

118TH CONGRESS
1ST SESSION

S. 2682

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. WARNOCK (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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”; and

9 (2) in paragraph (3)—

10 (A) in subparagraph (A)(i), by striking
11 “15 percent mortality (adjusted for normal
12 mortality)” and inserting “normal mortality”;
13 and

14 (B) in subparagraph (B), by striking “15
15 percent damage or mortality (adjusted for nor-
16 mal tree damage and mortality)” and inserting
17 “normal tree 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 preceding subparagraph (A), by striking “and
21 (5)” 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 the receipt of assistance under this sub-
 4 section, to carry out any replacement and rehabilita-
 5 tion activities for which the assistance is provided
 6 not later than—

7 “(A) 1 year after the application for the
 8 assistance is approved; or

9 “(B) if the period described in subpara-
 10 graph (A) is not adequate for tree survival,
 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 that receives assistance
 16 under this subsection with respect to tree loss
 17 may use the 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.—Assistance provided for replant-
 24 ing under subparagraph (A) may not exceed—

1 “(i) for replanting described in sub-
 2 paragraph (A)(i), the amount the eligible
 3 orchardist or nursery tree grower would re-
 4 ceive if the eligible orchardist or nursery
 5 tree grower planted the variety lost;

6 “(ii) for replanting described in sub-
 7 paragraph (A)(ii), the amount the eligible
 8 orchardist or nursery tree grower would re-
 9 ceive if the eligible orchardist or nursery
 10 tree grower planted the stand density lost;
 11 and

12 “(iii) for replanting described in sub-
 13 paragraph (A)(iii), the amount the eligible
 14 orchardist or nursery tree grower would re-
 15 ceive if the eligible orchardist or nursery
 16 tree grower planted in the location in
 17 which the loss occurred.”.

18 (e) EXCLUSION OF GROSS INCOME LIMITATION.—
 19 Section 1501(e) of the Agricultural Act of 2014 (7 U.S.C.
 20 9801(e)) (as amended by subsection (d)) is amended by
 21 adding at the end the following:

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

1 section made to a person or legal entity that has an
2 average adjusted gross income (as defined in sub-
3 section (a) of that section) of which 75 percent or
4 greater is derived from farming, ranching, or
5 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)) (as amended by subsection (e)) is amended by
9 adding at the end the following:

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 the application; and

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

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