

112TH CONGRESS
1ST SESSION

S. 903

To amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2011

Mr. NELSON of Florida (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, 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 “Citrus Disease Re-
5 search and Development Trust Fund Act of 2011”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) duties collected on imports of citrus and cit-
2 rus products have ranged from \$50,000,000 to
3 \$87,000,000 annually since 2004, and are projected
4 to increase, as United States production declines due
5 to the effects of huanglongbing (also known as
6 “HLB” or “citrus greening disease”) and imports
7 increase in response to the shortfall in the United
8 States;

9 (2) in cases involving other similarly situated
10 agricultural commodities, notably wool, the Federal
11 Government has chosen to divert a portion of the
12 tariff revenue collected on imported products to sup-
13 port efforts of the domestic industry to address chal-
14 lenges facing the industry;

15 (3) citrus and citrus products are a highly nu-
16 tritious and healthy part of a balanced diet;

17 (4) citrus production is an important part of
18 the agricultural economy in Florida, California, Ari-
19 zona, and Texas;

20 (5) in the most recent years preceding the date
21 of enactment of this Act, citrus fruits have been pro-
22 duced on 900,000 acres, yielding 11,000,000 tons of
23 citrus products with a value at the farm of more
24 than \$3,200,000,000;

1 (6) the commercial citrus sector employs ap-
2 proximately 110,000 people and contributes approxi-
3 mately \$13,500,000,000 to the United States econ-
4 omy;

5 (7) the United States citrus industry has suf-
6 fered billions of dollars in damage from disease and
7 pests, both domestic and invasive, over the decade
8 preceding the date of enactment of this Act, particu-
9 larly from huanglongbing;

10 (8) huanglongbing threatens the entire United
11 States citrus industry because the disease kills citrus
12 trees;

13 (9) as of the date of enactment of this Act,
14 there are no cost effective or environmentally sound
15 treatments available to suppress or eradicate
16 huanglongbing;

17 (10) United States citrus producers working
18 with Federal and State governments have devoted
19 tens of millions of dollars toward research and ef-
20 forts to combat huanglongbing and other diseases
21 and pests, but more funding is needed to develop
22 and commercialize disease and pest solutions;

23 (11) although imports constitute an increasing
24 share of the United States market, importers of cit-

1 rus products into the United States do not directly
2 fund production research in the United States;

3 (12) disease and pest suppression technologies
4 require determinations of safety and solutions must
5 be commercialized before use by citrus producers;

6 (13) the complex processes involved in discovery
7 and commercialization of safe and effective pest and
8 disease suppression technologies are expensive and
9 lengthy and the need for the technologies is urgent;
10 and

11 (14) research to develop solutions to suppress
12 huanglongbing, or other domestic and invasive pests
13 and diseases will benefit all citrus producers and
14 consumers around the world.

15 (b) PURPOSES.—The purposes of this Act are—

16 (1) to authorize the establishment of a trust
17 funded by certain tariff revenues to support sci-
18 entific research, technical assistance, and develop-
19 ment activities to combat citrus diseases and pests,
20 both domestic and invasive, harming the United
21 States; and

22 (2) to require the President to notify the chair-
23 person and ranking member of the Committee on
24 Finance of the Senate and the Committee on Ways
25 and Means of the House of Representatives before

1 entering into any trade agreement that would de-
 2 crease the amount of duties collected on imports of
 3 citrus products to less than the amount necessary to
 4 provide the grants authorized by section 1001(d) of
 5 the Trade Act of 1974, as added by section 3(a) of
 6 this Act.

7 (c) EFFECT ON OTHER ACTIVITIES.—Nothing in this
 8 Act restricts the use of any funds for scientific research
 9 and technical activities in the United States.

10 **SEC. 3. CITRUS DISEASE RESEARCH AND DEVELOPMENT**
 11 **TRUST FUND.**

12 (a) IN GENERAL.—The Trade Act of 1974 (19
 13 U.S.C. 2102 et seq.) is amended by adding at the end
 14 the following:

15 **“TITLE X—CITRUS DISEASE RE-**
 16 **SEARCH AND DEVELOPMENT**
 17 **TRUST FUND**

18 **“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOP-**
 19 **MENT TRUST FUND.**

20 “(a) ESTABLISHMENT.—There is established in the
 21 Treasury of the United States a trust fund to be known
 22 as the ‘Citrus Disease Research and Development Trust
 23 Fund’ (in this section referred to as the ‘Trust Fund’ “),
 24 consisting of such amounts as may be transferred to the
 25 Trust Fund under subsection (b)(1) and any amounts that

1 may be credited to the Trust Fund under subsection
2 (d)(2).

3 “(b) TRANSFER OF AMOUNTS.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 the Secretary of the Treasury shall transfer to the
6 Trust Fund amounts that are attributable to the du-
7 ties collected on articles that are citrus or citrus
8 products classifiable under chapters 8, 20, 21, 22,
9 and 33 of the Harmonized Tariff Schedule of the
10 United States.

11 “(2) LIMITATION.—The amount transferred to
12 the Trust Fund under paragraph (1) in any fiscal
13 year may not exceed the lesser of—

14 “(A) an amount equal to $\frac{1}{3}$ of the amount
15 attributable to the duties received on articles
16 described in paragraph (1); or

17 “(B) \$30,000,000.

18 “(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

19 “(1) AMOUNTS AVAILABLE UNTIL EX-
20 PENDED.—Amounts in the Trust Fund shall remain
21 available until expended without further appropria-
22 tion.

23 “(2) AVAILABILITY TO THE CITRUS DISEASE
24 RESEARCH AND DEVELOPMENT BOARD.—Amounts
25 in the Trust Fund shall be available to the Citrus

1 Disease Research and Development Board estab-
2 lished under section 4 of the Citrus Disease Re-
3 search and Development Trust Fund Act of 2011 to
4 meet the purposes of that Act.

5 “(3) NOTIFICATION OF AMOUNTS TO BE WITH-
6 DRAWN.—For each fiscal year, the Secretary of Ag-
7 riculture shall notify the Secretary of the Treasury
8 of the amount to be withdrawn from the Trust Fund
9 for that fiscal year based on the budget for the Cit-
10 rus Disease Research and Development Board ap-
11 proved for that fiscal year under section 4(c)(4)(D)
12 of the Citrus Disease Research and Development
13 Trust Fund Act of 2011.

14 “(d) INVESTMENT OF TRUST FUND.—

15 “(1) IN GENERAL.—The Secretary of the
16 Treasury shall invest such portion of the Trust
17 Fund as is not required to meet current withdrawals
18 in interest-bearing obligations of the United States
19 or in obligations guaranteed as to both principal and
20 interest by the United States. Such obligations may
21 be acquired on original issue at the issue price or by
22 purchase of outstanding obligations at the market
23 price. Any obligation acquired by the Trust Fund
24 may be sold by the Secretary of the Treasury at the
25 market price.

1 “(2) INTEREST AND PROCEEDS FROM SALE OR
2 REDEMPTION OF OBLIGATIONS.—The interest on,
3 and the proceeds from the sale or redemption of, any
4 obligations held in the Trust Fund shall be credited
5 to and form a part of the Trust Fund.

6 “(e) REPORTS TO CONGRESS.—Not later than Janu-
7 ary 15, 2012, and each year thereafter until the year after
8 the termination of the Trust Fund, the Secretary of the
9 Treasury, in consultation with the Secretary of Agri-
10 culture, shall submit to Congress a report on the financial
11 condition and the results of the operations of the Trust
12 Fund that includes—

13 “(1) the amount of funds made available to the
14 Citrus Disease Research and Development Board
15 under subsection (c) during the preceding fiscal year
16 and a description of the ways in which the Board
17 used those funds; and

18 “(2) an assessment of the financial condition
19 and the operations of the Trust Fund for the cur-
20 rent fiscal year.

21 “(f) REMISSION OF SURPLUS FUNDS.—After receiv-
22 ing a report of the Citrus Disease Research and Develop-
23 ment Board under section 4(c)(4)(E) of the Citrus Dis-
24 ease Research and Development Trust Fund Act of 2011
25 for a fiscal year, the Secretary of the Treasury may remit

1 to the general fund of the Treasury such amounts as the
2 Board reported to be in excess of the amounts necessary
3 to meet the purposes of the Citrus Disease Research and
4 Development Trust Fund Act of 2011.

5 “(g) SUNSET PROVISION.—The Trust Fund shall ter-
6minate on December 31 of the fifth calendar year that
7 begins after the date of the enactment of this Act and
8 all amounts in the Trust Fund on December 31 of that
9 fifth calendar year shall be transferred to the general fund
10 of the Treasury.

11 **“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO**
12 **CERTAIN TRADE AGREEMENTS.**

13 “The President shall notify the chairperson and rank-
14 ing member of the Committee on Finance of the Senate
15 and the Committee on Ways and Means of the House of
16 Representatives not later than 90 days before entering
17 into a trade agreement if the President determines that
18 entering into the trade agreement could result—

19 “(1) in a decrease in the amount of duties col-
20 lected on articles that are citrus or citrus products
21 classifiable under chapters 8, 20, 21, 22, and 33 of
22 the Harmonized Tariff Schedule of the United
23 States; and

24 “(2) in a decrease in the amount of funds being
25 transferred into the Citrus Disease Research and

1 Development Trust Fund under section 1001 so that
 2 amounts available in the Trust Fund are insufficient
 3 to meet the purposes of the Citrus Disease Research
 4 and Development Trust Fund Act of 2011.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
 6 for the Trade Act of 1974 is amended by adding at the
 7 end the following:

“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT
 TRUST FUND

“Sec. 1001. Citrus Disease Research and Development Trust Fund.

“Sec. 1002. Reports required before entering into certain trade agreements.”.

8 **SEC. 4. CITRUS DISEASE RESEARCH AND DEVELOPMENT**
 9 **BOARD.**

10 (a) PURPOSE.—The purpose of this section is to es-
 11 tablish an orderly procedure for the development of an ef-
 12 fective and coordinated program of research and product
 13 development relating to—

14 (1) scientific research concerning diseases and
 15 pests, both domestic and invasive, afflicting the cit-
 16 rus industry; and

17 (2) support for the dissemination and commer-
 18 cialization of relevant information, techniques, and
 19 technologies discovered pursuant to research funded
 20 through the Citrus Disease Research and Develop-
 21 ment Trust Fund established under section 1001 of
 22 the Trade Act of 1974, as added by section 3(a) of
 23 this Act, or through other research projects intended

1 to solve problems caused by citrus production dis-
2 eases and invasive pests.

3 (b) DEFINITIONS.—In this section:

4 (1) BOARD.—The term “Board” means the Cit-
5 rus Disease Research and Development Board estab-
6 lished under this section.

7 (2) CITRUS.—

8 (A) IN GENERAL.—The term “citrus”
9 means edible fruit of the family Rutaceae, com-
10 monly called “citrus”.

11 (B) INCLUSION.—The term “citrus” in-
12 cludes all citrus hybrids and products of citrus
13 hybrids that are produced for commercial pur-
14 poses in the United States.

15 (3) DEPARTMENT.—The term “Department”
16 means the Department of Agriculture.

17 (4) PERSON.—The term “person” means any
18 individual, group of individuals, firm, partnership,
19 corporation, joint stock company, association, coop-
20 erative, or other legal entity.

21 (5) PRODUCER.—The term “producer” means
22 any person that is engaged in the domestic produc-
23 tion and commercial sale of citrus in the United
24 States.

1 (6) PROGRAM.—The term “program” means
2 the citrus research and development program au-
3 thorized under this section.

4 (7) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (8) TRUST FUND.—The term “Trust Fund”
7 means the Citrus Disease Research and Develop-
8 ment Trust Fund established under section 1001 of
9 the Trade Act of 1974, as added by section 3(a) of
10 this Act.

11 (c) IMPLEMENTATION.—

12 (1) REGULATIONS.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary shall promulgate regulations to carry out this
15 section.

16 (2) CITRUS BOARD.—

17 (A) ESTABLISHMENT AND MEMBERSHIP.—

18 (i) ESTABLISHMENT.—The Citrus
19 Disease Research and Development Board
20 shall consist of 9 members.

21 (ii) MEMBERSHIP.—The members of
22 the Board shall be appointed by the Sec-
23 retary from nominations submitted in ac-
24 cordance with this paragraph.

1 (B) DISTRIBUTION OF APPOINTMENTS.—

2 The membership of the Board shall consist of—

3 (i) 5 members who are domestic pro-
4 ducers of citrus in Florida;

5 (ii) 3 members who are domestic pro-
6 ducers of citrus in Arizona or California;

7 and

8 (iii) 1 member who is a domestic pro-
9 ducer of citrus in Texas.

10 (C) NOMINATION PROCESS.—

11 (i) IN GENERAL.—Two nominees shall
12 be submitted for each appointment to the
13 Board.

14 (ii) PROCESS.—Nominations for each
15 appointment of a producer from a State
16 identified in subparagraph (B) shall be
17 made by the domestic producers in that
18 State through a process that uses nomina-
19 tions from any organization—

20 (I) the majority of the member-
21 ship of which is composed of citrus
22 producers; and

23 (II) that is in existence on the
24 date of enactment of this Act.

1 (iii) FAILURE TO NOMINATE.—In any
2 case in which producer organizations fail
3 to nominate individuals for an appointment
4 to the Board, the Secretary may appoint
5 an individual to fill the vacancy on a basis
6 provided in the regulations promulgated by
7 the Secretary.

8 (D) ALTERNATES.—

9 (i) IN GENERAL.—Subject to clause
10 (ii), the regulations promulgated by the
11 Secretary shall provide for the selection of
12 alternate members of the Board by the
13 Secretary for the purpose of serving the re-
14 mainder of terms vacated by a departing
15 Board member.

16 (ii) REQUIREMENTS.—Regulations de-
17 scribed in clause (i) shall require that—

18 (I) each alternate member is cho-
19 sen from nominations submitted by
20 the organizations referred to in sub-
21 paragraph (C)(ii); and

22 (II) each alternate member ap-
23 pointed by the Secretary is a citrus
24 producer from the same State as the
25 Board member being replaced.

1 (E) TERMS.—

2 (i) IN GENERAL.—Except as provided
3 in clause (ii), each term of appointment to
4 the Board shall be for 5 years.

5 (ii) INITIAL APPOINTMENTS.—In
6 making initial appointments to the Board,
7 the Secretary shall appoint $\frac{1}{3}$ of the mem-
8 bers to terms of 1, 3, and 5 years, respec-
9 tively.

10 (F) DISQUALIFICATION FROM BOARD
11 SERVICE.—If a member or alternate of the
12 Board who was appointed as a domestic pro-
13 ducer ceases to be a producer in the State from
14 which the member was appointed, or fails to
15 fulfill the duties of the member according to the
16 rules established by the Board under paragraph
17 (3)(C), the member or alternate shall be dis-
18 qualified from serving on the Board.

19 (G) MANNER OF FILLING VACANCY.—A
20 vacancy arising as a result of disqualification or
21 any other reason before the expiration of the
22 term of office of an incumbent member or alter-
23 nate of the Board shall be filled in a manner
24 provided in the regulations promulgated by the
25 Secretary.

1 (H) COMPENSATION.—

2 (i) IN GENERAL.—The members of
3 the Board shall serve without compensa-
4 tion, but shall be reimbursed for the rea-
5 sonable expenses incurred in performing
6 duties as members or alternates of the
7 Board.

8 (ii) LIMITATION.—Reimbursement de-
9 scribed in clause (i) may not exceed the
10 amount that would be authorized under
11 section 5703 of title 5, United States
12 Code, for the payment of expenses and al-
13 lowances for individuals intermittently em-
14 ployed in Federal Government service.

15 (3) GENERAL RESPONSIBILITIES OF THE
16 BOARD.—

17 (A) IN GENERAL.—The regulations pro-
18 mulgated by the Secretary shall define the gen-
19 eral responsibilities of the Board, which shall
20 include the responsibilities—

21 (i) to administer a citrus research and
22 development program in accordance with
23 the program regulations promulgated by
24 the Secretary;

1 (ii) to meet, organize, and select from
2 among the members of the Board a chair-
3 person, other officers, and committees and
4 subcommittees, as the Board determines to
5 be appropriate;

6 (iii) to adopt and amend rules and
7 regulations governing the conduct of the
8 activities of the Board and the perform-
9 ance of the duties of the Board;

10 (iv) in accordance with subparagraph
11 (B), to employ such persons as the Board
12 determines are necessary, and set the com-
13 pensation and define the duties of the per-
14 sons;

15 (v)(I) to develop budgets for the im-
16 plementation of the program and submit
17 the budgets to the Secretary for approval
18 under paragraph (4); and

19 (II) to propose and develop (or receive
20 and evaluate), approve, and submit to the
21 Secretary for notification under paragraph
22 (4) plans or projects for citrus research,
23 including with any private or public re-
24 search entities the Board determines to be

1 consistent with the purposes of this sec-
2 tion;

3 (vi)(I) to implement plans and
4 projects for citrus research in accordance
5 with paragraph (4); or

6 (II) to contract or enter into agree-
7 ments with appropriate persons to imple-
8 ment the plans and projects under para-
9 graph (5), and pay the costs of the imple-
10 mentation, or contracts and agreement,
11 with funds received under this Act;

12 (vii) to evaluate ongoing and com-
13 pleted plans and projects for citrus re-
14 search;

15 (viii) to engage in regular consultation
16 and collaboration with the Department and
17 other institutional, governmental, and pri-
18 vate actors conducting scientific research
19 into the causes or treatments of citrus dis-
20 eases and pests, both domestic and
21 invasive, so as to—

22 (I) maximize the effectiveness of
23 the activities;

24 (II) hasten the development of
25 useful treatments; and

1 (III) avoid duplicative and waste-
2 ful expenditures;

3 (ix) to receive, investigate, and report
4 to the Secretary complaints relating to the
5 activities carried out by the Board; and

6 (x) to provide the Secretary such in-
7 formation as the Secretary may require.

8 (B) EMPLOYMENT AUTHORITY.—

9 (i) IN GENERAL.—The Board may—

10 (I) employ such persons as the
11 Board determines are necessary, and
12 set the compensation and define the
13 duties of the persons, without regard
14 to the provisions of title 5, United
15 States Code, governing appointments
16 in the competitive service; and

17 (II) pay the persons without re-
18 gard to the provisions of chapter 51,
19 and subchapter III of chapter 53, title
20 5, United States Code, relating to
21 classification and General Schedule
22 pay rates.

23 (ii) STATUS OF EMPLOYEES.—Em-
24 ployees described in clause (i) shall—

1 (I) be Federal employees as de-
2 fined in section 2105 of title 5,
3 United States Code; and

4 (II) be subject to all rights and
5 obligations applicable to Federal em-
6 ployees, subject to the approval of the
7 Board.

8 (4) BUDGETS; PLANS AND PROJECTS.—

9 (A) SUBMISSION OF BUDGETS; PLANS AND
10 PROJECTS.—

11 (i) SUBMISSION OF BUDGETS.—The
12 Board shall submit to the Secretary for ap-
13 proval, budgets, on a fiscal year basis,
14 showing the anticipated expenses and dis-
15 bursements of the Board in the implemen-
16 tation of the program, including the pro-
17 jected costs of citrus research.

18 (ii) SUBMISSION OF PLANS AND
19 PROJECTS.—The Board shall notify the
20 Secretary of proposed plans or projects for
21 citrus research, as described under sub-
22 paragraph (B).

23 (iii) AFFIRMATIVE SUPPORT RE-
24 QUIRED.—A budget may not be submitted
25 by the Board for recommendation to the

1 Secretary, and a plan or project may not
2 be submitted by the Board for notification
3 to the Secretary, without the affirmative
4 support of at least 7 members of the
5 Board.

6 (B) PLANS AND PROJECTS.—The Board
7 shall be responsible for—

8 (i) the establishment, implementation,
9 administration, and evaluation of plans
10 and projects for scientific research de-
11 scribed in subsection (a);

12 (ii) the dissemination of information,
13 techniques, and technologies described in
14 subsection (a) and acquired through the
15 plans and projects; and

16 (iii) the disbursement of such funds as
17 are necessary to carry out this subpara-
18 graph.

19 (C) INTELLECTUAL PROPERTY RIGHTS.—

20 (i) IN GENERAL.—An agreement for
21 the allocation of any intellectual property
22 rights that may arise from research under-
23 taken pursuant to this section or that re-
24 late to the commercialization of tech-
25 nologies that further the purposes of this

1 Act is subject to the invention rights of the
2 Small Business Patent Procedure Act of
3 1980 (Public Law 96–517), as amended
4 (35 U.S.C. 200–212) (commonly referred
5 to as the “Bayh-Dole Act”), and its imple-
6 menting regulations (37 C.F.R. 401), as
7 further broadened and interpreted in the
8 Presidential Memorandum to the Heads of
9 Executive Departments and Agencies on
10 Government Patent Policy of February 18,
11 1983, and Executive Orders 12591 and
12 12618.

13 (ii) WAIVER.—The Board may waive
14 applicability of clause (i) for specific
15 projects if the Board determines the waiver
16 to be consistent with the purposes of this
17 Act.

18 (D) APPROVAL BY SECRETARY.—

19 (i) IN GENERAL.—A budget for citrus
20 research may not be implemented prior to
21 approval of the budget by the Secretary.

22 (ii) PRIMARY CONSIDERATION.—In
23 evaluating the proposed budget, the Sec-
24 retary shall give primary consideration to

1 whether the Board fully complied with the
2 purposes and requirements of this Act.

3 (iii) NOTIFICATION.—Not later than
4 45 days after receipt of a budget under
5 this section, the Secretary shall notify the
6 Board as to whether the Secretary ap-
7 proves or disapproves the budget.

8 (iv) REQUIREMENT TO PROPOSE AL-
9 TERNATIVE BUDGET.—If the Secretary
10 disapproves a budget under clause (iii), the
11 Secretary shall collaborate with the Board
12 to develop an alternative budget during the
13 45-day period beginning on the date of the
14 disapproval.

15 (v) FAILURE TO RECOMMEND A
16 BUDGET.—If the Board fails to rec-
17 ommend a budget, the Secretary shall es-
18 tablish a budget for the Board.

19 (E) RECOMMENDATION OF EXCESS
20 FUNDS.—As soon as practicable after the end
21 of the second fiscal year after the establishment
22 of the Board, and every fiscal year thereafter,
23 the Board shall submit to the Secretary and the
24 Secretary of the Treasury a report that con-
25 tains—

1 (i) an assessment of whether the
2 amounts in the Trust Fund are in excess
3 of the amounts necessary to meet the pur-
4 poses of this Act; and

5 (ii) a recommendation of an amount
6 that may be remitted to the general fund
7 of the Treasury without risk of inhibiting
8 the purposes of this Act.

9 (5) CONTRACTS AND AGREEMENTS.—

10 (A) RESEARCH PLANS AND PROJECTS.—

11 (i) IN GENERAL.—To ensure the effi-
12 cient use of funds, the Board may enter
13 into contracts or agreements with public or
14 private entities for the implementation of a
15 plan or project for citrus research.

16 (ii) REQUIREMENTS.—Any contract or
17 agreement entered into under this subpara-
18 graph shall provide that the contracting or
19 agreeing party shall —

20 (I) develop and submit to the
21 Board a plan or project and a budget
22 that includes the estimated costs to be
23 incurred for the plan or project;

24 (II) keep accurate records of all
25 transactions of the party;

1 (III) account for funds received
2 and expended;

3 (IV) make periodic reports to the
4 Board of activities conducted; and

5 (V) make such other reports as
6 the Board or the Secretary shall re-
7 quire.

8 (B) OTHER CONTRACTS AND AGREE-
9 MENTS.—

10 (i) IN GENERAL.—The Board may
11 enter into a contract or agreement for ad-
12 ministrative services.

13 (ii) TERMS.—Any contract or agree-
14 ment entered into under clause (i) shall in-
15 clude terms comparable to the terms de-
16 scribed in subparagraph (A)(ii).

17 (6) BOOKS AND RECORDS OF BOARD.—

18 (A) IN GENERAL.—The Board shall—

19 (i) maintain such books and records
20 as the Secretary may require, to be made
21 available to the Secretary for inspection
22 and audit;

23 (ii) prepare and submit to the Sec-
24 retary such periodic reports as the Sec-
25 retary may require; and

1 (iii) account for the receipt and dis-
2 bursement of all funds entrusted to the
3 Board.

4 (B) AUDITS.—

5 (i) IN GENERAL.—The Board shall
6 have the books and records of the Board
7 audited by an independent auditor at the
8 end of each fiscal year.

9 (ii) REPORT.—The Board shall sub-
10 mit to the Secretary a report of each audit
11 under clause (i).

12 (7) CONTROL OF ADMINISTRATIVE COSTS.—

13 (A) SYSTEM OF COST CONTROLS.—The
14 Board shall, as soon as practicable and after
15 consultation with the Secretary and other ap-
16 propriate persons, implement a system of cost
17 controls based on the applicable Federal cost
18 principles and, to the maximum extent prac-
19 ticable—

20 (i) ensure that the costs incurred by
21 the Board in administering the citrus re-
22 search contracts and agreements author-
23 ized under paragraph (5) in any fiscal year
24 do not exceed the projected level of funds

1 disbursed to the Board for that fiscal year;

2 and

3 (ii) cover the minimum administrative
4 activities and personnel needed—

5 (I) to properly administer the
6 funds received from the Secretary of
7 the Treasury; and

8 (II) to conduct, supervise, and
9 evaluate plans and projects under the
10 program.

11 (B) USE OF EXISTING PERSONNEL AND
12 FACILITIES.—The Board shall use, to the max-
13 imum extent practicable, the resources, staffs,
14 and facilities of organizations in existence as of
15 the date of enactment of this Act, in accordance
16 with paragraph (5)(A)(i).

17 (8) USE OF FUNDS.—Amounts available in the
18 Trust Fund shall be used by the Board—

19 (A) to pay the allowable costs incurred for
20 contracts and agreements under paragraph (5);
21 and

22 (B) to cover the administrative costs in-
23 curred by the Secretary in accordance with
24 paragraph (9).

1 (9) REIMBURSEMENT OF SECRETARY EX-
2 PENSES.—The Board shall reimburse the Secretary
3 from amounts available in the Trust Fund for ad-
4 ministrative costs incurred by the Secretary for work
5 of up to 2 employee years.

6 (10) PROHIBITION ON USE OF FUNDS TO IN-
7 FLUENCE GOVERNMENTAL ACTION.—

8 (A) IN GENERAL.—Except as otherwise
9 provided in subparagraph (B), the Board may
10 not use any of the funds otherwise available to
11 the Board in any manner for the purpose of in-
12 fluencing legislation or government action or
13 policy.

14 (B) EXCEPTION.—Subparagraph (A) shall
15 not apply to the development or recommenda-
16 tion of a citrus research plan or project.

17 (11) LIABILITY AND STATUS OF BOARD MEM-
18 BERS.—Board members shall not be considered Fed-
19 eral employees by virtue of membership on the
20 Board, except for purposes of—

21 (A) chapter 171 of title 28, United States
22 Code (commonly known as the “Federal Tort
23 Claims Act”);

24 (B) the Ethics in Government Act of 1978
25 (5 U.S.C. App.); and

1 (C) chapter 11 of title 18, United States
2 Code.

3 (12) CONSULTATIONS WITH SCIENTIFIC EX-
4 PERTS.—

5 (A) IN GENERAL.—The Board shall seek
6 advice from and consult with experts to assist
7 in the development of research plans and
8 projects consistent with the purposes of this
9 section.

10 (B) SPECIAL COMMITTEES.—

11 (i) IN GENERAL.—For purposes de-
12 scribed in subparagraph (A), the regula-
13 tions promulgated by the Secretary shall
14 authorize the appointment of special com-
15 mittees by the Board composed of persons
16 other than Board members.

17 (ii) CONSULTATION.—A committee
18 appointed under clause (i) shall consult di-
19 rectly with the Board.

20 (C) COMPENSATION.—The Board shall be
21 authorized to provide compensation to the ex-
22 perts and persons described in subparagraphs
23 (A) and (B) as the Board considers appro-
24 priate.

25 (d) EFFECT OF SECTION.—

1 (1) IN GENERAL.—This section—

2 (A) does not provide for control of produc-
3 tion or otherwise limit the right of individual
4 citrus growers, handlers, and importers to
5 produce, handle, or import citrus; and

6 (B) is intended to treat all persons pro-
7 ducing, handling, and importing citrus fairly
8 and to implement the program in an equitable
9 manner.

10 (2) OTHER PROGRAMS.—Nothing in this section
11 preempts or supersedes any other program relating
12 to citrus promotion, research, industry information,
13 or consumer information organized and operated
14 under any Federal or State law.

15 (3) RELATIONSHIP BETWEEN SECRETARY AND
16 BOARD.—

17 (A) IN GENERAL.—In carrying out the re-
18 sponsibilities of the Secretary to oversee the op-
19 eration of the program under this section, no
20 official or employee of the Department may
21 make decisions as to the best use of funds or
22 shape the program to reflect the personal pref-
23 erence of the official.

24 (B) AUTHORITY OF THE BOARD.—The
25 Board shall retain sole authority to structure

1 the projects and activities described in this sec-
2 tion within the limits established by this sec-
3 tion.

4 (C) SECRETARIAL RESPONSIBILITIES.—

5 The Secretary—

6 (i) shall ensure that any programs
7 carried out under this Act operate in a
8 manner consistent with this section and
9 other applicable law; and

10 (ii) shall promote the most efficient
11 use of funds.

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