

107TH CONGRESS
1ST SESSION

H. R. 1790

To reauthorize the tree loss assistance program to compensate orchardists and tree farmers who plant trees for commercial purposes but lose the trees as a result of a natural disaster.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2001

Mr. SMITH of Michigan (for himself, Mr. ROGERS of Michigan, Mr. BARCIA, Mr. HOEKSTRA, Mr. UPTON, Mr. EHLERS, Ms. RIVERS, Mr. STUPAK, and Mr. BONIOR) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To reauthorize the tree loss assistance program to compensate orchardists and tree farmers who plant trees for commercial purposes but lose the trees as a result of a natural disaster.

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. TREE LOSS ASSISTANCE PROGRAM FOR OR-**
4 **CHARDISTS AND TREE FARMERS.**

5 (a) ASSISTANCE AVAILABLE.—Subject to the limita-
6 tion in subsection (b), the Secretary of Agriculture is au-
7 thorized to provide assistance under this section to eligible

1 orchardists and eligible tree farmers that plant or have
2 planted trees for commercial purposes but lose the trees
3 as a result of a natural disaster.

4 (b) LOSS THRESHOLD.—An eligible orchardist or eli-
5 gible tree farmer shall qualify for assistance under this
6 section only if the person's tree mortality, as a result of
7 the natural disaster, exceeds 15 percent (adjusted for nor-
8 mal mortality).

9 (c) TYPES OF ASSISTANCE.—The assistance provided
10 under this section shall consist of, at the discretion of the
11 Secretary—

12 (1) reimbursement of up to 80 percent of the
13 cost of replanting trees lost as a result of the nat-
14 ural disaster in excess of 15 percent mortality (ad-
15 justed for normal mortality);

16 (2) sufficient seedlings to reestablish the stand;
17 or

18 (3) a combination of reimbursement and re-
19 placement seedlings.

20 (d) SOURCE OF ASSISTANCE.—To provide assistance
21 under this section, the Secretary shall use funds of the
22 Commodity Credit Corporation available for use for emer-
23 gency purposes.

24 (e) LIMITATION ON AMOUNT OF ASSISTANCE.—The
25 total amount of assistance that a person may receive

1 under this section may not exceed \$75,000, or an equiva-
2 lent value in tree seedlings.

3 (f) DUPLICATIVE PAYMENTS.—The Secretary shall
4 establish guidelines to ensure that no person receives du-
5 plicative payments under this section and the forestry in-
6 centives program, agricultural conservation program, or
7 other Federal program.

8 (g) DEFINITIONS.—In this section:

9 (1) NATURAL DISASTER.—The term “natural
10 disaster” includes plant diseases, insect infestations,
11 drought, fire, freeze, earthquake, or related condi-
12 tion, as determined by the Secretary.

13 (2) ELIGIBLE ORCHARDIST.—The term “eligible
14 orchardist” means a person that produces annual
15 crops from trees for commercial purposes and owns
16 500 acres or less of the trees.

17 (3) ELIGIBLE TREE FARMER.—The term “eligi-
18 ble tree farmer” means a person that grows trees for
19 harvest for commercial purposes and owns 1,000
20 acres or less of the trees.

21 (h) REGULATIONS.—The Secretary shall issue
22 regulations—

23 (1) defining the term “person” for the purposes
24 of this section, which shall conform, to the extent
25 practicable, to the regulations defining the term

1 “person” issued under section 1001 of the Food Se-
2 curity Act of 1985 (7 U.S.C. 1308) and the Disaster
3 Assistance Act of 1988 (7 U.S.C. 1421 note); and
4 (2) prescribing such rules as the Secretary de-
5 termines necessary to ensure a fair and reasonable
6 application of the limitation established under sub-
7 section (e).

8 (i) RETROACTIVE APPLICATION.—This section ap-
9 plies with respect to tree losses described in subsection (a)
10 that are incurred as a result of a natural disaster after
11 January 1, 2000.

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