103D CONGRESS
2D SESSION

H. R. 4133

To expand the Tree Assistance Program of the Department of Agriculture to assist agricultural producers to pay the costs of replanting commercially grown trees and seedlings, ornamental plants, and other perennial plants that are destroyed by damaging weather or related condition and to change the manner of determining crop yields for trees and seedlings, ornamental plants, and other perennial plants for purposes of emergency crop loss assistance.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mr. GRANDY (for himself, Mr. ROSE, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LEACH, and Mr. NUSSLE) introduced the following bill; which was referred to the Committee on Agriculture

---

A BILL

To expand the Tree Assistance Program of the Department of Agriculture to assist agricultural producers to pay the costs of replanting commercially grown trees and seedlings, ornamental plants, and other perennial plants that are destroyed by damaging weather or related condition and to change the manner of determining crop yields for trees and seedlings, ornamental plants, and other perennial plants for purposes of emergency crop loss assistance.

1   *Be it enacted by the Senate and House of Representa-*

2   *tives of the United States of America in Congress assembled,*

SECTION 1. EXPANSION OF TREE ASSISTANCE PROGRAM.

Subchapter C of chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1421 note) is amended to read as follows:

"Subchapter C—Forest Crops and Perennial Plants

"SEC. 2261. ELIGIBILITY.

"(a) LOSS.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance under this subchapter to eligible agricultural producers who, as a result of damaging weather or related condition in a year, lose trees or seedlings, ornamental plants, or other perennial plants being grown by the producer for commercial purposes. In determining losses, the Secretary shall consider plants raised in containers or field production. The existence of damaging weather or related condition shall be determined by the Secretary.

"(b) LIMITATION.—An eligible agricultural producer shall qualify for assistance under subsection (a) only if the loss, as a result of the damaging weather or related condition, that is incurred by the producer to the trees, ornamental plants, or other perennial plants for which assistance is sought exceeds 35 percent (adjusted for normal mortality). Except in determining the level of normal mortality, the Secretary shall not consider the year in which

1 the tree or plant was planted for purposes of determining

2 eligibility for assistance under this subchapter.

3 **"SEC. 2262. ASSISTANCE.**

4 ''The assistance provided by the Secretary of Agri-

5 culture to eligible agricultural producers for losses de-

6 scribed in section 2261 shall consist of reimbursement of

7 65 percent of the cost of replanting trees, ornamental

8 plants, or other perennial plants lost due to the damaging

9 weather or related condition in a year in excess of 35 per-

10 cent mortality (adjusted for normal mortality).

11 **"SEC. 2263. LIMITATION ON ASSISTANCE.**

12 ''(a) LIMITATION.—The total amount of payments

13 that a person may receive under this subchapter for losses

14 incurred in a particular year may not exceed $25,000, or

15 an equivalent value in replacements.

16 ''(b) REGULATIONS.—The Secretary of Agriculture

17 shall issue regulations—

18 ''(1) defining the term 'person' for the purposes

19 of this subchapter, which shall conform, to the ex-

20 tent practicable, to the regulations defining the term

21 ''person'' issued under section 1001 of the Food Se-

22 curity Act of 1985 (7 U.S.C. 1308) and the Disaster

23 Assistance Act of 1988 (Public Law 100–387; 7

24 U.S.C. 1421 note); and

1   ''(2) prescribing such rules as the Secretary de-

2   termines necessary to ensure a fair and reasonable

3   application of the limitation established under sub-

4   section (a).

5 **"SEC. 2264. DEFINITIONS.**

6   ''As used in this subchapter:

7   ''(1) ELIGIBLE AGRICULTURAL PRODUCER.—

8   The term 'eligible agricultural producer' means a

9   person who, on 1,000 acres or less, grows trees or

10   seedlings, ornamental plants, or other perennial

11   plants for commercial purposes either through sale

12   of the tree or plant itself or sale of a crop harvested

13   from the tree or plant. Such term shall include tree

14   farmers and nursery growers who meet the acreage

15   limitation specified in this paragraph.

16   ''(2) PERENNIAL PLANT.—The term 'perennial

17   plant' shall include low growing perennial turfgrass

18   sod, but shall not include any perennial grass that

19   is being grown for purposes other than ornamental

20   use.

21 **"SEC. 2265. DUPLICATIVE PAYMENTS.**

22   ''The Secretary of Agriculture shall establish guide-

23 lines to ensure that no person receives duplicative pay-

24 ments under this subchapter and the forestry incentives

1 program, agricultural conservation program, or other Fed-

2 eral crop loss assistance program.''.

3 **SEC. 2. CROP YIELDS FOR EMERGENCY CROP LOSS ASSIST-**

4 **ANCE FOR CERTAIN NONPROGRAM CROPS.**

5   Section 2244(d)(2) of the Food, Agriculture, Con-

6 servation, and Trade Act of 1990 (Public Law 101–624;

7 7 U.S.C. 1421 note) is amended by adding at the end the

8 following new subparagraph:

9   ''(E) SPECIAL RULES FOR CERTAIN

10   NONPROGRAM CROPS.—In the case of trees or

11   seedlings, ornamental plants, or other perennial

12   plants included in the definition of nonprogram

13   crop, the Commodity Credit Corporation shall

14   adjust upward the historical yield determined

15   under subparagraph (B) or (C) for a producer

16   to reflect any increased production that was an-

17   ticipated by the producer in the crop year for

18   which disaster payments are sought under this

19   section if the crops necessary to achieve such

20   increased production were actually being grown

21   at the time of the damaging weather or related

22   condition.''.

○