

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Organic Foods Production Act of 1990 to reauthorize and improve the national organic program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FASO introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Organic Foods Production Act of 1990 to reauthorize and improve the national organic program, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Organic Farmer and
5 Consumer Protection Act of 2017”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
7 **TIONAL ORGANIC PROGRAM.**

8 Subsection (b) of section 2123 of the Organic Foods
9 Production Act of 1990 (7 U.S.C. 6522) is amended to
10 read as follows:

1 “(b) NATIONAL ORGANIC PROGRAM.—Notwith-
2 standing any other provision of law, in order to carry out
3 activities under the national organic program established
4 under this title, there are authorized to be appropriated—

5 “(1) \$15,000,000 for fiscal year 2018;

6 “(2) \$16,500,000 for fiscal year 2019;

7 “(3) \$18,000,000 for fiscal year 2020;

8 “(4) \$20,000,000 for fiscal year 2021;

9 “(5) \$22,000,000 for fiscal year 2022; and

10 “(6) \$24,000,000 for fiscal year 2023.”.

11 **SEC. 3. MODERNIZATION AND IMPROVEMENT OF INTER-**
12 **NATIONAL TRADE TECHNOLOGY SYSTEMS**
13 **AND DATA COLLECTION.**

14 Section 2123 of the Organic Foods Production Act
15 of 1990 (7 U.S.C. 6522) is amended by adding at the end
16 the following new subsection:

17 “(d) MODERNIZATION AND IMPROVEMENT OF INTER-
18 NATIONAL TRADE TECHNOLOGY SYSTEMS AND DATA
19 COLLECTION.—

20 “(1) IN GENERAL.—The Secretary shall mod-
21 ernize international trade tracking and data collec-
22 tion systems of the national organic program.

23 “(2) ACTIVITIES.—In carrying out paragraph
24 (1), the Secretary shall modernize trade and trans-
25 action certificates to ensure full traceability without

1 unduly hindering trade, such as through an elec-
2 tronic trade document exchange system.

3 “(3) FUNDING.—Of the funds of the Com-
4 modity Credit Corporation, the Secretary shall make
5 available \$5,000,000 for fiscal year 2019 for the
6 purposes of—

7 “(A) carrying out this subsection; and

8 “(B) maintaining the database and tech-
9 nology upgrades previously carried out pursuant
10 to subsection (c).

11 “(4) AVAILABILITY.—The amount made avail-
12 able under paragraph (3) is in addition to any other
13 funds made available for the purposes specified in
14 such paragraph and shall remain available until ex-
15 pended.”.

16 **SEC. 4. RECORDKEEPING, INVESTIGATION, AND ENFORCE-**
17 **MENT.**

18 (a) IN GENERAL.—Section 2120 of the Organic
19 Foods Production Act of 1990 (7 U.S.C. 6519) is amend-
20 ed by adding at the end the following:

21 “(d) COLLABORATIVE INVESTIGATIONS AND EN-
22 FORCEMENT.—

23 “(1) INFORMATION SHARING DURING ACTIVE
24 INVESTIGATION.—In carrying out this title, all par-
25 ties to an active investigation (including certifying

1 agents, State organic certification programs, and the
2 national organic program) may share confidential
3 business information with Federal and State govern-
4 ment officers and employees and certifying agents
5 involved in the investigation as necessary to fully in-
6 vestigate and enforce potential violations of this title
7 and regulations issued under this title.

8 “(2) ACCESS TO DATA DOCUMENTATION SYS-
9 TEMS.—The Secretary shall have access to available
10 data from cross-border documentation systems ad-
11 ministered by other Federal agencies, including—

12 “(A) the Automated Commercial Environ-
13 ment system of the U.S. Customs and Border
14 Patrol; and

15 “(B) the Phytosanitary Certificate
16 Issuance and Tracking system of the Animal
17 and Plant Health Inspection Service.

18 “(3) ADDITIONAL DOCUMENTATION AND
19 VERIFICATION .—The Secretary, acting through the
20 national organic program, has the authority, and
21 shall grant an accredited certifying agent the au-
22 thority, to require increased additional documenta-
23 tion or verification before granting certification, in
24 the case of a known area of risk or when there is

1 a specific area of concern, as determined by the Sec-
2 retary or the certifying agent.”.

3 (b) MODIFICATION OF REGULATIONS ON EXCLU-
4 SIONS FROM CERTIFICATION.—Not later than 1 year
5 after the date of the enactment of this Act, the Secretary
6 of Agriculture shall issue regulations to limit the type of
7 operations that are excluded from certification under sec-
8 tion 205.101 of title 7, Code of Federal Regulations, and
9 any other corresponding sections.

10 **SEC. 5. ADDITIONAL ACCREDITATION AUTHORITY.**

11 Section 2115 of the Organic Foods Production Act
12 of 1990 (7 U.S.C. 6514) is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) SATELLITE OFFICES AND OVERSEAS OPER-
18 ATIONS.—As part of the accreditation of certifying agents
19 under this section, the Secretary—

20 “(1) has oversight and approval authority over
21 any certifying agent operating in a foreign country;
22 and

23 “(2) shall require an annual authorization for
24 each certifying agent that intends to operate in any
25 foreign country.”.

1 **SEC. 6. ANNUAL REPORT.**

2 Section 2122 of the Organic Foods Production Act
3 of 1990 (7 U.S.C. 6521) is amended by adding at the end
4 the following:

5 “(c) ANNUAL REPORT.—Not later than March 1,
6 2019, and annually thereafter, the Secretary shall submit
7 to Congress a report describing national organic program
8 activities with respect to all domestic and overseas inves-
9 tigation and compliance actions taken pursuant to this
10 title during the preceding year.”.