

118TH CONGRESS
1ST SESSION

H. R. 4739

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

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2023

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

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—

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

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

3 (b) LOWERING MORTALITY THRESHOLD.—Section
4 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
5 9081(e)) is amended—

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

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

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

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

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

24 “(6) TIMING REQUIREMENTS.—An eligible or-
25 chardist or nursery tree grower shall agree, as a

1 condition on receipt of assistance under this sub-
2 section, to carry out any replacement and rehabilita-
3 tion activities for which such assistance is provided
4 not later than—

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

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

11 “(7) ALTERNATIVES USED IN REPLANTING.—

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

16 “(i) an alternative variety;

17 “(ii) an alternative stand density; and

18 “(iii) an alternative location than was
19 used prior to the loss.

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

24 “(i) for losses described in subpara-
25 graph (A)(i), may not be greater than the

1 amount the eligible orchardist or nursery
2 tree grower would receive if the eligible or-
3 chardist or nursery tree grower planted the
4 variety lost;

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

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

17 (e) EXCLUSION OF GROSS INCOME LIMITATION.—

18 Section 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
19 9801(e)) is further amended by adding at the end the fol-
20 lowing:

21 “(8) EXCLUSION OF GROSS INCOME LIMITA-
22 TION.—Subsection (b) of section 1001D of the Food
23 Security Act of 1985 (7 U.S.C. 1308–3a) shall not
24 apply with respect to assistance under this sub-
25 section made to a person or legal entity that has an

1 average adjusted gross income (as defined in such
2 section) of which 75 percent or greater derives from
3 farming, ranching, or silviculture activities.”.

4 (f) NOTICE OF APPLICATION STATUS.—Section
5 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
6 9801(e)) is further amended by adding at the end the fol-
7 lowing:

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

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

13 “(B) notify the applicant of such approval
14 or denial.”.

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