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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability—2002 Livestock Compensation Program II

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: This notice announces the availability of Commodity Credit Corporation (CCC) funds provided under the Agricultural Assistance Act of 2003 to implement the 2002 Livestock Compensation Program II (LCP-II). Livestock for which payments were made under the 2002 Livestock Compensation Program I (LCP-I) will not be eligible to generate claims under LCP-II. Other offsets can apply.

DATES: (1) The Farm Service Agency (FSA) will begin accepting applications on April 1, 2003.

(2) The application deadline will be determined by the Deputy Administrator for Farm Programs of FSA, (Deputy Administrator).

(3) Payments will be issued to applicants meeting all eligibility requirements beginning May 1, 2003, or as determined by the Deputy Administrator.

FOR FURTHER INFORMATION CONTACT: Lynn Tjeerdsma, Chief, Emergency Preparedness and Programs Branch, USDA/FSA, 1400 Independence Ave. SW., STOP 0517, Washington, DC 20250-0522; telephone (202) 720-7641; facsimile (202) 690-3610; electronic mail: Lynn.Tjeerdsma@wdc.usda.gov. Persons with disabilities who require alternative means for communication of regulatory information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires consultation with State and local officials.

Environmental Compliance

Due to the weather-related disasters or other emergency requiring the Agency to provide immediate relief, sufficient time was not available to complete an environmental review prior to implementing the proposed action. Therefore, an environmental assessment is being completed to consider the potential impacts of this proposed action on the human environment in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), and FSA's regulations for compliance with NEPA, 7 CFR part 799. A copy of the draft environmental assessment will be made available for public review and comment upon request.

Paperwork Reduction Act

Section 217 of the Agricultural Assistance Act of 2003 requires that this program be promulgated and administered without regard to 44 U.S.C. 35, the Paperwork Reduction Act. This means that the information to be collected from the public to implement this program and the burden, in time and money, that the collection of the information would have on the public do not have to be approved by the Office of Management and Budget or be subject to the 60-day public comment period required by 5 CFR 1320.8(d)(1).

Background

A Notice of Funds Availability was published in the **Federal Register** on Thursday, October 10, 2002, (67 FR 63070) announcing the availability of \$752 million (\$185 million was added at a later date, bringing the total available to \$937 million) under section 32 of the Act of August 24, 1935 (section 32) to implement the 2002 Livestock Compensation Program, or 2002 LCP-I. Livestock feed supplies and grazing availability were significantly reduced due to weather-related disasters or other emergency conditions that occurred throughout much of the United States during 2001 and 2002. The 2002 LCP-

I provided immediate financial assistance to owners or cash lessees of eligible beef, dairy, buffalo, beefalo, sheep and goats in certain States and counties to offset losses due to drought. Funds were provided to eligible applicants only in those counties declared under a Secretarial disaster designation for drought made after January 1, 2001, or submitted to the Secretary of Agriculture, by the Governor of a State or a Tribal Leader of an Indian Reservation, no later than September 19, 2002, and subsequently approved.

Recently, in section 203 of the Agricultural Assistance Act of 2003 (2003 Act) Pub. L. 108-7, enacted on February 20, 2003, Congress provided that the funds of the Commodity Credit Corporation should be used to carry out what amounts to a supplement to LCP-1, not in the sense of granting more payments to those who received payments before, but by increasing the persons who are eligible to receive payments in the program. That supplemental program is referred to in this notice as the 2002 Livestock Compensation Program, the 2002 LCP-II or, simply, LCP-II.

Eligibility criteria and application procedures for the new recipients are set out below. FSA will determine the eligibility of applicants and the amount of assistance that will be paid. It bears repeating that livestock that generated payment under LCP-I cannot generate claims under the expanded program. There is, still, another limitation on these new payments. That is, a person's payment eligibility under LCP-II, to the extent it is otherwise allowed by this notice, will be reduced by the payments received by that person under the 2002 Cattle Feed Program announced on September 3, 2002 (67 FR 56260) and vice versa. Also, payment received by a producer under LCP-II and, as applicable, under the 2002 Cattle Feed Program as announced on September 3, 2002 (67 FR 56260) will reduce the benefits available for a person with respect to the separate but also new "livestock assistance program" provided for in section 203(b) of the 2003 Act. These offsets among programs are specifically provided for in section 203(c) of the 2003 Act.

As indicated, section 203(a) of the 2003 Act, basically, expands the LCP-I program. It does this by providing for