SCHRADER AMENDMENT
Amendment to Title X
COSPONSORED BY REP. COURTNEY

ORGANIC PROMOTION ORDER AMENDMENT

The Schrader/Courtney Amendment grants the USDA the authority to consider an application for a promotion order by the organic sector (if it were to decide to do so) by defining organic as a commodity for purposes of research and promotion orders. The amendment also provides organic producers and handlers a choice. Should an organic promotion order be approved by USDA in the future, organic operations would be able to select the promotion order that provides the most benefit for them – the relevant conventional order or the organic order.

The amendment DOES NOT establish an organic order, it only allows the organic industry the same choice that other sectors of agriculture already have to petition USDA.

AMENDMENT TO H.R. _____

OFFERED BY MR. SCHRADER OF OREGON

[2013 Farm Bill]

At the end of section 10004, add the following new subsections:

1 (e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
2 FROM PROMOTION ORDER ASSESSMENTS.—Subsection
3 (e) of section 501 of the Federal Agriculture Improvement
4 and Reform Act of 1996 (7 U.S.C. 7401) is amended to
5 read as follows:
6 "(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS
7 FROM PROMOTION ORDER ASSESSMENTS.—
8 "(1) IN GENERAL.—Notwithstanding any provi-
9 sion of a commodity promotion law, a person that
10 produces, handles, markets, or imports organic prod-
11 ucts may be exempt from the payment of an assess-
12 ment under a commodity promotion law with respect
13 to any agricultural commodity that is certified as
14 'organic' or '100 percent organic' (as defined in part
15 205 of title 7, Code of Federal Regulations or a suc-
16 cessor regulation).
17 "(2) SPLIT OPERATIONS.—The exemption de-
18 scribed in paragraph (1) shall apply to the certified

1 'organic' or or '100 percent organic' (as defined in
2 part 205 of title 7 of the Code of Federal Regula-
3 tions (or a successor regulation) products of a pro-
4 ducer, handler, or marketer regardless of whether
5 the agricultural commodity subject to the exemption
6 is produced, handled, or marketed by a person that
7 also produces, handles, or markets conventional or
8 nonorganic agricultural products, including conven-
9 tional or nonorganic agricultural products of the
10 same agricultural commodity as that for which the
11 exemption is claimed.

12 "(3) APPROVAL.—The Secretary shall approve
13 the exemption of a person under this subsection if
14 the person maintains a valid organic certificate
15 issued under the Organic Foods Production Act of
16 1990 (7 U.S.C. 6501 et seq.).

17 "(4) TERMINATION OF EFFECTIVENESS.—This
18 subsection shall be effective until the date on which
19 the Secretary issues an organic commodity pro-
20 motion order in accordance with subsection (f).

21 "(5) REGULATIONS.—The Secretary shall pro-
22 mulgate regulations concerning eligibility and com-
23 pliance for an exemption under paragraph (1).".

24 (f) ORGANIC COMMODITY PROMOTION ORDER.—Sec-
25 tion 501 of the Federal Agriculture Improvement and Re-

1 form Act of 1996 (7 U.S.C. 7401) is amended by adding
2 at the end the following new subsection:
3 "(f) ORGANIC COMMODITY PROMOTION ORDER.—
4 "(1) DEFINITIONS.—In this subsection:
5 "(A) CERTIFIED ORGANIC FARM.—The
6 term 'certified organic farm' has the meaning
7 given the term in section 2103 of the Organic
8 Foods Production Act of 1990 (7 U.S.C. 6502).
9 "(B) COVERED PERSON.—The term 'cov-
10 ered person' means a producer, handler, mar-
11 keter, or importer of an organic agricultural
12 commodity.
13 "(C) DUAL-COVERED AGRICULTURAL COM-
14 MODITY.—The term 'dual-covered agricultural
15 commodity' means an agricultural commodity
16 that—
17 "(i) is produced on a certified organic
18 farm; and
19 "(ii) is covered under both—
20 "(I) an organic commodity pro-
21 motion order issued pursuant to para-
22 graph (2); and
23 "(II) any other agricultural com-
24 modity promotion order issued under
25 this section.

"(2) AUTHORIZATION.—The Secretary may issue an organic commodity promotion order under section 514 that includes any agricultural commodity that—

"(A) is produced or handled (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) and that is certified to be sold or labeled as 'organic' or '100 percent organic' (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation)); or

"(B) is imported with a valid organic certificate (as defined in such part).

"(3) ELECTION.—If the Secretary issues an organic commodity promotion order described in paragraph (2), a covered person may elect, for applicable dual-covered agricultural commodities and in the sole discretion of the covered person, whether to be assessed under the organic commodity promotion order or another applicable agricultural commodity promotion order.

"(4) REGULATIONS.—Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).".

1 (g) DEFINITION OF AGRICULTURAL COMMODITY.—
2 Section 513(1) of the Commodity Promotion, Research,
3 and Information Act of 1996 (7 U.S.C. 7412(1)) is
4 amended—
5 (1) by redesignating subparagraphs (E) and
6 (F) as subparagraphs (F) and (G), respectively; and
7 (2) by inserting after subparagraph (D) the fol-
8 lowing new subparagraph:
9 "(E) products, as a class, that are pro-
10 duced on a certified organic farm (as defined in
11 section 2103 of the Organic Foods Production
12 Act of 1990 (7 U.S.C. 6502)) and that are cer-
13 tified to be sold or labeled as 'organic' or '100
14 percent organic' (as defined in part 205 of title
15 7, Code of Federal Regulations or a successor
16 regulation));".