

110TH CONGRESS
1ST SESSION

H. R. 3901

To require the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. KIRK (for himself and Mr. ROSKAM) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emerald Ash Borer
3 Municipality Assistance Act of 2007”.

4 **SEC. 2. EMERALD ASH BORER REVOLVING LOAN FUND.**

5 (a) DEFINITIONS.—In this section:

6 (1) AUTHORIZED EQUIPMENT.—

7 (A) IN GENERAL.—The term “authorized
8 equipment” means any equipment necessary for
9 the management of forest land.

10 (B) INCLUSIONS.—The term “authorized
11 equipment” includes—

12 (i) cherry pickers;

13 (ii) equipment necessary for—

14 (I) the construction of staging
15 and marshaling areas;

16 (II) the planting of trees; and

17 (III) the surveying of forest land;

18 (iii) vehicles capable of transporting
19 harvested trees;

20 (iv) wood chippers;

21 (v) materials required to administer
22 Imidacloprid to ash trees planted in quar-
23 antined areas before November 21, 2006,
24 that are certified by a licensed arborist to
25 be free of infestation; and

1 (vi) any other appropriate equipment,
2 as determined by the Secretary.

3 (2) FUND.—The term “Fund” means the Em-
4 erald Ash Borer Revolving Loan Fund established
5 by subsection (b).

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture, acting through the
8 Deputy Chief of the State and Private Forestry or-
9 ganization.

10 (b) ESTABLISHMENT OF FUND.—There is estab-
11 lished in the Treasury of the United States a revolving
12 fund, to be known as the “Emerald Ash Borer Revolving
13 Loan Fund”, consisting of such amounts as are appro-
14 priated to the Fund under subsection (f).

15 (c) EXPENDITURES FROM FUND.—

16 (1) IN GENERAL.—Subject to paragraph (2), on
17 request by the Secretary, the Secretary of the Treas-
18 ury shall transfer from the Fund to the Secretary
19 such amounts as the Secretary determines are nec-
20 essary to provide loans under subsection (e).

21 (2) ADMINISTRATIVE EXPENSES.—An amount
22 not exceeding 10 percent of the amounts in the
23 Fund shall be available for each fiscal year to pay
24 the administrative expenses necessary to carry out
25 this section.

1 (d) TRANSFERS OF AMOUNTS.—

2 (1) IN GENERAL.—The amounts required to be
3 transferred to the Fund under this section shall be
4 transferred at least monthly from the general fund
5 of the Treasury to the Fund on the basis of esti-
6 mates made by the Secretary of the Treasury.

7 (2) ADJUSTMENTS.—Proper adjustment shall
8 be made in amounts subsequently transferred to the
9 extent prior estimates were in excess of or less than
10 the amounts required to be transferred.

11 (e) USES OF FUND.—

12 (1) LOANS.—

13 (A) IN GENERAL.—The Secretary shall use
14 amounts in the Fund to provide loans to eligible
15 units of local government to finance purchases
16 of authorized equipment to monitor, remove,
17 dispose of, and replace infested trees that are
18 located—

19 (i) on land under the jurisdiction of
20 the eligible units of local government; and

21 (ii) within the borders of quarantine
22 areas infested by the emerald ash borer.

23 (B) MAXIMUM AMOUNT.—The maximum
24 amount of a loan that may be provided by the

1 Secretary to an eligible unit of local government
2 under this subsection shall be the lesser of—

3 (i) the amount that the eligible unit of
4 local government has appropriated to fi-
5 nance purchases of authorized equipment
6 to monitor, remove, dispose of, and replace
7 infested trees that are located—

8 (I) on land under the jurisdiction
9 of the eligible unit of local govern-
10 ment; and

11 (II) within the borders of a quar-
12 antine area infested by the emerald
13 ash borer; or

14 (ii) \$5,000,000.

15 (C) INTEREST RATE.—The interest rate on
16 any loan made by the Secretary under this
17 paragraph shall be a rate equal to 2 percent.

18 (D) REPORT.—Not later than 180 days
19 after the date on which an eligible unit of local
20 government receives a loan provided by the Sec-
21 retary under subparagraph (A), the eligible unit
22 of local government shall submit to the Sec-
23 retary a report that describes each purchase
24 made by the eligible unit of local government
25 using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make dur-

1 ing the repayment period of the loan;
 2 and
 3 (ii) not later than 20 years after the
 4 date on which the eligible unit of local gov-
 5 ernment receives a loan under paragraph
 6 (1), to complete repayment to the Sec-
 7 retary of the Treasury of the loan made
 8 under this section (including interest).

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to the Fund such sums
 11 as are necessary to carry out this section.

12 **SEC. 3. COOPERATIVE AGREEMENTS RELATING TO EMER-**
 13 **ALD ASH BORER PREVENTION ACTIVITIES.**

14 Any cooperative agreement entered into after the
 15 date of enactment of this Act between the Secretary of
 16 Agriculture and a State relating to the prevention of emer-
 17 ald ash borer infestation shall allow the State to provide
 18 any cost-sharing assistance or financing mechanism pro-
 19 vided to the State under the cooperative agreement to a
 20 unit of local government of the State that—

21 (1) is engaged in any activity relating to the
 22 prevention of emerald ash borer infestation; and
 23 (2) is capable of documenting each emerald ash
 24 borer infestation prevention activity generally carried
 25 out by—

- 1 (A) the Department of Agriculture; or
2 (B) the State department of agriculture
3 that has jurisdiction over the unit of local gov-
4 ernment.

