(A) in the paragraph heading, by striking “THROUGH FISCAL YEAR 2012”; and
(B) by striking “$5,000,000, to remain available until expended,” and inserting the following: “, to remain available until expended—
“(A) $5,000,000 for each of the periods of fiscal years 2008 through 2012 and 2014 through 2018; and
“(B) $5,000,000 for the period of fiscal years 2019 through 2023.”;
(2) by striking paragraph (2);
(3) by redesignating paragraph (3) as paragraph (2); and
(4) in paragraph (2) (as so redesignated)—
(A) by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”; and
(B) by striking “2018” and inserting “2023”.

SEC. 10104. ORGANIC CERTIFICATION.
(a) EXCLUSIONS FROM CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to limit the type of organic operations that are excluded from certification under section 205.101 of title 7, Code of Federal Regulations, and from certification under any other related sections under part 205 of title 7, Code of Federal Regulations.
(b) DEFINITIONS.—Section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502) is amended—
(1) in paragraph (3)—
(A) by striking “The term” and inserting the following: “(A) IN GENERAL.—The term”; and
(B) by adding at the end the following:
“(B) FOREIGN OPERATIONS.—When used in the context of a certifying agent operating in a foreign country, the term ‘certifying agent’ includes any person (including a private entity)—
“(i) accredited in accordance with section 2115(d); or
“(ii) accredited by a foreign government that acted under an equivalency agreement negotiated between the United States and the foreign government from which the agricultural product is imported.”;
(2) by redesignating paragraphs (13) through (21) as paragraphs (14) through (22), respectively; and
(3) by inserting after paragraph (12) the following:
“The term ‘national organic program import certificate’ means a form developed for purposes of the program under this title—
“(A) to provide documentation sufficient to verify that an agricultural product imported for sale in the United States satisfies the requirement under section 2115(c);
“(B) which shall include, at a minimum, information sufficient to indicate, with respect to the agricultural product—
“(i) the origin;
“(ii) the destination;
“(iii) the certifying agent issuing the national organic program import certificate;
"(iv) the harmonized tariff code, if a harmonized tariff code exists for the agricultural product;
"(v) the total weight; and
"(vi) the organic standard to which the agricultural product is certified; and
"(C) that is not more than otherwise required under an equivalency agreement negotiated between the United States and the foreign government."

(c) ACCREDITATION PROGRAM.—Section 2115 of the Organic Foods Production Act of 1990 (7 U.S.C. 6514) is amended by striking subsection (c) and inserting the following:
"(c) ADDITIONAL DOCUMENTATION AND VERIFICATION.—The Secretary, acting through the Deputy Administrator of the national organic program established under this title, has the authority, and shall grant a certifying agent the authority, to require producers and handlers to provide additional documentation or verification before granting a certification under section 2104, in the case of a compliance risk with respect to meeting the national standards for organic production established under section 2105, as determined by the Secretary or the certifying agent.

(d) ACCREDITATION OF FOREIGN ORGANIC CERTIFICATION PROGRAM.—
"(1) IN GENERAL.—For an agricultural product being imported into the United States to be represented as organically produced, the Secretary shall require the agricultural product to be accompanied by a complete and valid national organic import certificate, which shall be available as an electronic record.
"(2) TRACKING SYSTEM.—
"(A) IN GENERAL.—The Secretary shall establish a system to track national organic import certificates.
"(B) INTEGRATION.—In establishing the system under subparagraph (A), the Secretary may integrate the system into any existing information tracking systems for imports of agricultural products.

"(e) DURATION OF ACCREDITATION.—An accreditation made under this section—
"(1) subject to paragraph (2), shall be for a period of not more than 5 years, as determined appropriate by the Secretary;
"(2) in the case of a certifying agent operating in a foreign country, shall be for a period of time that is consistent with the certification of a domestic certifying agent, as determined appropriate by the Secretary; and
"(3) may be renewed.

(d) REQUIREMENTS OF CERTIFYING AGENTS.—Section 2116 of the Organic Foods Production Act of 1990 (7 U.S.C. 6515) is amended—

(1) in subsection (i)—
(A) in paragraph (1), by inserting "or an entity acting as an agent of the certifying agent" after "a certifying agent";
(B) by redesignating paragraph (2) as paragraph (3); and
(C) by inserting after paragraph (1) the following:
“(2) OVERSIGHT OF CERTIFYING OFFICES AND FOREIGN OPERATIONS.—

“(A) IN GENERAL.—If the Secretary determines that an office of a certifying agent or entity described in paragraph (1) is not complying with the provisions of this title, the Secretary may suspend the operations of the certifying agent or the noncompliant office, including—

“(i) an office operating in a foreign country; and

“(ii) an office operating in the United States, including an office acting on behalf of a foreign-domiciled entity.

“(B) PROCESS FOR RESUMING OPERATIONS FOLLOWING SUSPENSION.—The Secretary shall provide for a process that is otherwise consistent with this section that authorizes a suspended office to resume operations;”; and

(2) by adding at the end the following:

“(j) NOTICE.—Not later than 90 days after the date on which a new certifying office performing certification activities opens, an accredited certifying agent shall notify the Secretary of the opening.”.

(e) CERTAIN EMPLOYEES ELIGIBLE TO SERVE AS NATIONAL ORGANIC STANDARDS BOARD MEMBERS.—Section 2119(b) of the Organic Foods Production Act of 1990 (7 U.S.C. 6519(b)) is amended—

(1) in paragraph (1), by inserting “, or employees of such individuals” after “operation”;

(2) in paragraph (2), by inserting “, or employees of such individuals” after “operation”; and

(3) in paragraph (3), by inserting “, or an employee of such individual” after “products”.

(f) NATIONAL ORGANIC STANDARDS BOARD.—Section 2119(i) of the Organic Foods Production Act of 1990 (7 U.S.C. 6519(i)) is amended—

(1) by striking “Two-thirds” and inserting the following:

“(1) IN GENERAL.—2/3%”; and

(2) by adding at the end the following:

“(2) NATIONAL LIST.—Any vote on a motion proposing to amend the national list shall be considered to be a decisive vote that requires 2/3% of the votes cast at a meeting of the Board at which a quorum is present to prevail.”.

(g) INVESTIGATIONS.—Section 2120(b) of the Organic Foods Production Act (7 U.S.C. 6519(b)) is amended by adding at the end the following:

“(3) INFORMATION SHARING DURING ACTIVE INVESTIGATION.—In carrying out this title, all parties to an active investigation (including certifying agents, State organic certification programs, and the national organic program) shall share confidential business information with Federal Government officers and employees involved in the investigation as necessary to fully investigate and enforce potential violations of this title.”.

(h) DATA ORGANIZATION AND ACCESS.—Section 2122 of the Organic Foods Production Act of 1990 (7 U.S.C. 6521) is amended by adding at the end the following:

“(c) ACCESS TO DATA DOCUMENTATION SYSTEMS.—The Secretary shall have access to available data from cross-border documentation systems administered by other Federal agencies, includ-
ing the Automated Commercial Environment system of U.S. Customs and Border Protection.

"(d) REPORTS.—

“(1) IN GENERAL.—Not later than March 1, 2020, and annually thereafter through March 1, 2023, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Agriculture, a report describing national organic program activities with respect to all domestic and overseas investigations and compliance actions taken pursuant to this title during the preceding year.

“(2) REQUIREMENTS.—The data described in paragraph (1) shall be broken down by agricultural product, quantity, value, and month.

“(3) EXCEPTION.—Any data determined by the Secretary to be confidential business information shall not be provided in the report under paragraph (1).”

(i) ORGANIC AGRICULTURAL PRODUCT IMPORTS INTERAGENCY WORKING GROUP.—The Organic Foods Production Act of 1990 is amended by inserting after section 2122 (7 U.S.C. 6521) the following:

"SEC. 2122A. ORGANIC AGRICULTURAL PRODUCT IMPORTS INTERAGENCY WORKING GROUP.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary and the Secretary of Homeland Security shall jointly establish a working group to facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection relating to imports of organically produced agricultural products (referred to in this section as the ‘working group’).

“(2) MEMBERS.—The working group—

“(A) shall include—

“(i) the Secretary (or a designee); and

“(ii) the Secretary of Homeland Security (or a designee); and

“(B) shall not include any non-Federal officer or employee.

“(3) DUTIES.—The working group shall facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection for the purposes of—

“(A) identifying imports of organically produced agricultural products;

“(B) verifying the authenticity of organically produced agricultural product import documentation, such as national organic program import certificates;

“(C) ensuring imported agricultural products represented as organically produced meet the requirements under this title;

“(D) collecting and organizing quantitative data on imports of organically produced agricultural products; and

“(E) requesting feedback from stakeholders on how to improve the oversight of imports of organically produced agricultural products.

“(4) DESIGNATED EMPLOYEES AND OFFICIALS.—An employee or official designated to carry out the duties of the Secretary or
the Secretary of Homeland Security on the working group under subparagraph (A) or (B) of paragraph (2) shall be an employee or official compensated at a rate of pay not less than the minimum annual rate of basic pay for GS–12 under section 5332 of title 5, United States Code.

"(b) REPORTS.—On an annual basis, the working group shall submit to Congress and make publicly available on the websites of the Department of Agriculture and U.S. Customs and Border Protection the following reports:

"(1) ORGANIC TRADE ENFORCEMENT INTERAGENCY COORDINATION REPORT.—A report—

"(A) identifying existing barriers to cooperation between the agencies involved in agricultural product import inspection, trade data collection and organization, and organically produced agricultural product trade enforcement, including—

"(i) U.S. Customs and Border Protection;
"(ii) the Agricultural Marketing Service; and
"(iii) the Animal and Plant Health Inspection Service;

"(B) assessing progress toward integrating organic trade enforcement into import inspection procedures of U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service, including an assessment of—

"(i) the status of the development of systems for—

"(I) tracking the fumigation of imports of organically produced agricultural products into the United States; and

"(II) electronically verifying national organic program import certificate authenticity; and

"(ii) training of U.S. Customs and Border Protection personnel on—

"(I) the use of the systems described in clause (i); and

"(II) requirements and protocols under this title;

"(C) establishing methodology for ensuring imports of agricultural products represented as organically produced meet the requirements under this title;

"(D) recommending steps to improve the documentation and traceability of imported organically produced agricultural products;

"(E) recommending and describing steps for—

"(i) improving compliance with the requirements of this title for all agricultural products imported into the United States and represented as organically produced; and

"(ii) ensuring accurate labeling and marketing of imported agricultural products represented as organically produced by the exporter; and

"(F) describing staffing needs and additional resources at U.S. Customs and Border Protection and the Department of Agriculture needed to ensure compliance.

"(2) REPORT ON ENFORCEMENT ACTIONS TAKEN ON ORGANIC IMPORTS.—A report—
“(A) providing detailed quantitative data (broken down by agricultural product, quantity, value, month, and origin) on imports of agricultural products represented as organically produced found to be fraudulent or lacking any documentation required under this title at the port of entry during the report year;

“(B) providing data on domestic enforcement actions taken on imported agricultural products represented as organically produced, including the number and type of actions taken by United States officials at ports of entry in response to violations of this title;

“(C) providing data on fumigation of agricultural products represented as organically produced at ports of entry and notifications of fumigation actions to shipment owners, broken down by product variety and country of origin; and

“(D) providing information on enforcement activities under this title involving overseas investigations and compliance actions taken within that year, including—

“(i) the number of investigations by country; and

“(ii) a descriptive summary of compliance actions taken by certifying agents in each country.”

(j) AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking the section heading and inserting “FUNDING”;

(2) in subsection (b), by striking paragraphs (1) through (7) and inserting the following:

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

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

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

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

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

“(6) $24,000,000 for fiscal year 2023.”; and

(3) by striking subsection (c) and inserting the following:

“(c) MODERNIZATION AND IMPROVEMENT OF INTERNATIONAL TRADE TECHNOLOGY SYSTEMS AND DATA COLLECTION.—

“(1) IN GENERAL.—The Secretary shall establish a new system or modify an existing data collection and organization system to collect and organize in a single system quantitative data on imports of each organically produced agricultural product accepted into the United States.

“(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall modernize trade and transaction certificates to ensure full traceability to the port of entry without unduly hindering trade or commerce, such as through an electronic trade document exchange system.

“(3) ACCESS.—The single system established under paragraph (1) shall be accessible by any agency with the direct authority to engage in—

“(A) inspection of imports of agricultural products;

“(B) trade data collection and organization; or

“(C) enforcement of trade requirements for organically produced agricultural products.
“(4) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $5,000,000 for fiscal year 2019 for the purposes of—
“(A) carrying out this subsection; and
“(B) maintaining the database and technology upgrades previously carried out under this subsection, as in effect on the day before the date of enactment of the Agriculture Improvement Act of 2018.
“(5) AVAILABILITY.—The amounts made available under paragraph (4) are in addition to any other funds made available for the purposes described in that paragraph and shall remain available until expended.”.

(b) TRADE SAVINGS PROVISION.—The amendments made by subsection (1) shall be carried out in a manner consistent with United States obligations under international agreements.

SEC. 10105. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

(a) ELIMINATION OF DIRECTED DELEGATION.—Section 10606(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523(a)) is amended by striking “(acting through the Agricultural Marketing Service)”.

(b) FUNDING.—Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended by striking subsection (d) and inserting the following:

“(d) MANDATORY FUNDING—
“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—
“(A) $2,000,000 for each of fiscal years 2019 and 2020;
“(B) $4,000,000 for fiscal year 2021; and
“(C) $8,000,000 for each of fiscal years 2022 and 2023.
“(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.”.

SEC. 10106. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655a(c)) is amended by striking “2018” and inserting “2023”.

SEC. 10107. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended—

(1) in subsection (a)—
“(A) by striking “2018” and inserting “2023”; and
“(B) by striking “solely to enhance the competitiveness of specialty crops.” and inserting the following: “to enhance the competitiveness of specialty crops, including—
“(1) by leveraging efforts to market and promote specialty crops;
“(2) by assisting producers with research and development relevant to specialty crops;
“(3) by expanding availability and access to specialty crops;
“(4) by addressing local, regional, and national challenges confronting specialty crop producers; and
“(5) for such other purposes determined to be appropriate by the Secretary of Agriculture, in consultation with specialty
partnership is to alleviate unnecessary administrative and technical barriers for any applicant participating in a partnership. The Conference Substitute includes provisions regarding education, outreach, and application assistance duties for partners, which the Managers view as an important component for developing local and regional food systems in low-income and underserved communities.

The Managers intend that eligible entities for the farmers market and local food grants, who participate in regional partnerships, may apply for funding for both the partnership and grant program in a single application. The Managers are aware of past stakeholder confusion regarding the definition of direct producer sales that do not involve an intermediary such as a food hub. It is the Managers intent to support the development, coordination, and expansion of direct producer-to-retail, direct producer-to-restaurants and direct producer-to-institutional marketing as part of supporting the development, coordination and expansion of direct producer-to-consumer marketing through LAMP.

The Managers recognize that farmer cooperatives efficiently spread the benefits of the VAPG, including within LAMP, among a large number of producers in the aggregate. Cooperatives by their nature bring many producers together who individually do not have the size, expertise and resources to take advantage of the value chain beyond the farm gate, and they give them the opportunity to profit from those down-stream activities. Therefore, funds invested and the benefits of projects generated by cooperatives through the VAPG are distributed to a wide number of producers. Likewise, by investing in initiatives of cooperatives, such projects lower the overall costs to the government in program administration per individual farmer that benefits. Therefore, the Managers direct USDA to continue to treat cooperatives as a priority in administering the VAPG of LAMP.

(2) Organic certification

The House bill directs the Secretary of Agriculture (the “Secretary”) to issue regulations to limit the type of organic operations that are excluded from certification. The bill further requires the Secretary to modernize trade tracking and data collection systems, including full traceability, as well as a report to Congress regarding investigations and compliance actions. It authorizes the Secretary to oversee and approve a certifying agent in a foreign country and provides for annual certification.

The House bill also directs the Secretary to establish expedited and emergency procedures related to food, crop, or human safety for placing a substance on the National List. The provision allows for an employee of an owner or operator of an organic farming operation to represent the owner or operator on the National Organic Standards Board (NOSB) and allows for the convening of a task force to consult with the Food and Drug Administration (“FDA”) or Environmental Protection Agency (“EPA”) when deciding if a substance that has been determined safe within the meaning of the Federal Food, Drug, and Cosmetic Act, or determined by the EPA to not be harmful, should be included on the National List.

The House bill authorizes sharing of certain information during an investigation. It also authorizes a certifying agent to require additional information from a producer and handler under certain circumstances, and authorizes access to cross border documentation systems. The section requires the $5 million of CCC funds provided be available for
modernization of trade and data collection and to maintain current database and technology upgrades. (Section 9006)

The Senate amendment directs the Secretary to issue regulations to limit the type of organic operations that are excluded from certification, amends the definition of "certifying agent", and defines the term "national organic program import certificate". The amendment requires an import certification for imports represented as organic in the U.S. It further requires the Secretary to establish a tracking system, modernize trade tracking and data collection systems, including full traceability, and provide a report to Congress on organic imports. It authorizes the Secretary to oversee a certifying agent in a foreign country and provides the certification be for a period of time consistent with the certification of a domestic certifying agent.

The provision also requires that a vote on an amendment to the National List receives 2/3 of the votes when a quorum is present.

The Senate amendment authorizes sharing of certain information during an investigation and for the review of an accreditation of an agent in a foreign country and provides access to cross border documentation systems. It authorizes an organic agricultural product imports interagency working group. The section requires $5 million of CCC funds be provided for data collection. Finally, the section requires certain provisions be carried out in a manner consistent with all trade obligations. (Section 10104)

The Conference substitute adopts the Senate provision with an amendment providing for the oversight of foreign and domestic certifying offices as well as notice and process regarding new and suspended certifications. The amendment also adopts the House provision regarding additional documentation and verification.

The amendment adopts the House provision regarding employees of an owner or operator of an organic farming operation to represent the owner or operator on the NOSB. (Section 10104)

The Managers recognize that fraudulent organic imports have the potential to unfairly damage the reputation of the National Organic Program's (NOP) organic certification system and undercut domestic sales of certified organic products. Therefore, the Managers agreed to provisions from both the House-passed bill and Senate Amendment that are intended to provide the Secretary with better data, information-sharing and clarity of authority to identify and prevent known compliance risks to the NOP, particularly those imported from certifiers, handlers, or producers not accredited or certified by USDA or covered under an organic equivalency agreement. The Managers intend for these measures to be consistent for all products covered under the NOP. The Managers adopted and are applying a trade savings provision to ensure USDA implementation does not inhibit trade in organic agricultural products that are otherwise certified and following NOP standards, as well as other trade protocols.

The Managers encourage improved coordination between Federal agencies that oversee import protocols and agencies responsible for organic certification and enforcement in order to ensure information sharing and response in cases of potential fraud. Since the NOP is a marketing and process-oriented program, the Managers provide funding for the Secretary to establish and utilize more modern systems and method to share data with other agencies both within USDA, between the Animal and Plant Health Inspection Service (APHIS), AMS, and Foreign Agricultural Service (FAS), as well as outside of USDA, particularly U.S. Customs and Border Protection. In addition, the
Conference Substitute adopts a provision authorizing the Secretary to require producers and handlers of imported organic products, in cases of a known NOP compliance risk, to provide additional documentation, including an NOP import certificate, as long as this additional information is not more than is otherwise required under an equivalency agreement negotiated between the United States and the foreign government. The Managers codified the oversight authority of the Secretary to accredit certifying agents operating in a foreign country as well as certifying offices and foreign operations located within the United States. The Managers intend for the Secretary to implement these measures to be consistent with such standards and information as are required for domestic producers and handlers within the NOP.

The Managers appreciate the role of the National Organic Standards Board (NOSB) as an advisory board that is governed by the Federal Advisory Committee Act (FACA) and works with the AMS to consider and offer recommendations on a wide range of issues involving the production, handling, and processing of organic products. The Managers expect the Board and AMS to be transparent and adhere to the best science and technical assistance available, including from other science agencies, to provide certainty and predictability to the agricultural community and consumers.

The Managers codified USDA measures and NOSB procedures, currently in practice, to provide certainty to producers and users of the NOP. The Conference Substitute adopts subsection (c) of Sec. 10104 of the Senate Amendment to require 2/3 of the votes cast at an NOSB meeting at which a quorum is present to be a decisive vote regarding changes made to the organic “National List”. The Conference Substitute adopts Subsection (c) of section 9006 of the House bill to allow for an employee of an organic farming operation to represent the owner or operator on the NOSB. An employee of an organic farming operation, organic handling operation, or organic retail establishment, as designated by the owner or company, may be any employee, including a farmworker or minimum wage employee.

The Managers expect the NOSB, when reviewing potential amendments to the National List, to consider the findings, supporting data, and technical assistance made available by the U.S. Environmental Protection Agency to evaluate the safety and consumer health effects of pesticides registered for use, and consider the findings, supporting data, and technical assistance made available by the U.S. Food and Drug Administration to evaluate the safety and consumer health of food additives. Given the continued urgency in producer implementation of food safety standards and requirements, the Managers encourage the NOSB, while following the material review requirements established in the Organic Foods Production Act, to establish procedures for timely consideration and review of materials directly related to food safety compliance for inclusion on the national list.

(3) National organic certification cost-share program

The Senate amendment strikes the directed delegation clause to the AMS and authorizes $11.5 million of CCC funds for each of FY 2019-23, to remain available until expended. There is no authorization of appropriations. (Section 10105)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that provides $24 million of CCC funds for FY 2019-2023. (Section 10105)

The Managers recognize that organic cost-share assistance is an important