

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 7 - AGRICULTURE

CHAPTER 108—TREE ASSISTANCE PROGRAM

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TITLE 7 - AGRICULTURE	1
CHAPTER 108 - TREE ASSISTANCE PROGRAM	4
§ 8201. Definitions	4
§ 8202. Eligibility	4
§ 8203. Assistance	4
§ 8204. Limitations on assistance	5
§ 8205. Authorization of appropriations	5

TITLE 7 AGRICULTURE

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TITLE 7—AGRICULTURE

- Chap. ...Sec.
1. Commodity Exchanges ...1
 2. Cotton Standards ...51
 3. Grain Standards ...71
 4. Naval Stores ...91
 5. Importation of Adulterated Seeds [Repealed] ...111
 6. Insecticides and Environmental Pesticide Control ...121
 - 6A. National Laboratory Accreditation ...138
 7. Insect Pests Generally [Repealed, Omitted, or Transferred] ...141
 - 7A. Golden Nematode [Repealed] ...150
 - 7B. Plant Pests [Repealed] ...150aa
 8. Nursery Stock and Other Plants and Plant Products [Repealed, Omitted, or Transferred] ...151
 - 8A. Rubber and Other Critical Agricultural Materials ...171
 9. Packers and Stockyards ...181
 10. Warehouses ...241
 11. Honeybees ...281
 12. Associations of Agricultural Products Producers ...291
 13. Agricultural and Mechanical Colleges ...301
 14. Agricultural Experiment Stations ...361
 15. Bureau of Animal Industry ...391
 16. Bureau of Dairy Industry ...401
 17. Miscellaneous Matters ...411
 18. Cooperative Marketing ...451
 19. Cotton Statistics and Estimates ...471
 20. Dumping or Destruction of Interstate Produce ...491
 - 20A. Perishable Agricultural Commodities ...499a
 21. Tobacco Statistics ...501
 - 21A. Tobacco Inspection ...511
 - 21B. Tobacco Control [Repealed] ...515
 - 21C. Tobacco Reform ...518
 22. Agricultural Marketing [Omitted or Transferred] ...521
 23. Foreign Agricultural Service [Repealed] ...541
 24. Perishable Agricultural Commodities [Transferred to Chapter 20A] ...551
 25. Export Standards for Apples ...581
 - 25A. Export Standards for Grapes and Plums ...591
 26. Agricultural Adjustment ...601
 - 26A. Agricultural Marketing Agreements ...671
 27. Cotton Marketing [Repealed or Omitted] ...701
 28. Tobacco Industry [Repealed] ...751
 29. Potato Act of 1935 [Repealed] ...801
 30. Anti-Hog-Cholera Serum and Hog-Cholera Virus ...851
 31. Rural Electrification and Telephone Service ...901
 - 31A. Telemedicine and Distance Learning Services in Rural Areas ...950aaa
 32. Peanut Statistics ...951
 33. Farm Tenancy ...1000
 34. Sugar Production and Control [Omitted or Repealed] ...1100
 35. Agricultural Adjustment Act of 1938 ...1281
 - 35A. Price Support of Agricultural Commodities ...1421
 36. Crop Insurance ...1501
 37. Seeds ...1551
 38. Distribution and Marketing of Agricultural Products ...1621
 39. Stabilization of International Wheat Market ...1641
 40. Halogeton Glomeratus Control [Repealed] ...1651
 41. Food for Peace ...1691
 42. Agricultural Commodity Set-Aside ...1741
 43. Foreign Market Development ...1761
 44. Wool Program [Repealed] ...1781
 45. Soil Bank Program ...1801
 46. Surplus Disposal of Agricultural Commodities ...1851
 47. Interchange of Department of Agriculture and State Employees [Repealed] ...1881

TITLE 7 AGRICULTURE

NB: This unofficial compilation of the U.S. Code is current as of Jan. 7, 2011 (see <http://www.law.cornell.edu/uscode/uscript.html>).

- 48. Humane Methods of Livestock Slaughter ...1901
- 49. Consultation on Agricultural Programs ...1911
- 50. Agricultural Credit ...1921
- 51. Supplemental Nutrition Assistance Program ...2011
- 52. Farm Labor Contractor Registration [Repealed] ...2041
- 53. Cotton Research and Promotion ...2101
- 54. Transportation, Sale, and Handling of Certain Animals ...2131
- 55. Department of Agriculture ...2201
- 55A. Department of Agriculture Advisory Committees ...2281
- 56. Unfair Trade Practices Affecting Producers of Agricultural Products ...2301
- 57. Plant Variety Protection ...2321
- 58. Potato Research and Promotion ...2611
- 59. Rural Fire Protection, Development, and Small Farm Research and Education ...2651
- 60. Egg Research and Consumer Information ...2701
- 61. Noxious Weeds ...2801
- 62. Beef Research and Information ...2901
- 63. Farmer-to-Consumer Direct Marketing ...3001
- 64. Agricultural Research, Extension, and Teaching ...3101
- 65. Wheat and Wheat Foods Research and Nutrition Education ...3401
- 66. Agricultural Foreign Investment Disclosure ...3501
- 67. Implementation of International Sugar Agreement, 1977 ...3601
- 68. Agricultural Subterminal Facilities ...3701
- 69. Swine Health Protection ...3801
- 70. Animal Cancer Research ...3901
- 71. Agricultural Trade Suspension Adjustment ...4001
- 72. National Agricultural Cost of Production Standards Review Board [Omitted] ...4101
- 73. Farmland Protection Policy ...4201
- 74. Floral Research and Consumer Information ...4301
- 75. International Carriage of Perishable Foodstuffs ...4401
- 76. Dairy Research and Promotion ...4501
- 77. Honey Research, Promotion, and Consumer Information ...4601
- 78. Agricultural Productivity Research [Repealed] ...4701
- 79. Pork Promotion, Research, and Consumer Information ...4801
- 80. Watermelon Research and Promotion ...4901
- 81. National Commission on Agriculture and Rural Development Policy [Omitted] ...5001
- 82. State Agricultural Loan Mediation Programs ...5101
- 83. Agricultural Competitiveness and Trade ...5201
- 84. National Nutrition Monitoring and Related Research ...5301
- 85. Administration of Environmental Programs ...5401
- 86. Water Quality Research, Education, and Coordination ...5501
- 87. Export Promotion ...5601
- 88. Research ...5801
- 89. Pecan Promotion and Research ...6001
- 90. Mushroom Promotion, Research, and Consumer Information ...6101
- 91. Lime Promotion, Research, and Consumer Information ...6201
- 92. Soybean Promotion, Research, and Consumer Information ...6301
- 93. Processor-Funded Milk Promotion Program ...6401
- 94. Organic Certification ...6501
- 95. Rural Revitalization Through Forestry ...6601
- 96. Global Climate Change ...6701
- 97. Fresh Cut Flowers and Fresh Cut Greens Promotion and Information ...6801
- 98. Department of Agriculture Reorganization ...6901
- 99. Sheep Promotion, Research, and Information ...7101
- 100. Agricultural Market Transition ...7201
- 101. Agricultural Promotion ...7401
- 102. Emergency Food Assistance ...7501
- 103. Agricultural Research, Extension, and Education Reform ...7601
- 104. Plant Protection ...7701
- 105. Hass Avocado Promotion, Research, and Information ...7801
- 106. Commodity Programs ...7901
- 107. Renewable Energy Research and Development ...8101
- 108. Tree Assistance Program ...8201

TITLE 7 - CHAPTER 108 TREE ASSISTANCE PROGRAM

NB: This unofficial compilation of the U.S. Code is current as of Jan. 7, 2011 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

- 109. Animal Health Protection ...8301
- 110. Enhancing Controls on Dangerous Biological Agents and Toxins ...8401
- 111. Brown Tree Snake Control and Eradication ...8501
- 112. Biomass Research and Development [Repealed] ...8601
- 113. Agricultural Commodity Support Programs ...8701
- 114. Agricultural Security ...8901

CHAPTER 108—TREE ASSISTANCE PROGRAM

Sec.

8201. Definitions.

8202. Eligibility.

8203. Assistance.

8204. Limitations on assistance.

8205. Authorization of appropriations.

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§ 8201. Definitions

In this chapter:

(1) Eligible orchardist

The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(2) Natural disaster

The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(4) Tree

The term “tree” includes a tree, bush, and vine.

(Pub. L. 107–171, title X, § 10201, May 13, 2002, 116 Stat. 490.)

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§ 8202. Eligibility

(a) Loss

Subject to subsection (b) of this section, the Secretary shall provide assistance under section 8203 of this title to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

(b) Limitation

An eligible orchardist shall qualify for assistance under subsection (a) of this section only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(Pub. L. 107–171, title X, § 10202, May 13, 2002, 116 Stat. 490.)

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§ 8203. Assistance

Subject to section 8204 of this title, the assistance provided by the Secretary to eligible orchardists for losses described in section 8202 of this title shall consist of—

- (1) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or
- (2) at the option of the Secretary, sufficient seedlings to reestablish a stand.

(Pub. L. 107–171, title X, § 10203, May 13, 2002, 116 Stat. 491.)

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§ 8204. Limitations on assistance

(a) Amount

The total amount of payments that a person shall be entitled to receive under this chapter may not exceed \$75,000, or an equivalent value in tree seedlings.

(b) Acres

The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this chapter may not exceed 500 acres.

(c) Regulations

The Secretary shall promulgate regulations—

- (1) defining the term “person” for the purposes of this chapter, which shall conform, to the maximum extent practicable, to the regulations defining the term “person” promulgated under section 1308 of this title (before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)¹; and
- (2) promulgating such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

Footnotes

¹ See References in Text note below.

(Pub. L. 107–171, title X, § 10204, May 13, 2002, 116 Stat. 491; Pub. L. 110–234, title I, § 1603(g)(4), May 22, 2008, 122 Stat. 1011; Pub. L. 110–246, § 4(a), title I, § 1603(g)(4), June 18, 2008, 122 Stat. 1664, 1740.)

References in Text

Section 1308 of this title (before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008), referred to in subsec. (c)(1), probably means section 1308 of this title before the amendment made by section 1603(b)(3)(A) of Pub. L. 110–246, which struck out provisions in section 1308 of this title relating to issuance of regulations defining the term “person”. The Food, Conservation, and Energy Act of 2008 does not contain a section 1703.

Codification

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Amendments

2008—Subsec. (c)(1). Pub. L. 110–246, § 1603(g)(4), inserted “(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)” after “section 1308 of this title”.

Effective Date of 2008 Amendment

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

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§ 8205. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Pub. L. 107–171, title X, § 10205, May 13, 2002, 116 Stat. 491.)