

## Section by Section: PROTECTING AMERICA'S ORCHARDISTS AND NURSERY TREE GROWERS ACT

- I. What's in the bill?** – Improves the Tree Assistance Program (TAP), a financial assistance disaster program for tree/bush/vine-crop growers to help them recover the cost of replanting/rehabilitating their plants following a natural disaster, infestation, or disease.
- **Section 2(a)** “DEFINITIONS”  
Expands eligibility for growers of not just “annual” crops, but also “biennial” crops
    - **Reason:** Some blueberries or other crops are grown over two years.Also Expands the definition of “natural disaster” to include “pest infestation” (like rats)
  - **Section 2(b)** “LOWERING MORTALITY THRESHOLD”  
Covers more damage by lowering the plant mortality threshold
    - **Current law:** Only allows TAP to be used for losses that are 15% above normal mortality.
    - **Change explained:** Allows TAP to be used for all losses in excess of normal mortality.
      - **Reason:** This brings the program in line with the Livestock Indemnity Program.
  - **Section 2(c)** “ASSISTANCE”: Technical amendment
  - **Section 2(d)**  
(6) “TIMING REQUIREMENTS”  
Fixes absurd mandates by allowing growers more than 1 year to replant crop if necessary for the plant's health
    - **Current law:** Does not address this matter. Regulations say growers “must execute all required documents and complete the TAP-funded practice within 12 months of application approval”
    - **Change explained:** Allows orchardists and nursery tree growers more than just 12 months carry out TAP activities.
      - **Reason:** Status quo doesn't make sense for certain plants that need a longer period time to be replanted in a healthy way, according to agronomists.  
(7) “ALTERNATIVES USED IN REPLANTING”  
Institutes greater flexibility for growers to replant their destroyed crops with different varieties, in better locations, or using different stand densities
    - **Current law:** Does not address this matter.
    - **Change explained:** Allows orchardists and nursery tree growers to replace their plants using different tree stand densities, varieties, or locations... as long as the “alternative” doesn't cost more than the price of replacing their plant in the same fashion it was before the loss.
      - **Reason:** These are important flexibilities for TAP users to be competitive after a loss while safeguarding taxpayer dollars.
  - **Section 2(e)** “EXCLUSION OF GROSS INCOME LIMITATION”  
Increases access to financial assistance for growers by allowing TAP payments for those who get at least 75% of their income from farming
    - **Current law:** You are *not* eligible if your “Adjusted Gross Income” AGI is more than a certain threshold
    - **Change explained:** Consistent with language from the House-passed H.R.2 - Agriculture Improvement Act of 2018, this provision ensures if 75% of income is derived from farming, then no AGI limitation should be applied.
      - **Reason:** AGI is ill-suited and prohibitive for many specialty crop growers
  - **Section 2(f):** Cuts red tape by ensuring TAP applications are answered within 120 days