
20 products of the same agricultural commodity as that
21 for which the exemption is claimed.

22 “(3) APPROVAL.—The Secretary shall approve
23 the exemption of a person under this subsection if
24 the person maintains a valid organic certificate

1 issued under the Organic Foods Production Act of
2 1990 (7 U.S.C. 6501 et seq.).

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

7 “(5) REGULATIONS.—The Secretary shall pro-
8 mulgate regulations concerning eligibility and com-
9 pliance for an exemption under paragraph (1).”.

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

14 “(f) ORGANIC COMMODITY PROMOTION ORDER.—

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

16 “(A) CERTIFIED ORGANIC FARM.—The
17 term ‘certified organic farm’ has the meaning
18 given the term in section 2103 of the Organic
19 Foods Production Act of 1990 (7 U.S.C. 6502).

20 “(B) COVERED PERSON.—The term ‘cov-
21 ered person’ means a producer, handler, mar-
22 keter, or importer of an organic agricultural
23 commodity.

24 “(C) DUAL-COVERED AGRICULTURAL COM-
25 MODITY.—The term ‘dual-covered agricultural

1 commodity' means an agricultural commodity
2 that—

3 “(i) is produced on a certified organic
4 farm; and

5 “(ii) is covered under both—

6 “(I) an organic commodity pro-
7 motion order issued under paragraph
8 (2); and

9 “(II) any other agricultural com-
10 modity promotion order issued under
11 this section.

12 “(2) AUTHORIZATION.—The Secretary may
13 issue an organic commodity promotion order under
14 section 514 that includes any agricultural com-
15 modity that—

16 “(A) is—

17 “(i) produced or handled (as defined
18 in section 2103 of the Organic Foods Pro-
19 duction Act of 1990 (7 U.S.C. 6502)); and

20 “(ii) certified to be sold or labeled as
21 ‘organic’ or ‘100 percent organic’ (as de-
22 fined in part 205 of title 7, Code of Fed-
23 eral Regulations (or successor regula-
24 tions)); or

1 “(B) is imported with a valid organic cer-
2 tificate (as defined in that part).

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 “(4) REGULATIONS.—The Secretary shall pro-
12 mulgate regulations concerning eligibility and com-
13 pliance for an exemption under paragraph (1).”.

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

18 (1) by redesignating subparagraphs (E) and
19 (F) as subparagraphs (F) and (G), respectively; and
20 (2) by inserting after subparagraph (D) the fol-
21 lowing:

22 “(E) products, as a class, that are pro-
23 duced on a certified organic farm (as defined in
24 section 2103 of the Organic Foods Production
25 Act of 1990 (7 U.S.C. 6502)) and that are cer-

1 tified to be sold or labeled as ‘organic’ or ‘100
2 percent organic’ (as defined in part 205 of title
3 7, Code of Federal Regulations (or successor
4 regulations));”.