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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Agricultural Act of 2014 with respect to the tree assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUIZENGA introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Agricultural Act of 2014 with respect to the tree assistance program, 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 “Protecting America’s
5 Orchardists and Nursery Tree Growers Act”.

6 **SEC. 2. TREE ASSISTANCE PROGRAM.**

7 (a) DEFINITIONS.—Section 1501(e)(1) of the Agri-
8 cultural Act of 2014 (7 U.S.C. 9081(e)(1)) is amended—

1 (1) in subparagraph (A), by inserting “or bien-
2 nial” after “annual”; and

3 (2) in subparagraph (B), by inserting “or pest”
4 after “insect”.

5 (b) LOWERING MORTALITY THRESHOLD.—Section
6 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
7 9081(e)) is amended—

8 (1) in paragraph (2)(B), by striking “15 per-
9 cent (adjusted for normal mortality)” and inserting
10 “normal mortality”;

11 (2) in paragraph (3)(A)(i), by striking “15 per-
12 cent mortality (adjusted for normal mortality)” and
13 inserting “normal mortality”; and

14 (3) in paragraph (3)(B), by striking “15 per-
15 cent damage or mortality (adjusted for normal tree
16 damage and mortality)” and inserting “normal tree
17 damage or mortality”.

18 (c) ASSISTANCE.—Section 1501(e)(3) of the Agricul-
19 tural Act of 2014 (7 U.S.C. 9081(e)(3)) is amended in
20 the matter before subparagraph (A) by striking “and (5)”
21 and inserting “(5), and (6)”.

22 (d) REQUIREMENTS WITH RESPECT TO ASSIST-
23 ANCE.—Section 1501(e) of the Agricultural Act of 2014
24 (7 U.S.C. 9081(e)) is amended by adding at the end the
25 following:

1 “(6) TIMING REQUIREMENTS.—An eligible or-
2 chardist or nursery tree grower shall agree, as a
3 condition on receipt of assistance under this sub-
4 section, to carry out any replacement and rehabilita-
5 tion activities for which such assistance is provided
6 not later than—

7 “(A) 12 months after the application for
8 such assistance is approved; or

9 “(B) if the period specified in subpara-
10 graph (A) is not adequate for tree survival, at
11 such time as is necessary to ensure tree sur-
12 vival.

13 “(7) ALTERNATIVES USED IN REPLANTING.—

14 “(A) IN GENERAL.—An eligible orchardist
15 or nursery tree grower receiving assistance
16 under this subsection with respect to tree loss
17 may use such assistance to replant using—

18 “(i) an alternative variety;

19 “(ii) an alternative stand density; and

20 “(iii) an alternative location than was
21 used prior to the loss.

22 “(B) LIMITATIONS WITH RESPECT TO AL-
23 TERNATIVES.—The assistance provided by the
24 Secretary to eligible orchardists and nursery
25 tree growers—

1 “(i) for losses described in subpara-
2 graph (A)(i), may not be greater than the
3 amount the eligible orchardist or nursery
4 tree grower would receive if the eligible or-
5 chardist or nursery tree grower planted the
6 variety lost;

7 “(ii) for losses described in subpara-
8 graph (A)(ii) may not be greater than the
9 amount the eligible orchardist or nursery
10 tree grower would receive if the eligible or-
11 chardist or nursery tree grower planted the
12 stand density lost;

13 “(iii) for losses described in subpara-
14 graph (A)(iii), may not be greater than the
15 amount the eligible orchardist or nursery
16 tree grower would receive if the eligible or-
17 chardist or nursery tree grower planted the
18 location in which the loss occurred.”.

19 (e) EXCLUSION OF GROSS INCOME LIMITATION.—
20 Section 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
21 9801(e)) is further amended by adding at the end the fol-
22 lowing:

23 “(8) EXCLUSION OF GROSS INCOME LIMITA-
24 TION.—Subsection (b) of section 1001D of the Food
25 Security Act of 1985 (7 U.S.C. 1308–3a) shall not

1 apply with respect to assistance under this sub-
2 section made to a person or legal entity that has an
3 average adjusted gross income (as defined in such
4 section) of which 75 percent or greater derives from
5 farming, ranching, or silviculture activities.”.

6 (f) NOTICE OF APPLICATION STATUS.—Section
7 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
8 9801(e)) is further amended by adding at the end the fol-
9 lowing:

10 “(9) NOTICE OF APPLICATION STATUS.—Not
11 later than 120 days after receiving an application
12 for assistance under this subsection, the Secretary
13 shall—

14 “(A) approve or deny such application; and

15 “(B) notify the applicant of such approval
16 or denial.”.