

111TH CONGRESS
2D SESSION

S. 3568

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

JULY 12, 2010

Mr. NELSON of Florida (for himself, Mr. CORNYN, and Mrs. FEINSTEIN) 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 2010”.

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 (c)(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 and 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) INVESTMENT OF TRUST FUND.—

19 “(1) IN GENERAL.—The Secretary of the
20 Treasury shall invest such portion of the Trust
21 Fund as is not, in the Secretary’s judgment, re-
22 quired to meet current withdrawals. Such invest-
23 ments may be made only in interest-bearing obliga-
24 tions of the United States or in obligations guaran-
25 teed as to both principal and interest by the United

1 States. For such purpose, such obligations may be
2 acquired on original issue at the issue price or by
3 purchase of outstanding obligations at the market
4 price. Any obligation acquired by the Trust Fund
5 may be sold by the Secretary of the Treasury at the
6 market price.

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

12 “(d) AVAILABILITY OF AMOUNTS FROM TRUST
13 FUND.—From amounts available in the Trust Fund (in-
14 cluding any amounts not obligated in previous fiscal
15 years), the Secretary of Agriculture is authorized to pro-
16 vide grants to the Citrus Research and Development
17 Board established under section 4 of the Citrus Disease
18 Research and Development Trust Fund Act of 2010.

19 “(e) REPORTS TO CONGRESS.—Not later than Janu-
20 ary 15, 2011, and each year thereafter until the year after
21 the termination of the Trust Fund, the Secretary of the
22 Treasury, in consultation with the Secretary of Agri-
23 culture, shall prepare and submit to Congress a report on
24 the financial condition and the results of the operations
25 of the Trust Fund, including—

1 “(1) a description of the use and amounts of
 2 the grants provided under subsection (d) during the
 3 preceding fiscal year; and

4 “(2) a description of the condition and oper-
 5 ations of the Trust Fund for the current fiscal year.

6 “(f) SUNSET PROVISION.—The Trust Fund shall ter-
 7minate on December 31 of the fifth full calendar year that
 8 begins after the year of the date of the enactment of this
 9 Act and all amounts in the Trust Fund on such date shall
 10 be transferred to the general fund 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 and 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 provide the grants authorized by subsection (d) of
 4 that section.”.

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 invasive pests, both domestic and invasive, afflicting
 16 the citrus 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 Research and Development Board established
6 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 that are produced for
13 commercial purposes in the United States.

14 (3) CONFLICT OF INTEREST.—The term “con-
15 flict of interest” means a situation in which a mem-
16 ber or employee of the Board has a direct or indirect
17 financial interest in a person that performs a service
18 for, or enters into a contract with, the Board for
19 anything of economic value.

20 (4) DEPARTMENT.—The term “Department”
21 means the Department of Agriculture.

22 (5) ORDER.—The term “order” means the cit-
23 rus research and development order issued under
24 this section.

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

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

9 (8) SECRETARY.—The term “Secretary” means
 10 the Secretary of Agriculture.

11 (c) ISSUANCE OF ORDERS.—

12 (1) IN GENERAL.—

13 (A) ISSUANCE.—Subject to paragraph (2),
 14 the Secretary shall issue an order applicable to
 15 domestic citrus producers.

16 (B) SCOPE.—Any order shall be national
 17 in scope.

18 (C) SINGLE ORDER.—Not more than 1
 19 order relating to the purposes of this section
 20 shall be in effect at any 1 time.

21 (2) PROCEDURES.—

22 (A) PUBLICATION OF PROPOSAL.—Not
 23 later than 60 days after the date of enactment
 24 of this Act, the Secretary shall publish a pro-

posed order and give notice and opportunity for public comment on the proposed order.

(B) ISSUANCE OF ORDER.—

(i) IN GENERAL.—After notice and opportunity for public comment in accordance with subparagraph (A), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this section.

(ii) EFFECTIVE DATE.—The order shall become effective not later than 45 days after the date of issuance.

(3) AMENDMENTS.—

(A) IN GENERAL.—The Secretary may periodically amend the order.

(B) APPLICABILITY OF ACT.—Any provisions of this Act that are applicable to the order shall be applicable to any amendment to the order.

(d) REQUIRED TERMS IN ORDER.—

(1) IN GENERAL.—The order shall contain the terms specified in this subsection.

(2) CITRUS BOARD.—

1 (A) ESTABLISHMENT AND MEMBERSHIP.—

2 (i) ESTABLISHMENT.—The order shall
3 provide for the establishment of a Citrus
4 Research and Development Board, con-
5 sisting of 9 members, to administer the
6 order.

7 (ii) MEMBERSHIP.—The order shall
8 provide that members of the Board shall
9 be appointed by the Secretary from nomi-
10 nations submitted in accordance with this
11 paragraph.

12 (B) DISTRIBUTION OF APPOINTMENTS.—

13 The order shall provide that the membership of
14 the Board shall consist of—

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

17 (ii) 3 members who are domestic pro-
18 ducers of citrus in Arizona or California;
19 and

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

22 (C) NOMINATION PROCESS.—The order
23 shall provide that—

24 (i) 2 nominees shall be submitted for
25 each appointment to the Board; and

1 (ii) nominations for each appointment
 2 of a producer from a State identified in
 3 subparagraph (B)(i) shall be made by the
 4 domestic producers in that State through
 5 an appointment process that uses nomina-
 6 tions from any organization—

7 (I) the members of which consist
 8 of citrus producers; and

9 (II) that is in existence on the
 10 date of enactment of this Act; and

11 (iii) in any case in which producer or-
 12 ganizations fail to nominate individuals for
 13 an appointment to the Board, the Sec-
 14 retary may appoint an individual to fill the
 15 vacancy on a basis provided in the order or
 16 other regulations of the Secretary.

17 (D) ALTERNATES.—The order shall pro-
 18 vide for the selection of alternate members of
 19 the Board by the Secretary in accordance with
 20 procedures specified in the order.

21 (E) TERMS.—The order shall provide that
 22 each term of appointment to the Board shall be
 23 for 5 years.

24 (F) DISQUALIFICATION FROM BOARD
 25 SERVICE.—The order shall provide that if a

1 member or alternate of the Board who was ap-
2 pointed as a domestic producer ceases to belong
3 to the group for which the member was ap-
4 pointed, the member or alternate shall be dis-
5 qualified from serving on the Board.

6 (G) MANNER OF FILLING VACANCY.—A
7 vacancy arising as a result of disqualification or
8 any other reason before the expiration of the
9 term of office of an incumbent member or alter-
10 nate of the Board shall be filled in a manner
11 provided in the order.

12 (H) COMPENSATION.—The order shall pro-
13 vide that members and alternates of the Board
14 shall serve without compensation, but shall be
15 reimbursed for the reasonable expenses incurred
16 in performing duties as members or alternates
17 of the Board.

18 (3) GENERAL RESPONSIBILITIES OF THE
19 BOARD.—The order shall define the general respon-
20 sibilities of the Board, which shall include the re-
21 sponsibilities—

22 (A) to administer the order in accordance
23 with the order;

24 (B) to meet, organize, and select from
25 among the members of the Board a chair-

1 person, other officers, and committees and sub-
2 committees, as the Board determines to be ap-
3 propriate;

4 (C) to recommend to the Secretary rules
5 and regulations to effectuate the order;

6 (D) to employ such persons as the Board
7 determines are necessary, and set the com-
8 pensation and define the duties of the persons;

9 (E)(i) to develop budgets for the imple-
10 mentation of the order and submit the budgets
11 to the Secretary for approval under paragraph
12 (4); and

13 (ii) to propose and develop (or receive and
14 evaluate), approve, and submit to the Secretary
15 for approval under paragraph (4) plans or
16 projects for citrus research, including with any
17 private or public research entities the Board de-
18 termines to be consistent with the purposes of
19 this section;

20 (F)(i) to implement plans and projects for
21 citrus research in accordance with paragraph
22 (4); or

23 (ii) to contract or enter into agreements
24 with appropriate persons to implement the
25 plans and projects under paragraph (5), and

1 pay the costs of the implementation, or con-
2 tracts and agreement, with funds received
3 under this Act;

4 (G) to evaluate ongoing and completed
5 plans and projects for citrus research in accord-
6 ance with the order;

7 (H) to receive, investigate, and report to
8 the Secretary complaints of violations of the
9 order;

10 (I) to recommend to the Secretary amend-
11 ments to the order;

12 (J) to invest, pending disbursement under
13 a plan or project, funds collected through this
14 Act (including income from the funds) only
15 in—

16 (i) obligations of the United States or
17 any agency of the United States;

18 (ii) general obligations of any State or
19 any political subdivision of a State;

20 (iii) any interest-bearing account or
21 certificate of deposit of a bank that is a
22 member of the Federal Reserve System; or

23 (iv) obligations fully guaranteed as to
24 principal and interest by the United
25 States;

(K) to borrow funds necessary for the startup expenses of the order; and

(L) to provide the Secretary such information as the Secretary may require.

(4) BUDGETS; PLANS AND PROJECTS.—

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

(i) SUBMISSION OF BUDGETS.—The order shall require the Board to submit to the Secretary for approval, budgets, on a fiscal year basis, showing the anticipated expenses and disbursements of the Board in the implementation of the order, including the projected costs of citrus research.

(ii) SUBMISSION OF PLANS AND PROJECTS.—The order shall require the Board to submit to the Secretary for approval proposed plans or projects for citrus research, as described under subparagraph (B).

(iii) AFFIRMATIVE SUPPORT REQUIRED.—A budget, plan, or project may not be submitted by the Board for recommendation to the Secretary without the

1 affirmative support of at least 7 members
2 of the Board.

3 (B) PLANS AND PROJECTS.—The order
4 shall provide for—

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

9 (ii) the dissemination of information
10 acquired through the plans and projects;
11 and

12 (iii) the disbursement of such funds as
13 are necessary to carry out this subpara-
14 graph.

15 (C) INTELLECTUAL PROPERTY RIGHTS.—
16 The order shall provide that the Board may
17 enter into an agreement for the allocation of
18 any intellectual property rights that may arise
19 from research undertaken pursuant to this sec-
20 tion or that relate to the commercialization of
21 technologies that further the purposes of this
22 Act.

23 (D) APPROVAL BY SECRETARY.—

24 (i) IN GENERAL.—A budget, plan, or
25 project for citrus research may not be im-

plemented prior to approval of the budget,
plan, or project by the Secretary.

(ii) NOTIFICATION.—Not later than
45 days after receipt of a budget, plan, or
project under this section, the Secretary
shall notify the Board as to whether the
Secretary approves or disapproves the
budget, plan, or project.

(iii) PRESUMPTIVE APPROVAL.—If the
Secretary fails to provide notice in accord-
ance with clause (ii) before the end of the
45-day period, the budget, plan, or project
shall be considered to be approved and
may be implemented by the Board.

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

(5) CONTRACTS AND AGREEMENTS.—

(A) RESEARCH PLANS AND PROJECTS.—

(i) IN GENERAL.—To ensure the effi-
cient use of funds, the order shall provide
that the Board, with the approval of the
Secretary, may enter into contracts or

1 agreements with public or private entities
2 for—

3 (I) the implementation of a plan
4 or project for citrus research; and

5 (II) the payment of the cost of
6 the contract or agreement with funds
7 received by the Board under the
8 order.

9 (ii) REQUIREMENTS.—The order shall
10 provide that any contract or agreement en-
11 tered into under this subparagraph shall
12 provide that—

13 (I) the contracting or agreeing
14 party shall develop and submit to the
15 Board a plan or project and a budget
16 that includes the estimated costs to be
17 incurred for the plan or project;

18 (II) the plan or project shall be-
19 come effective on the approval of the
20 Secretary; and

21 (III) the contracting party or
22 agreeing party shall—

23 (aa) keep accurate records
24 of all transactions of the party;

1 (bb) account for funds re-
2 ceived and expended; and

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

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

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

11 (i) IN GENERAL.—The order shall
12 provide that the Board, with the approval
13 of the Secretary, may enter into a contract
14 or agreement for administrative services.

15 (ii) TERMS.—Any contract or agree-
16 ment entered into under clause (i) shall in-
17 clude term comparable to the terms de-
18 scribed in subparagraph (A)(ii), as deter-
19 mined by the Secretary.

20 (6) BOOKS AND RECORDS OF BOARD.—

21 (A) IN GENERAL.—The order shall require
22 the Board—

23 (i) to maintain such books and
24 records as the Secretary may require, to be

1 made available to the Secretary for inspec-
2 tion and audit;

3 (ii) to prepare and submit to the Sec-
4 retary such periodic reports as the Sec-
5 retary may require; and

6 (iii) to account for the receipt and dis-
7 bursement of all funds entrusted to the
8 Board.

9 (B) AUDITS.—

10 (i) IN GENERAL.—The Board shall
11 have the books and records of the Board
12 audited by an independent auditor at the
13 end of each fiscal year.

14 (ii) REPORT.—The Board shall sub-
15 mit to the Secretary a report of each audit
16 under clause (i).

17 (7) CONTROL OF ADMINISTRATIVE COSTS.—

18 (A) SYSTEM OF COST CONTROLS.—The
19 order shall provide that the Board shall, as
20 soon as practicable after the order becomes ef-
21 fective and after consultation with the Secretary
22 and other appropriate persons, implement a
23 system of cost controls based on normally ac-
24 cepted business practices that will, to the max-
25 imum extent practicable—

1 (i) ensure that the costs incurred by
2 the Board in administering the order in
3 any fiscal year do not exceed the projected
4 level of funds disbursed to the Board for
5 that fiscal year; and

6 (ii) cover the minimum administrative
7 activities and personnel needed—

8 (I) to properly administer and
9 enforce the order; and

10 (II) to conduct, supervise, and
11 evaluate plans and projects under the
12 order.

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

19 (8) USE OF FUNDS.—The order shall provide
20 that funds disbursed to the Board shall be used—

21 (A) to pay costs incurred in implementing
22 and administering the order, with provision for
23 a reasonable reserve; and

1 (B) to cover the administrative costs in-
2 curred by the Secretary in carrying out this sec-
3 tion.

4 (9) REIMBURSEMENT OF SECRETARY EX-
5 PENSES.—The order shall provide for reimbursing
6 the Secretary for administrative costs incurred by
7 the Secretary for supervisory work of up to 2 em-
8 ployee years after an order or amendment to any
9 order has been issued and made effective.

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

12 (A) IN GENERAL.—Except as otherwise
13 provided in subparagraph (B), the order shall
14 prohibit any funds collected by the Board under
15 the order from being used in any manner for
16 the purpose of influencing legislation or govern-
17 ment action or policy.

18 (B) EXCEPTION.—Subparagraph (A) shall
19 not apply to the development or recommenda-
20 tion of amendments to the order.

21 (11) PROHIBITION OF CONFLICT OF INTER-
22 EST.—The Board may not engage in, and shall pro-
23 hibit the employees and agents of the Board from
24 engaging in, any action that would be a conflict of
25 interest.

1 (12) CONSULTATIONS WITH SCIENTIFIC EX-
2 PERTS.—

3 (A) IN GENERAL.—The order shall provide
4 that the Board may seek advice from and con-
5 sult with experts from institutions of higher
6 education, government, and industry to assist in
7 the development of research plans and projects
8 consistent with the purposes of this section.

9 (B) SPECIAL COMMITTEES.—

10 (i) IN GENERAL.—For purposes de-
11 scribed in subparagraph (A), the order
12 shall authorize the appointment of special
13 committees composed of persons other
14 than Board members.

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

18 (C) COMPENSATION.—The order shall au-
19 thorize the Board to provide compensation to
20 the experts and persons described in subpara-
21 graphs (A) and (B) as the Board considers ap-
22 propriate.

23 (13) OTHER TERMS OF THE ORDER.—The
24 order shall contain such other terms, consistent with

1 this section, as are necessary to carry out this sec-
2 tion.

3 (e) EFFECT OF SECTION.—

4 (1) IN GENERAL.—This section—

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

9 (B) is intended to treat all persons pro-
10 ducing, handling, and importing citrus fairly
11 and to implement any order in an equitable
12 manner.

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

18 (3) RELATIONSHIP BETWEEN SECRETARY AND
19 BOARD.—

20 (A) IN GENERAL.—In carrying out the re-
21 sponsibilities of the Secretary to oversee the
22 disbursement of funds to the Board and the op-
23 eration of the program under this section, no
24 official or employee of the Department may
25 make decisions as to the best use of funds or

1 shape the program to reflect the personal pref-
2 erence of the official or employee.

3 (B) AUTHORITY OF THE BOARD.—The
4 Board shall retain sole authority to structure
5 the projects and activities described in this sec-
6 tion within the limits established by this section
7 and the order.

8 (C) SECRETARIAL RESPONSIBILITIES.—
9 The Secretary—

10 (i) shall ensure that any programs
11 carried out under this operate in a manner
12 consistent with this section and other ap-
13 plicable law;

14 (ii) shall eliminate any unnecessary
15 regulatory costs or requirements to the cit-
16 rus industry in carrying out the oversight
17 and regulatory responsibilities of the Sec-
18 retary;

19 (iii) shall promote the most efficient
20 use of funds; and

21 (iv) may not substitute the judgment
22 of the Secretary for the judgment of the
23 Board or alter any projects or activities de-
24 scribed in this section.

1 (f) REGULATIONS.—The Secretary may issue such
2 regulations as are necessary to carry out this section.

○