

115TH CONGRESS  
1ST SESSION

# H. R. 3871

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2017

Mr. FASO (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. GROTHMAN, Mr. RODNEY DAVIS of Illinois, Ms. BLUNT ROCHESTER, and Mr. SOTO) introduced the following bill; which was referred to the Committee on Agriculture

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## 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”.

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

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

6 “(b) NATIONAL ORGANIC PROGRAM.—Notwith-  
7 standing any other provision of law, in order to carry out  
8 activities under the national organic program established  
9 under this title, there are authorized to be appropriated—  
10 “(1) \$15,000,000 for fiscal year 2018;  
11 “(2) \$16,500,000 for fiscal year 2019;  
12 “(3) \$18,000,000 for fiscal year 2020;  
13 “(4) \$20,000,000 for fiscal year 2021;  
14 “(5) \$22,000,000 for fiscal year 2022; and  
15 “(6) \$24,000,000 for fiscal year 2023.”.

16 **SEC. 3. MODERNIZATION AND IMPROVEMENT OF INTER-**  
17 **NATIONAL TRADE TECHNOLOGY SYSTEMS**  
18 **AND DATA COLLECTION.**

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

22 “(d) MODERNIZATION AND IMPROVEMENT OF INTER-  
23 NATIONAL TRADE TECHNOLOGY SYSTEMS AND DATA  
24 COLLECTION.—

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

4           “(2) ACTIVITIES.—In carrying out paragraph  
5           (1), the Secretary shall modernize trade and trans-  
6           action certificates to ensure full traceability without  
7           unduly hindering trade, such as through an elec-  
8           tronic trade document exchange system.

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

13                   “(A) carrying out this subsection; and

14                   “(B) maintaining the database and tech-  
15                   nology upgrades previously carried out pursuant  
16                   to subsection (c).

17          “(4) AVAILABILITY.—The amount made avail-  
18          able under paragraph (3) is in addition to any other  
19          funds made available for the purposes specified in  
20          such paragraph and shall remain available until ex-  
21          pended.”.

1 **SEC. 4. RECORDKEEPING, INVESTIGATION, AND ENFORCE-**  
2 **MENT.**

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

6 “(d) COLLABORATIVE INVESTIGATIONS AND EN-  
7 FORCEMENT.—

8 “(1) INFORMATION SHARING DURING ACTIVE  
9 INVESTIGATION.—In carrying out this title, all par-  
10 ties to an active investigation (including certifying  
11 agents, State organic certification programs, and the  
12 national organic program) may share confidential  
13 business information with Federal and State govern-  
14 ment officers and employees and certifying agents  
15 involved in the investigation as necessary to fully in-  
16 vestigate and enforce potential violations of this title  
17 and regulations issued under this title.

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

22 “(A) the Automated Commercial Environ-  
23 ment system of the U.S. Customs and Border  
24 Patrol; and

1           “(B) the Phytosanitary Certificate Issu-  
2           ance and Tracking system of the Animal and  
3           Plant Health Inspection Service.

4           “(3)    ADDITIONAL    DOCUMENTATION    AND  
5           VERIFICATION.—The Secretary, acting through the  
6           national organic program, has the authority, and  
7           shall grant an accredited certifying agent the au-  
8           thority, to require increased additional documenta-  
9           tion or verification before granting certification, in  
10          the case of a known area of risk or when there is  
11          a specific area of concern, as determined by the Sec-  
12          retary or the certifying agent.”.

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

20   **SEC. 5. ADDITIONAL ACCREDITATION AUTHORITY.**

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

23                  (1) by redesignating subsection (c) as sub-  
24          section (d); and

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

3           “(c) **SATELLITE OFFICES AND OVERSEAS OPER-**  
4 **ATIONS.**—As part of the accreditation of certifying agents  
5 under this section, the Secretary—

6           “(1) has oversight and approval authority over  
7           any certifying agent operating in a foreign country;  
8           and

9           “(2) shall require an annual authorization for  
10          each certifying agent that intends to operate in any  
11          foreign country.”.

12 **SEC. 6. ANNUAL REPORT.**

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

16          “(c) **ANNUAL REPORT.**—Not later than March 1,  
17 2019, and annually thereafter, the Secretary shall submit  
18 to Congress a report describing national organic program  
19 activities with respect to all domestic and overseas inves-  
20 tigation and compliance actions taken pursuant to this  
21 title during the preceding year.”.

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