

to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

- (1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D)(i); and
- (2) a description of progress made in facilitating the priorities described in subsection (d)(1).

**(g) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2008 through 2012, of which not more than \$4,000,000 for each fiscal year shall be made available to carry out subsection (e).

(Pub. L. 110-234, title VII, §7526, May 22, 2008, 122 Stat. 1274; Pub. L. 110-246, §4(a), title VII, §7526, June 18, 2008, 122 Stat. 1664, 2035.)

REFERENCES IN TEXT

Section 7511(a)(4), referred to in subsec. (c)(1)(D)(iv)(II) and (III), means section 7511(a)(4) of Pub. L. 110-246.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of title IX of the Farm Security and Rural Investment Act of 2002 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8109 of this title prior to the general amendment of this chapter by Pub. L. 110-246.

EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

**CHAPTER 108—TREE ASSISTANCE PROGRAM**

Sec.	
8201.	Definitions.
8202.	Eligibility.
8203.	Assistance.
8204.	Limitations on assistance.
8205.	Authorization of appropriations.

**§ 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.)

**§ 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.)

**§ 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.)

**§ 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)<sup>1</sup>; and
- (2) promulgating such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

<sup>1</sup> See References in Text note below.