

105TH CONGRESS
1ST SESSION

H. R. 1489

To establish permanent authority for the provision of assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by damaging weather and related conditions and to appropriate funds to provide such assistance.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1997

Mr. CONDIT (for himself, Mr. FAZIO of California, and Mr. HERGER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To establish permanent authority for the provision of assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by damaging weather and related conditions and to appropriate funds to provide such assistance.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanent Crop Loss
5 Emergency Assistance Act of 1997”.

1 **SEC. 2. ASSISTANCE TO ORCHARDISTS FOR REPLANTING**
2 **AND RESTORING DAMAGED TREES AND VINE-**
3 **YARDS.**

4 (a) **DEFINITIONS.**—In this section:

5 (1) **ELIGIBLE ORCHARDIST.**—The term “eligible
6 orchardist” means a person—

7 (A) who produces annual crops from trees
8 or vineyards for commercial purposes;

9 (B) owns 500 acres or less of such trees or
10 vineyards; and

11 (C) whose gross annual income from all
12 sources does not exceed \$2,000,000.

13 (2) **DAMAGING WEATHER.**—The term “damag-
14 ing weather” includes drought, hail, excessive mois-
15 ture, freeze, tornado, hurricane, earthquake, or ex-
16 cessive wind, or any combination thereof.

17 (3) **RELATED CONDITION.**—The term “related
18 condition” includes insect infestations, plant dis-
19 eases, or other deterioration of a tree or vineyard
20 crop that is accelerated or exacerbated naturally as
21 a result of damaging weather.

22 (b) **ELIGIBILITY.**—The Secretary of Agriculture shall
23 provide assistance, in the manner provided in subsection
24 (c), to an eligible orchardist that planted trees or a vine-
25 yard for commercial purposes but, as a result of damaging
26 weather, a related condition, or both, suffers tree or plant

1 mortality in excess of 35 percent (adjusted for normal
2 mortality) during an appropriate period determined by the
3 Secretary.

4 (c) PROVISION OF ASSISTANCE.—The assistance pro-
5 vided by the Secretary to eligible orchardists for losses de-
6 scribed in subsection (b) shall consist of reimbursement
7 of 65 percent of the cost of replanting trees or plants lost,
8 and rehabilitating or restoring trees or plants damaged,
9 as a result of the damaging weather, the related condition,
10 or both, in excess of 35 percent mortality (adjusted for
11 normal mortality).

12 (d) LIMITATION ON AMOUNT OF ASSISTANCE.—The
13 total amount of payments that a person shall be entitled
14 to receive under this section in a calendar year may not
15 exceed \$25,000.

16 (e) REGULATIONS.—The Secretary shall issue regula-
17 tions—

18 (1) defining the term “person” for the purposes
19 of this section, which shall conform, to the extent
20 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

23 (2) prescribing such rules as the Secretary de-
24 termines necessary to ensure a fair and reasonable

1 application of the limitation established under sub-
2 section (d).

3 (f) DUPLICATIVE PAYMENTS.—The Secretary shall
4 establish guidelines to ensure that no person receives du-
5 plicative payments under this section and the forestry in-
6 centives program, agricultural conservation program, or
7 other Federal program.

8 (g) APPROPRIATIONS.—There are hereby appro-
9 priated to the Secretary of Agriculture, out of any funds
10 in the Treasury not otherwise appropriated, \$9,000,000
11 to provide assistance under this section through the Con-
12 solidated Farm Service Agency.

○