

113TH CONGRESS
1ST SESSION

S. 220

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

FEBRUARY 4, 2013

Mr. NELSON (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 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”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) duties collected on imports of citrus and cit-
9 rus products have ranged from \$32,000,000 to
10 \$87,000,000 annually since 2004, and are projected

1 to increase, as United States production declines due
2 to the effects of huanglongbing (also known as
3 “HLB” or “citrus greening disease”) and imports
4 increase in response to the shortfall in the United
5 States;

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

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

14 (4) citrus production is an important part of
15 the agricultural economy in Florida, California, Ari-
16 zona, and Texas;

17 (5) in 2012, citrus fruits were produced on ap-
18 proximately 804,300 acres in the United States,
19 yielding approximately 11,373,000 tons of citrus
20 products with a value at the farm of more than
21 \$3,443,289,000;

22 (6) the commercial citrus sector employs ap-
23 proximately 110,000 people and contributes approxi-
24 mately \$13,500,000,000 to the United States econ-
25 omy;

1 (7) the United States citrus industry has suf-
2 fered billions of dollars in damage from disease and
3 pests, both domestic and invasive, over the decade
4 preceding the date of the enactment of this Act, par-
5 ticularly from huanglongbing;

6 (8) huanglongbing threatens the entire United
7 States citrus industry because the disease kills citrus
8 trees;

9 (9) as of the date of the enactment of this Act,
10 there are no cost effective or environmentally sound
11 treatments available to suppress or eradicate
12 huanglongbing;

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

19 (11) although imports constitute an increasing
20 share of the United States market, importers of cit-
21 rus products into the United States do not directly
22 fund production research in the United States;

23 (12) disease and pest suppression technologies
24 require determinations of safety and solutions must
25 be commercialized before use by citrus producers;

1 (13) the complex processes involved in discovery
2 and commercialization of safe and effective pest and
3 disease suppression technologies are expensive and
4 lengthy and the need for the technologies is urgent;
5 and

6 (14) research to develop solutions to suppress
7 huanglongbing, or other domestic and invasive pests
8 and diseases will benefit all citrus producers and
9 consumers around the world.

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

11 (1) to authorize the establishment of a trust
12 funded by certain tariff revenues to support sci-
13 entific research, technical assistance, and develop-
14 ment activities to combat citrus diseases and pests,
15 both domestic and invasive, harming the United
16 States; and

17 (2) to require the President to notify the chair-
18 person and ranking member of the Committee on
19 Finance of the Senate and the Committee on Ways
20 and Means of the House of Representatives before
21 entering into any trade agreement that would de-
22 crease the amount of duties collected on imports of
23 citrus products to less than the amount necessary to
24 provide the grants authorized by section 1001(d) of

1 the Trade Act of 1974, as added by section 3(a) of
2 this Act.

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

6 **SEC. 3. CITRUS DISEASE RESEARCH AND DEVELOPMENT**
7 **TRUST FUND.**

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

11 **“TITLE X—CITRUS DISEASE RE-**
12 **SEARCH AND DEVELOPMENT**
13 **TRUST FUND**

14 **“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOP-**
15 **MENT TRUST FUND.**

16 “(a) ESTABLISHMENT.—There is established in the
17 Treasury of the United States a trust fund to be known
18 as the ‘Citrus Disease Research and Development Trust
19 Fund’ (in this section referred to as the ‘Trust Fund’),
20 consisting of such amounts as may be transferred to the
21 Trust Fund under subsection (b)(1) and any amounts that
22 may be credited to the Trust Fund under subsection
23 (d)(2).

24 “(b) TRANSFER OF AMOUNTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
 2 the Secretary of the Treasury shall transfer to the
 3 Trust Fund, from the general fund of the Treasury,
 4 amounts determined by the Secretary to be equiva-
 5 lent to amounts received in the general fund that are
 6 attributable to the duties collected on articles that
 7 are citrus or citrus products classifiable under chap-
 8 ters 8, 20, 21, 22, and 33 of the Harmonized Tariff
 9 Schedule of the United States.

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

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

16 “(B) \$30,000,000.

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

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

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

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

8 “(B) to cover administrative costs incurred
9 by the Secretary in carrying out the provisions
10 of that Act.

11 “(d) INVESTMENT OF TRUST FUND.—

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

23 “(2) INTEREST AND PROCEEDS FROM SALE OR
24 REDEMPTION OF OBLIGATIONS.—The interest on,
25 and the proceeds from the sale or redemption of, any

1 obligations held in the Trust Fund shall be credited
2 to and form a part of the Trust Fund.

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

10 “(1) a detailed description of the amounts dis-
11 bursed from the Trust Fund in the preceding fiscal
12 year and the manner in which those amounts were
13 expended;

14 “(2) an assessment of the financial condition
15 and the operations of the Trust Fund for the cur-
16 rent fiscal year; and

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

19 “(f) REMISSION OF SURPLUS FUNDS.—The Sec-
20 retary of the Treasury may remit to the general fund of
21 the Treasury such amounts as the Secretary of Agri-
22 culture reports to be in excess of the amounts necessary
23 to meet the purposes of the Citrus Disease Research and
24 Development Trust Fund Act of 2013.

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

8 **“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO**
 9 **CERTAIN TRADE AGREEMENTS.**

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

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

21 “(2) in a decrease in the amount of funds being
 22 transferred into the Citrus Disease Research and
 23 Development Trust Fund under section 1001 so that
 24 amounts available in the Trust Fund are insufficient

1 to meet the purposes of the Citrus Disease Research
 2 and Development Trust Fund Act of 2013.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 for the Trade Act of 1974 is amended by adding at the
 5 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.”.

6 **SEC. 4. CITRUS DISEASE RESEARCH AND DEVELOPMENT**

7 **TRUST FUND ADVISORY BOARD.**

8 (a) PURPOSE.—The purpose of this section is to es-
 9 tablish an orderly procedure and financing mechanism for
 10 the development of an effective and coordinated program
 11 of research and product development relating to—

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

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

1 (b) DEFINITIONS.—In this section:

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

5 (2) CITRUS.—

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

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

13 (3) DEPARTMENT.—The term “Department”
14 means the Department of Agriculture.

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

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

23 (6) PROGRAM.—The term “program” means
24 the citrus research and development program au-
25 thorized under this section.

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

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

8 (c) IMPLEMENTATION.—

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

13 (2) CITRUS ADVISORY BOARD.—

14 (A) ESTABLISHMENT AND MEMBERSHIP.—

15 (i) ESTABLISHMENT.—The Citrus
16 Disease Research and Development Trust
17 Fund Advisory Board shall consist of 9
18 members.

19 (ii) MEMBERSHIP.—The members of
20 the Board shall be appointed by the Sec-
21 retary.

22 (iii) STATUS.—Members of the Board
23 represent the interests of the citrus indus-
24 try and shall not be considered officers or

1 employees of the Federal Government sole-
2 ly due to membership on the Board.

3 (B) DISTRIBUTION OF APPOINTMENTS.—

4 The membership of the Board shall consist of—

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

7 (ii) 3 members who are domestic pro-
8 ducers of citrus in Arizona or California;
9 and

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

12 (C) CONSULTATION.—Prior to making ap-
13 pointments to the Board, the Secretary shall
14 consult with organizations composed primarily
15 of citrus producers to receive advice and rec-
16 ommendations regarding Board membership.

17 (D) BOARD VACANCIES.—

18 (i) IN GENERAL.—The Secretary shall
19 appoint a new Board member to serve the
20 remainder of a term vacated by a depart-
21 ing Board member.

22 (ii) REQUIREMENTS.—When filling a
23 vacancy on the Board, the Secretary
24 shall—

1 (I) appoint a citrus producer
2 from the same State as the Board
3 member being replaced; and

4 (II) prior to making an appoint-
5 ment, consult with organizations in
6 that State composed primarily of cit-
7 rus producers to receive advice and
8 recommendations regarding the va-
9 cancy.

10 (E) TERMS.—

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

14 (ii) INITIAL APPOINTMENTS.—In
15 making initial appointments to the Board,
16 the Secretary shall appoint $\frac{1}{3}$ of the mem-
17 bers to terms of 1, 3, and 5 years, respec-
18 tively.

19 (F) DISQUALIFICATION FROM BOARD
20 SERVICE.—If a member or alternate of the
21 Board who was appointed as a domestic pro-
22 ducer ceases to be a producer in the State from
23 which the member was appointed, or fails to
24 fulfill the duties of the member according to the
25 rules established by the Board under paragraph

1 (4)(A)(ii), the member or alternate shall be dis-
 2 qualified from serving on the Board.

3 (G) COMPENSATION.—

4 (i) IN GENERAL.—The members of
 5 the Board shall serve without compensa-
 6 tion, other than travel expenses described
 7 in clause (ii).

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

17 (3) POWERS.—

18 (A) GIFTS.—The Board may accept, use,
 19 and dispose of gifts or donations of services or
 20 property.

21 (B) POSTAL SERVICES.—The Board may
 22 use the United States mails in the same man-
 23 ner and under the same conditions as other
 24 agencies of the Federal Government.

1 (C) VOLUNTEER SERVICES.—Notwith-
2 standing section 1342 of title 31, United States
3 Code, the Board may accept and use the serv-
4 ices of volunteers serving without compensation.

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

10 (i) procuring the services of experts
11 and consultants in accordance with section
12 3109(b) of title 5, United States Code, but
13 at rates for individuals not to exceed the
14 daily equivalent of the highest rate payable
15 under section 5332 of that title; and

16 (ii) entering into contracts with de-
17 partments, agencies, and instrumentalities
18 of the Federal Government, State agencies,
19 and private entities for the preparation of
20 reports, surveys, and other activities.

21 (E) DETAIL OF FEDERAL GOVERNMENT
22 EMPLOYEES.—

23 (i) IN GENERAL.—An employee of the
24 Federal Government may be detailed to the

1 Commission on a reimbursable or nonreim-
 2 bursable basis.

3 (ii) CIVIL SERVICE STATUS.—The de-
 4 tail of the employee shall be without inter-
 5 ruption or loss of civil service status or
 6 privilege.

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

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

17 (4) GENERAL RESPONSIBILITIES OF THE
 18 BOARD.—

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

23 (i) to meet, organize, and select from
 24 among the members of the Board a chair-
 25 person, other officers, and committees and

1 subcommittees, as the Board determines to
2 be appropriate;

3 (ii) to adopt and amend rules and reg-
4 ulations governing the conduct of the ac-
5 tivities of the Board and the performance
6 of the duties of the Board;

7 (iii) to hire such experts and consult-
8 ants as the Board considers necessary to
9 enable the Board to perform the duties of
10 the Board;

11 (iv) to advise the Secretary on citrus
12 research and development needs;

13 (v) to propose a research and develop-
14 ment agenda and annual budgets for the
15 Trust Fund;

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

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

- 1 (I) maximize the effectiveness of
 2 the activities;
 3 (II) hasten the development of
 4 useful treatments; and
 5 (III) avoid duplicative and waste-
 6 ful expenditures; and
 7 (viii) to provide the Secretary with
 8 such information and advice as the Sec-
 9 retary may request.

10 (5) CITRUS RESEARCH AND DEVELOPMENT
 11 AGENDA AND BUDGETS.—

12 (A) IN GENERAL.—The Board shall submit
 13 annually to the Secretary a proposed research
 14 and development agenda and budget for the
 15 Trust Fund, which shall include—

- 16 (i) an evaluation of ongoing research
 17 and development efforts;
 18 (ii) specific recommendations for new
 19 citrus research projects;
 20 (iii) a plan for the dissemination and
 21 commercialization of relevant information,
 22 techniques, and technologies discovered
 23 pursuant to research funded through the
 24 Trust Fund; and

1 (iv) a justification for Trust Fund ex-
 2 penditures.

3 (B) AFFIRMATIVE SUPPORT REQUIRED.—

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

8 (C) SECRETARIAL APPROVAL.—

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

16 (ii) CONSIDERATIONS.—In finalizing
 17 the agenda and budget, the Secretary
 18 shall—

19 (I) due to the proximity of citrus
 20 producers to the effects of diseases
 21 such as huanglongbing and the quick-
 22 ly evolving nature of scientific under-
 23 standing of the effect of the diseases
 24 on citrus production, give strong def-
 25 erence to the proposed research and

1 development agenda and budget from
2 the Board; and

3 (II) take into account other pub-
4 lic and private citrus-related research
5 and development projects and fund-
6 ing.

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

14 (i) the most recent citrus research and
15 development agenda and budget of the
16 Secretary;

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

21 (iii) an examination of new develop-
22 ments in the spread and control of citrus
23 diseases and pests;

24 (iv) a discussion of projected research
25 needs; and

1 (v) a review of the effectiveness of the
 2 Trust Fund in achieving the purpose de-
 3 scribed in subsection (a).

4 (6) CONTRACTS AND AGREEMENTS.—To ensure
 5 the efficient use of funds, the Secretary may enter
 6 into contracts or agreements with public or private
 7 entities for the implementation of a plan or project
 8 for citrus research.

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

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

16 **SEC. 5. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
 17 **TAXES.**

18 Notwithstanding section 6655 of the Internal Rev-
 19 enue Code of 1986, in the case of a corporation with assets
 20 of not less than \$1,000,000,000 (determined as of the end
 21 of the preceding taxable year)—

22 (1) the amount of any required installment of
 23 corporate estimated tax which is otherwise due in
 24 July, August, or September of 2018 shall be in-
 25 creased by 0.25 percent of such amount (determined

1 without regard to any increase in such amount not
 2 contained in such Code); and

3 (2) the amount of the next required installment
 4 after an installment referred to in paragraph (1)
 5 shall be appropriately reduced to reflect the amount
 6 of the increase by reason of such paragraph.

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

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

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

15 “(ii) Notwithstanding subparagraph (B)(i), fees may
 16 be charged under paragraphs (1) through (8) of sub-
 17 section (a) during the period beginning on October 30,
 18 2021, and ending on November 13, 2021.”.

○