

113TH CONGRESS
1ST SESSION

H. R. 853

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 HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2013

Mr. BUCHANAN (for himself, Ms. BROWN of Florida, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. DEUTCH, Mr. DIAZ-BALART, Ms. FRANKEL of Florida, Mr. GARCIA, Mr. GRAYSON, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. MURPHY of Florida, Mr. NUGENT, Mr. POSEY, Mr. RADEL, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. SOUTHERLAND, Ms. WASSERMAN SCHULTZ, Mr. WEBSTER of Florida, Ms. WILSON of Florida, Mr. YOHIO, Mr. YOUNG of Florida, Mr. HINOJOSA, Mr. CUELLAR, and Ms. BROWNLEY of California) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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 2013”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) duties collected on imports of citrus and cit-
4 rus products have ranged from \$32,000,000 to
5 \$87,000,000 annually since 2004, and are projected
6 to increase, as United States production declines due
7 to the effects of huanglongbing (also known as
8 “HLB” or “citrus greening disease”) and imports
9 increase in response to the shortfall in the United
10 States;

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

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

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

22 (5) in 2012, citrus fruits were produced on ap-
23 proximately 804,300 acres in the United States,
24 yielding approximately 11,373,000 tons of citrus
25 products with a value at the farm of more than
26 \$3,443,289,000;

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 the enactment of this Act, par-
9 ticularly 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 the 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, from the general fund of the Treasury,
7 amounts determined by the Secretary to be equiva-
8 lent to amounts received in the general fund that are
9 attributable to the duties collected on articles that
10 are citrus or citrus products classifiable under chap-
11 ters 8, 20, 21, 22, and 33 of the Harmonized Tariff
12 Schedule of the United States.

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

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

19 “(B) \$30,000,000.

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

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

1 “(2) AVAILABILITY FOR CITRUS DISEASE RE-
2 SEARCH AND DEVELOPMENT EXPENDITURES.—
3 Amounts in the Trust Fund shall be available to the
4 Secretary of Agriculture—

5 “(A) for expenditures relating to citrus dis-
6 ease research and development under section 4
7 of the Citrus Disease Research and Develop-
8 ment Trust Fund Act of 2013, including costs
9 relating to contracts or other agreements en-
10 tered into to carry out citrus disease research
11 and development; and

12 “(B) to cover administrative costs incurred
13 by the Secretary in carrying out the provisions
14 of that Act.

15 “(d) INVESTMENT OF TRUST FUND.—

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

1 may be sold by the Secretary of the Treasury at the
2 market price.

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

8 “(e) REPORTS TO CONGRESS.—Not later than Janu-
9 ary 15, 2014, and each year thereafter until the year after
10 the termination of the Trust Fund, the Secretary of the
11 Treasury, in consultation with the Secretary of Agri-
12 culture, shall submit to Congress a report on the financial
13 condition and the results of the operations of the Trust
14 Fund that includes—

15 “(1) a detailed description of the amounts dis-
16 bursed from the Trust Fund in the preceding fiscal
17 year and the manner in which those amounts were
18 expended;

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

22 “(3) an assessment of the amounts available in
23 the Trust Fund for future expenditures.

24 “(f) REMISSION OF SURPLUS FUNDS.—The Sec-
25 retary of the Treasury may remit to the general fund of

1 the Treasury such amounts as the Secretary of Agri-
2 culture reports 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 2013.

5 “(g) SUNSET PROVISION.—The Trust Fund shall ter-
6 minate on December 31 of the fifth calendar year that
7 begins after the date of the enactment of the Citrus Dis-
8 ease Research and Development Trust Fund Act of 2013
9 and all amounts in the Trust Fund on December 31 of
10 that fifth calendar year shall be transferred to the general
11 fund of the Treasury.

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

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

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

1 “(2) in a decrease in the amount of funds being
 2 transferred into the Citrus Disease Research and
 3 Development Trust Fund under section 1001 so that
 4 amounts available in the Trust Fund are insufficient
 5 to meet the purposes of the Citrus Disease Research
 6 and Development Trust Fund Act of 2013.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 for the Trade Act of 1974 is amended by adding at the
 9 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.”.

10 **SEC. 4. CITRUS DISEASE RESEARCH AND DEVELOPMENT**
 11 **TRUST FUND ADVISORY BOARD.**

12 (a) PURPOSE.—The purpose of this section is to es-
 13 tablish an orderly procedure and financing mechanism for
 14 the development of an effective and coordinated program
 15 of research and product development relating to—

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

19 (2) support for the dissemination and commer-
 20 cialization of relevant information, techniques, and
 21 technologies discovered pursuant to research funded
 22 through the Citrus Disease Research and Develop-
 23 ment Trust Fund established under section 1001 of

1 the Trade Act of 1974, as added by section 3(a) of
2 this Act, or through other research projects intended
3 to solve problems caused by citrus production dis-
4 eases and invasive pests.

5 (b) DEFINITIONS.—In this section:

6 (1) BOARD.—The term “Board” means the Cit-
7 rus Disease Research and Development Trust Fund
8 Advisory Board established under this section.

9 (2) CITRUS.—

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

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

17 (3) DEPARTMENT.—The term “Department”
18 means the Department of Agriculture.

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

23 (5) PRODUCER.—The term “producer” means
24 any person that is engaged in the domestic produc-

1 tion and commercial sale of citrus in the United
2 States.

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

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

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

13 (c) IMPLEMENTATION.—

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

18 (2) CITRUS ADVISORY BOARD.—

19 (A) ESTABLISHMENT AND MEMBERSHIP.—

20 (i) ESTABLISHMENT.—The Citrus
21 Disease Research and Development Trust
22 Fund Advisory Board shall consist of 9
23 members.

1 (ii) MEMBERSHIP.—The members of
2 the Board shall be appointed by the Sec-
3 retary.

4 (iii) STATUS.—Members of the Board
5 represent the interests of the citrus indus-
6 try and shall not be considered officers or
7 employees of the Federal Government sole-
8 ly due to membership on the Board.

9 (B) DISTRIBUTION OF APPOINTMENTS.—
10 The membership of the Board shall consist of—

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

13 (ii) 3 members who are domestic pro-
14 ducers of citrus in Arizona or California;
15 and

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

18 (C) CONSULTATION.—Prior to making ap-
19 pointments to the Board, the Secretary shall
20 consult with organizations composed primarily
21 of citrus producers to receive advice and rec-
22 ommendations regarding Board membership.

23 (D) BOARD VACANCIES.—

24 (i) IN GENERAL.—The Secretary shall
25 appoint a new Board member to serve the

1 remainder of a term vacated by a depart-
2 ing Board member.

3 (ii) REQUIREMENTS.—When filling a
4 vacancy on the Board, the Secretary
5 shall—

6 (I) appoint a citrus producer
7 from the same State as the Board
8 member being replaced; and

9 (II) prior to making an appoint-
10 ment, consult with organizations in
11 that State composed primarily of cit-
12 rus producers to receive advice and
13 recommendations regarding the va-
14 cancy.

15 (E) TERMS.—

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

19 (ii) INITIAL APPOINTMENTS.—In
20 making initial appointments to the Board,
21 the Secretary shall appoint $\frac{1}{3}$ of the mem-
22 bers to terms of 1, 3, and 5 years, respec-
23 tively.

24 (F) DISQUALIFICATION FROM BOARD
25 SERVICE.—If a member or alternate of the

1 Board who was appointed as a domestic pro-
2 ducer ceases to be a producer in the State from
3 which the member was appointed, or fails to
4 fulfill the duties of the member according to the
5 rules established by the Board under paragraph
6 (4)(A)(ii), the member or alternate shall be dis-
7 qualified from serving on the Board.

8 (G) COMPENSATION.—

9 (i) IN GENERAL.—The members of
10 the Board shall serve without compensa-
11 tion, other than travel expenses described
12 in clause (ii).

13 (ii) TRAVEL EXPENSES.—A member
14 of the Board shall be allowed travel ex-
15 penses, including per diem in lieu of sub-
16 sistence, at rates authorized for an em-
17 ployee of an agency under subchapter I of
18 chapter 57 of title 5, United States Code,
19 while away from the home or regular place
20 of business of the member in the perform-
21 ance of the duties of the Board.

22 (3) POWERS.—

23 (A) GIFTS.—The Board may accept, use,
24 and dispose of gifts or donations of services or
25 property.

1 (B) POSTAL SERVICES.—The Board may
2 use the United States mails in the same man-
3 ner and under the same conditions as other
4 agencies of the Federal Government.

5 (C) VOLUNTEER SERVICES.—Notwith-
6 standing section 1342 of title 31, United States
7 Code, the Board may accept and use the serv-
8 ices of volunteers serving without compensation.

9 (D) TECHNICAL AND LOGISTICAL SUP-
10 PORT.—Subject to the availability of funds, the
11 Secretary shall provide to the Board technical
12 and logistical support through contract or other
13 means, including—

14 (i) procuring the services of experts
15 and consultants in accordance with section
16 3109(b) of title 5, United States Code, but
17 at rates for individuals not to exceed the
18 daily equivalent of the highest rate payable
19 under section 5332 of that title; and

20 (ii) entering into contracts with de-
21 partments, agencies, and instrumentalities
22 of the Federal Government, State agencies,
23 and private entities for the preparation of
24 reports, surveys, and other activities.

1 (E) DETAIL OF FEDERAL GOVERNMENT
2 EMPLOYEES.—

3 (i) IN GENERAL.—An employee of the
4 Federal Government may be detailed to the
5 Commission on a reimbursable or nonreim-
6 bursable basis.

7 (ii) CIVIL SERVICE STATUS.—The de-
8 tail of the employee shall be without inter-
9 ruption or loss of civil service status or
10 privilege.

11 (F) GENERAL SERVICES ADMINISTRA-
12 TION.—The Administrator of General Services
13 shall provide to the Board on a reimbursable
14 basis administrative support and other services
15 for the performance of the duties of the Board.

16 (G) OTHER DEPARTMENTS AND AGEN-
17 CIES.—Departments and agencies of the United
18 States may provide to the Board such services,
19 funds, facilities, staff, and other support serv-
20 ices as may be appropriate.

21 (4) GENERAL RESPONSIBILITIES OF THE
22 BOARD.—

23 (A) IN GENERAL.—The regulations pro-
24 mulgated by the Secretary shall define the gen-

1 eral responsibilities of the Board, which shall
2 include the responsibilities—

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

8 (ii) to adopt and amend rules and reg-
9 ulations governing the conduct of the ac-
10 tivities of the Board and the performance
11 of the duties of the Board;

12 (iii) to hire such experts and consult-
13 ants as the Board considers necessary to
14 enable the Board to perform the duties of
15 the Board;

16 (iv) to advise the Secretary on citrus
17 research and development needs;

18 (v) to propose a research and develop-
19 ment agenda and annual budgets for the
20 Trust Fund;

21 (vi) to evaluate and review ongoing re-
22 search funded by Trust Fund;

23 (vii) to engage in regular consultation
24 and collaboration with the Department and
25 other institutional, governmental, and pri-

1 vate actors conducting scientific research
2 into the causes or treatments of citrus dis-
3 eases and pests, both domestic and
4 invasive, so as to—

5 (I) maximize the effectiveness of
6 the activities;

7 (II) hasten the development of
8 useful treatments; and

9 (III) avoid duplicative and waste-
10 ful expenditures; and

11 (viii) to provide the Secretary with
12 such information and advice as the Sec-
13 retary may request.

14 (5) CITRUS RESEARCH AND DEVELOPMENT
15 AGENDA AND BUDGETS.—

16 (A) IN GENERAL.—The Board shall submit
17 annually to the Secretary a proposed research
18 and development agenda and budget for the
19 Trust Fund, which shall include—

20 (i) an evaluation of ongoing research
21 and development efforts;

22 (ii) specific recommendations for new
23 citrus research projects;

24 (iii) a plan for the dissemination and
25 commercialization of relevant information,

1 techniques, and technologies discovered
2 pursuant to research funded through the
3 Trust Fund; and

4 (iv) a justification for Trust Fund ex-
5 penditures.

6 (B) AFFIRMATIVE SUPPORT REQUIRED.—

7 A research and development agenda and budget
8 may not be submitted by the Board to the Sec-
9 retary without the affirmative support of at
10 least 7 members of the Board.

11 (C) SECRETARIAL APPROVAL.—

12 (i) IN GENERAL.—Not later than 60
13 days after receiving the proposed research
14 and development agenda and budget from
15 the Board and consulting with the Board,
16 the Secretary shall finalize a citrus re-
17 search and development agenda and Trust
18 Fund budget.

19 (ii) CONSIDERATIONS.—In finalizing
20 the agenda and budget, the Secretary
21 shall—

22 (I) due to the proximity of citrus
23 producers to the effects of diseases
24 such as huanglongbing and the quick-
25 ly evolving nature of scientific under-

1 standing of the effect of the diseases
2 on citrus production, give strong def-
3 erence to the proposed research and
4 development agenda and budget from
5 the Board; and

6 (II) take into account other pub-
7 lic and private citrus-related research
8 and development projects and fund-
9 ing.

10 (D) REPORT TO CONGRESS.—Each year,
11 the Secretary shall submit to the Committee on
12 Agriculture and the Committee on Ways and
13 Means of the House of Representatives and the
14 Committee on Agriculture, Nutrition, and For-
15 estry and the Committee on Finance of the
16 Senate a report that includes—

17 (i) the most recent citrus research and
18 development agenda and budget of the
19 Secretary;

20 (ii) an analysis of how, why, and to
21 what extent the agenda and budget final-
22 ized by the Secretary differs from the pro-
23 posal of the Board;

1 (iii) an examination of new develop-
2 ments in the spread and control of citrus
3 diseases and pests;

4 (iv) a discussion of projected research
5 needs; and

6 (v) a review of the effectiveness of the
7 Trust Fund in achieving the purpose de-
8 scribed in subsection (a).

9 (6) CONTRACTS AND AGREEMENTS.—To ensure
10 the efficient use of funds, the Secretary may enter
11 into contracts or agreements with public or private
12 entities for the implementation of a plan or project
13 for citrus research.

14 (d) ADMINISTRATIVE COSTS.—Each fiscal year, the
15 Secretary may transfer up to \$2,000,000 of amounts in
16 the Trust Fund to the Board for expenses incurred by the
17 Board in carrying out the duties of the Board.

18 (e) TERMINATION OF BOARD.—The Board shall ter-
19minate on December 31 of the fifth calendar year that
20 begins after the date of the enactment of this Act.

21 **SEC. 5. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
22 **TAXES.**

23 Notwithstanding section 6655 of the Internal Rev-
24 enue Code of 1986, in the case of a corporation with assets

1 of not less than \$1,000,000,000 (determined as of the end
2 of the preceding taxable year)—

3 (1) the amount of any required installment of
4 corporate estimated tax which is otherwise due in
5 July, August, or September of 2018 shall be in-
6 creased by 0.25 percent of such amount (determined
7 without regard to any increase in such amount not
8 contained in such Code); and

9 (2) the amount of the next required installment
10 after an installment referred to in paragraph (1)
11 shall be appropriately reduced to reflect the amount
12 of the increase by reason of such paragraph.

13 **SEC. 6. EXTENSION OF CUSTOMS USER FEES.**

14 Section 13031(j)(3) of the Consolidated Omnibus
15 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3))
16 is amended by adding at the end the following:

17 “(C)(i) Notwithstanding subparagraph (A), fees may
18 be charged under paragraphs (9) and (10) of subsection
19 (a) during the period beginning on October 23, 2021, and
20 ending on November 6, 2021.

21 “(ii) Notwithstanding subparagraph (B)(i), fees may
22 be charged under paragraphs (1) through (8) of sub-
23 section (a) during the period beginning on October 30,
24 2021, and ending on November 13, 2021.”.

○