

110TH CONGRESS
1ST SESSION

S. 1976

To amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program.

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. ORGANIC CONVERSION.**

4 Chapter 4 of subtitle D of title XII of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3839aa et seq.) is amended
6 by adding at the end the following:

7 **“SEC. 1240J. ORGANIC CONVERSION.**

8 **“(a) DEFINITIONS.—**

1 “(1) NATIONAL ORGANIC PROGRAM.—The term
 2 ‘national organic program’ means the national or-
 3 ganic program established under the Organic Foods
 4 Production Act of 1990 (7 U.S.C. 6501 et. seq.).

5 “(2) ORGANIC SYSTEM PLAN.—In this section,
 6 the term ‘organic system plan’ means an organic
 7 plan approved under the national organic program.

8 “(b) ESTABLISHMENT.—Under the program carried
 9 out under this chapter, not later than 180 days after the
 10 enactment of this section, the Secretary shall establish a
 11 program under which the Secretary shall provide cost-
 12 share and incentive payments to producers to promote
 13 conservation practices and activities for production sys-
 14 tems undergoing conversion on some or all of the oper-
 15 ations of the producer to organic production in accordance
 16 with the Organic Foods Production Act of 1990 (7 U.S.C.
 17 6501 et seq.).

18 “(c) ORGANIC CONVERSION COST-SHARE AND IN-
 19 CENTIVE PAYMENTS.—The Secretary shall provide or-
 20 ganic conversion cost-share and incentive payments to pro-
 21 ducers that—

22 “(1) are converting to organic production sys-
 23 tems, including producers with existing certified or-
 24 ganic production for conversion to organic produc-

1 tion of land and livestock not previously certified or-
2 ganic; and

3 “(2) enter into contracts with the Secretary for
4 eligible practices and activities described in sub-
5 section (d).

6 “(d) ELIGIBLE PRACTICES AND ACTIVITIES.—Pro-
7 ducers may use funds made available under subsection (c)
8 for—

9 “(1) conservation management, vegetative, and
10 structural practices and activities during conversion
11 to certified organic production that—

12 “(A) are required by, or consistent with,
13 an approved organic system plan; and

14 “(B) protect soil, water, wildlife, air, and
15 other natural resource concerns as identified by
16 the Secretary;

17 “(2) animal welfare measures required by, or
18 consistent with, an approved organic system plan;

19 “(3) technical assistance, including the costs of
20 developing an approved organic system plan; and

21 “(4) such other measures as the Secretary de-
22 termines to be appropriate and consistent with an
23 approved organic system plan.

1 “(e) ELIGIBLE PRODUCERS.—To be eligible to re-
 2 ceive cost-share and incentive payments under this section,
 3 producers shall agree—

4 “(1) to develop and carry out conservation and
 5 environmental activities that—

6 “(A) are required by, or consistent with,
 7 an approved organic system plan; and

8 “(B) protect soil, water, wildlife, air, and
 9 other natural resource concerns as identified by
 10 the Secretary;

11 “(2) to receive technical and educational assist-
 12 ance from the Secretary or from an organization, in-
 13 stitute, or consultant with a cooperative agreement
 14 with the Secretary relating to—

15 “(A) the development and implementation
 16 of conservation practices and activities that are
 17 part of an organic system plan; or

18 “(B) other aspects of an organic system
 19 plan, including marketing, credit, business, and
 20 risk management plans; and

21 “(3) to submit annual verification by a certi-
 22 fying entity accredited by the Secretary to determine
 23 the compliance of the producer with organic certifi-
 24 cation requirements.

1 “(f) TERM.—A contract under this section shall have
2 a term equal to—

3 “(1) not more than 4 years, on the condition
4 that the producer seeks organic certification during
5 that period; or

6 “(2) such lesser period as is required for the
7 producer to obtain certification as an organic pro-
8 ducer.

9 “(g) LIMITATIONS ON PAYMENTS.—An individual or
10 entity may not receive, directly or indirectly, cost-share or
11 incentive payments under this section—

12 “(1) for a period of more than 4 years; or

13 “(2) that, in the aggregate and exclusive of
14 technical assistance, exceed

15 “(A) \$20,000 per year; or

16 “(B) a total amount of \$80,000.

17 “(h) TERMINATION OF CONTRACTS.—The Secretary
18 may cancel or otherwise nullify a contract entered into
19 under this section if the Secretary determines the pro-
20 ducers are not pursuing organic certification.

21 “(i) LIMITATION ON CONTRACTING.—

22 “(1) IN GENERAL.—The Secretary shall not
23 enter into new contracts with producers under this
24 section if, for any particular agricultural commodity,

1 the Secretary determines that there is insufficient
2 market demand for the agricultural commodity.

3 “(2) PETITION.—

4 “(A) IN GENERAL.—1 or more certified or-
5 ganic producers of an organic commodity may
6 petition the Secretary to suspend further assist-
7 ance for producers of that commodity under
8 this subsection.

9 “(B) GRANT OF RELIEF.—The Secretary
10 may suspend assistance in accordance with a
11 petition under subparagraph (A) upon a show-
12 ing that—

13 “(i) there would be insufficient mar-
14 ket demand for increased organic produc-
15 tion; and

16 “(ii) the producers seeking relief
17 would be adversely affected.

18 “(j) TECHNICAL AND EDUCATIONAL ASSISTANCE.—
19 To the maximum extent practicable, the Secretary shall
20 balance the funds available for this section so that at least
21 50 percent of the funds made available to carry out this
22 section are used for technical and educational assistance,
23 including competitive cooperative agreements with non-
24 profit organizations, nongovernmental organizations, insti-
25 tutions of higher education, State departments of agri-

1 culture, and consultants with demonstrated expertise in
2 advising organic producers on establishing and maintain-
3 ing conservation practices and activities for organic pro-
4 duction systems and the planning for, and marketing of,
5 the products of those systems.”.

