

110TH CONGRESS
1ST SESSION

S. 1717

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 SENATE OF THE UNITED STATES

JUNE 27, 2007

Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

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.

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 “Emerald Ash Borer
 5 Municipality Assistance Act of 2007”.

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

7 (a) DEFINITIONS.—In this section:

8 (1) AUTHORIZED EQUIPMENT.—

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

12 (B) INCLUSIONS.—The term “authorized
 13 equipment” includes—

14 (i) cherry pickers;

15 (ii) equipment necessary for—

16 (I) the construction of staging
 17 and marshalling areas;

18 (II) the planting of trees; and

19 (III) the surveying of forest land;

20 (iii) vehicles capable of transporting
 21 harvested trees;

22 (iv) wood chippers; and

23 (v) any other appropriate equipment,
 24 as determined by the Secretary.

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

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

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

13 (c) EXPENDITURES FROM FUND.—

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

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

24 (d) TRANSFERS OF AMOUNTS.—

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

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

10 (e) USES OF FUND.—

11 (1) LOANS.—

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

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

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

22 (B) MAXIMUM AMOUNT.—The maximum
 23 amount of a loan that may be provided by the
 24 Secretary to an eligible unit of local government
 25 under this subsection shall be the lesser of—

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

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

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

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

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

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

24 (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.

