

107TH CONGRESS  
1ST SESSION

# S. 1474

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2001

Mr. HARKIN (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, 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 “Pesticide Maintenance  
5 Fees Reauthorization Act”.

6 **SEC. 2. MAINTENANCE FEE.**

7 (a) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of  
8 the Federal Insecticide, Fungicide, and Rodenticide Act  
9 (7 U.S.C. 136a–1(i)(5)) is amended—

1 (1) in subparagraph (A), by striking “each  
 2 year” and all that follows and inserting “each year  
 3 \$2,300 for each registration”;

4 (2) in subparagraph (D)—

5 (A) in clause (i), by striking “\$55,000”  
 6 and inserting “\$70,000”; and

7 (B) in clause (ii), by striking “\$95,000”  
 8 and inserting “\$120,000”; and

9 (3) in subparagraph (E)(i)—

10 (A) in subclause (I) by striking “\$38,500”  
 11 and inserting “\$46,000”; and

12 (B) in subclause (II), by striking  
 13 “\$66,500” and inserting “\$80,000”.

14 (b) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of  
 15 the Federal Insecticide, Fungicide, and Rodenticide Act  
 16 (7 U.S.C. 136(a)–1(i)(5)(C)) is amended—

17 (1) by striking “(C)(i) The” and inserting the  
 18 following:

19 “(C) TOTAL AMOUNT OF FEES.—The”;

20 (2) by striking “\$14,000,000 each fiscal year”  
 21 and inserting “\$20,000,000 for each of fiscal years  
 22 2002 through 2006”; and

23 (3) by striking clause (ii).

24 (c) DEFINITION OF SMALL BUSINESS.—Section  
 25 4(i)(5)(E)(ii) of the Federal Insecticide, Fungicide, and

1 Rodenticide Act (7 U.S.C. 136a–1(i)(5)(E)(ii)) is  
 2 amended—

3 (1) in subclause (I), by striking “150” and in-  
 4 serting “500”; and

5 (2) in subclause (II), by striking “gross revenue  
 6 from chemicals that did not exceed \$40,000,000”  
 7 and inserting “global gross revenue from pesticides  
 8 that did not exceed \$60,000,000”.

9 (d) EXTENSION OF AUTHORITY.—Section 4(i)(5)(H)  
 10 of the Federal Insecticide, Fungicide, and Rodenticide Act  
 11 (7 U.S.C. 136a–1(i)(5)(H)) is amended by striking  
 12 “2001” and inserting “2006”.

13 **SEC. 3. OTHER FEES.**

14 Section 4(i)(6) of the Federal Insecticide, Fungicide,  
 15 and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) is amended  
 16 by striking “2001” and inserting “2006”.

17 **SEC. 4. EXPEDITED PROCESSING OF SIMILAR APPLICA-**  
 18 **TIONS.**

19 Section 4(k)(3) of the Federal Insecticide, Fungicide,  
 20 and Rodenticide Act (7 U.S.C. 136a–1(k)(3)) is  
 21 amended—

22 (1) in the paragraph heading, by striking “EX-  
 23 PEDITED” and inserting “REVIEW OF INERT INGRE-  
 24 DIENTS; EXPEDITED”; and

25 (2) in subparagraph (A)—

1 (A) by striking “1997 through 2001, not  
 2 more than” and inserting “2002 through  
 3 2006,”;

4 (B) by redesignating clauses (i), (ii), and  
 5 (iii) as subclauses (I), (II), and (III), respec-  
 6 tively, and adjusting the margins appropriately;  
 7 and

8 (C) by striking “assure the expedited proc-  
 9 essing and review of any applicant that” and  
 10 inserting the following:

11 “(i) review and evaluate inert ingredi-  
 12 ents; and

13 “(ii) ensure the expedited processing  
 14 and review of any application that—”.

15 **SEC. 5. PESTICIDE TOLERANCE PROCESSING FEES.**

16 Section 408(m)(1) of the Federal Food, Drug, and  
 17 Cosmetic Act (21 U.S.C. 346a(m)(1)) is amended—

18 (1) by striking “The Administrator” and insert-  
 19 ing the following:

20 “(A) IN GENERAL.—The Administrator”;

21 (2) by striking “Under the regulations” and in-  
 22 serting the following:

23 “(B) INCLUSIONS.—Under the regula-  
 24 tions”;

1           (3) by redesignating subparagraphs (A), (B),  
2           (C), and (D) as clauses (i), (ii), (iii), and (iv), re-  
3           spectively, and adjusting the margins appropriately;

4           (4) by striking “The regulations may” and in-  
5           serting the following:

6                   “(C) WAIVER; REFUND.—The regulations  
7           may”; and

8           (5) by adding at the end the following:

9                   “(D) TOLERANCE PROCESSING FEES.—

10                   “(i) IN GENERAL.—Except as pro-  
11           vided in clause (ii), during the period be-  
12           ginning on the date of enactment of this  
13           subparagraph and ending on September  
14           30, 2006, the Administrator shall not pro-  
15           mulgate regulations addressing pesticide  
16           tolerance processing fees.

17                   “(ii) EXCEPTION FOR CURRENT FEE  
18           SCHEDULE.—The Administrator may an-  
19           nually promulgate regulations to imple-  
20           ment changes in the amounts in the sched-  
21           ule of pesticide tolerance processing fees in  
22           effect on the date of enactment of this sub-  
23           paragraph by the same percentage as the  
24           annual adjustment to the Federal General

- 1 Schedule pay scale under section 5303 of
- 2 title 5, United States Code.”.

