

handled in a manner that is not in accordance with this chapter; or

(iii) otherwise violating the purposes of the applicable organic certification program, as determined by the Secretary.

**(C) Waiver**

Notwithstanding subparagraph (A), the Secretary may modify or waive a period of ineligibility under this paragraph if the Secretary determines that the modification or waiver is in the best interests of the applicable organic certification program established under this chapter.

**(4) Reporting of violations**

A certifying agent shall immediately report any violation of this chapter to the Secretary or the applicable governing State official.

**(5) Violations by certifying agent**

A certifying agent that is a private person that violates the provisions of this chapter or falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the applicable governing State official shall, after notice and an opportunity to be heard—

(A) lose accreditation as a certifying agent under this chapter; and

(B) be ineligible to be accredited as a certifying agent under this chapter for a period of not less than 3 years, beginning on the date of the determination.

**(6) Effect on other law**

Nothing in this chapter alters—

(A) the authority of the Secretary concerning meat, poultry and egg products under—

(i) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(ii) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or

(iii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(C) the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(Pub. L. 101-624, title XXI, §2120, Nov. 28, 1990, 104 Stat. 3949; Pub. L. 102-237, title X, §1001(8), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113-79, title X, §10005(c), Feb. 7, 2014, 128 Stat. 944.)

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (c)(6)(A)(i), is titles I to V of act Mar. 4, 1907, ch. 2907, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV-A (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (c)(6)(A)(ii), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat. 441, which is classified generally to chapter 10

(§451 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

The Egg Products Inspection Act, referred to in subsec. (c)(6)(A)(iii), is Pub. L. 91-597, Dec. 29, 1970, 84 Stat. 1620, which is classified principally to chapter 15 (§1031 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1031 of Title 21 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(6)(B), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (c)(6)(C), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

AMENDMENTS

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to violations under this chapter.

1991—Subsec. (f). Pub. L. 102-237 inserted comma after “601 et seq.”.

**§ 6520. Administrative appeal**

**(a) Expedited appeals procedure**

The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this chapter that—

(1) adversely affects such person; or

(2) is inconsistent with the organic certification program established under this chapter.

**(b) Appeal of final decision**

A final decision of the Secretary under subsection (a) may be appealed to the United States district court for the district in which such person is located.

(Pub. L. 101-624, title XXI, §2121, Nov. 28, 1990, 104 Stat. 3950; Pub. L. 102-237, title X, §1001(9), Dec. 13, 1991, 105 Stat. 1894.)

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-237 substituted “district court for the district” for “District Court for the District”.

**§ 6521. Administration**

**(a) Regulations**

Not later than 540 days after November 28, 1990, the Secretary shall issue proposed regulations to carry out this chapter.

**(b) Assistance to State**

**(1) Technical and other assistance**

The Secretary shall provide technical, administrative, and National Institute of Food and Agriculture assistance to assist States in the implementation of an organic certification program under this chapter.

**(2) Financial assistance**

The Secretary may provide financial assistance to any State that implements an organic certification program under this chapter.

(Pub. L. 101-624, title XXI, §2122, Nov. 28, 1990, 104 Stat. 3951; Pub. L. 110-234, title VII, §7511(c)(24), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(24), June 18, 2008, 122 Stat. 1664, 2031.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-246, §7511(c)(24), substituted “National Institute of Food and Agriculture” for “Extension Service”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(24) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

### § 6522. Authorization of appropriations

#### (a) In general

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this chapter.

#### (b) National organic program

Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this chapter, there are authorized to be appropriated—

- (1) \$5,000,000 for fiscal year 2008;
- (2) \$6,500,000 for fiscal year 2009;
- (3) \$8,000,000 for fiscal year 2010;
- (4) \$9,500,000 for fiscal year 2011;
- (5) \$11,000,000 for fiscal year 2012;
- (6) \$15,000,000 for each of fiscal years 2014 through 2018; and

(7) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.

#### (c) Modernization and technology upgrade for national organic program

##### (1) In general

The Secretary shall modernize database and technology systems of the national organic program.

##### (2) Funding

Of the funds of the Commodity Credit Corporation and in addition to any other funds made available for that purpose, the Secretary shall make available to carry out this subsection \$5,000,000 for fiscal year 2014, to remain available until expended.

(Pub. L. 101-624, title XXI, §2123, Nov. 28, 1990, 104 Stat. 3951; Pub. L. 110-234, title X, §10303, May 22, 2008, 122 Stat. 1347; Pub. L. 110-246, §4(a), title X, §10303, June 18, 2008, 122 Stat. 1664, 2109; Pub. L. 113-79, title X, §10004(b), Feb. 7, 2014, 128 Stat. 942.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2014—Subsec. (b)(6), (7). Pub. L. 113-79, §10004(b)(1), added par. (6) and redesignated former par. (6) as (7).

Subsec. (c). Pub. L. 113-79, §10004(b)(2), added subsec. (c).

2008—Pub. L. 110-246, §10303, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 6523. National organic certification cost-share program

#### (a) In general

The Secretary of Agriculture (acting through the Agricultural Marketing Service) shall establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

#### (b) Federal share

##### (1) In general

Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

##### (2) Maximum amount

The maximum amount of a payment made to a producer or handler under this section shall be \$750.

#### (c) Reporting

Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.

#### (d) Funding

##### (1) Mandatory funding for fiscal years 2014 through 2018

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$11,500,000 for each of fiscal years 2014 through 2018, to remain available until expended.

##### (2) Fiscal year 2013

There is authorized to be appropriated to carry out this section \$22,000,000 for fiscal year 2013, to remain available until expended.

(Pub. L. 107-171, title X, §10606, May 13, 2002, 116 Stat. 514; Pub. L. 110-234, title X, §10301, May 22,