

(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; Pub. L. 115–334, title X, §10104(h), Dec. 20, 2018, 132 Stat. 4901.)

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 L. 110–234 were repealed by section 4(a) of Pub.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

2018—Subsecs. (c), (d). Pub. L. 115–334 added subsecs. (c) and (d).

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.

§ 6521a. 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 chapter;

(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.

(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 chapter;

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

(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 chapter 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 chapter 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 chapter;

(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 chapter 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.

(Pub. L. 101–624, title XXI, § 2122A, as added Pub. L. 115–334, title X, § 10104(i), Dec. 20, 2018, 132 Stat. 4902.)

TRADE SAVINGS PROVISION

Pub. L. 115–334, title X, § 10104(k), Dec. 20, 2018, 132 Stat. 4905, provided that: “The amendments made by subsection (i) [enacting this section] shall be carried out in a manner consistent with United States obligations under international agreements.”

§ 6522. Funding

(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) \$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.

(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 or-

ganization 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 December 20, 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.

(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; Pub. L. 115–334, title X, § 10104(j), Dec. 20, 2018, 132 Stat. 4904.)

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

2018—Pub. L. 115–334, § 10104(j)(1), substituted “Funding” for “Authorization of appropriations” in section catchline.

Subsec. (b). Pub. L. 115–334, § 10104(j)(2), added pars. (1) to (6) and struck out former pars. (1) to (7) which related to amounts authorized to be appropriated for fiscal years 2008 to 2018 and additional sums necessary for fiscal year 2009 and each fiscal year thereafter.

Subsec. (c). Pub. L. 115–334, § 10104(j)(3), added subsec. (c) and struck out former subsec. (c) which related to modernization and technology upgrade for national organic program.

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).