

using Commodity Credit Corporation funds to carry out the original program for, to the extent not already covered, all applicants who conducted a livestock operation that is physically located in any county named as a primary disaster area (which includes areas named under a Presidential disaster declaration, not just a Secretarial disaster designation, as in LCP) for any qualifying natural disaster (not just drought, as in LCP) in calendar years 2001 and 2002 or which were submitted to the Secretary or President for that designation no later than February 20, 2003, and were subsequently approved as primary disaster counties. The statute adds that for all of these new claims, however, payments can only be made to the extent that the claim meets all other eligibility requirements established by the Secretary in the original program (which had a different funding source).

Accordingly, most of the eligibility criteria will be the same for LCP-II as for LCP-I, except those that expand the program as indicated above. Those new terms include tying the claims back to livestock operations as they existed, including the numbers of eligible livestock to June 1, 2002.

Terms for LCP-II are set out in this notice, and for the sake of completeness, the original program terms, to the extent that they carry over, are repeated here. These include payment limitations and the exclusion of claims for persons with gross revenue from all sources over a certain level (subject to certain conditions relating to the percentage of a person's revenue derived from farming and ranching). It bears emphasis that livestock that generated payment under LCP-I cannot be used to receive claims under LCP-II. As indicated and as in LCP-I, the critical date of ownership is June 1, 2002. Payments will reflect the number of eligible animals owned by the applicant as of that date.

Also, by reference to section 10806 of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d), the statute added catfish claims to those that can be paid under LCP. However, implementation of the catfish provisions were modified in section 2103 of Public Law 108-11, the Emergency Wartime Supplemental Appropriations Act, 2003 (117 Stat. 559). This section provides, in referring to catfish producers as eligible applicants, that "to provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants." This will require special provisions which are not yet ready. Accordingly, the

assistance to catfish producers required by the 2003 Act will not be administered under this notice.

Terms of the Program—The 2002 Livestock Compensation Program—II.

I. Definitions

The following definitions are applicable to this program, which shall be referred to here as 2002 LCP-II:

Adult beef bulls means male bovine livestock, to be used for breeding purposes, that were two years old on or before June 1, 2002.

Adult beef cows means female bovine livestock, used for the purpose of providing meat for human consumption, that have delivered one or more offspring, at any time before June 1, 2002.

Adult buffalo and beefalo bulls means male livestock of those breeds, used for the purpose of providing meat for human consumption, to be used for breeding purposes that were two years old on or before June 1, 2002.

Adult buffalo and beefalo cows means female livestock of those breeds, used for the purpose of providing meat for human consumption, that have delivered one or more offspring, at any time before June 1, 2002.

Adult dairy bulls means male bovine livestock, to be used for breeding dairy cows, that were two years old on or before June 1, 2002.

Adult dairy cows means female bovine livestock, used for the purpose of providing milk for human consumption, that have delivered one or more offspring, at any time before June 1, 2002.

Agency means the Farm Service Agency, its employees, and any successor agency.

Applicant means the individual or business entity applying for assistance.

Application means the Form CCC-370, Livestock Compensation Program (LCP-II) Application. The CCC-370 is available at FSA county service centers and on the Internet.

Beef bulls means male bovine livestock, used for the purpose of providing meat for human consumption, that as of June 1, 2002, weighed more than 500 pounds and were less than two years old.

Beef replacement heifers and non-breeding heifers means female bovine livestock, used for the purpose of providing meat for human consumption, that as of June 1, 2002, weighed more than 500 pounds and had never delivered any offspring.

Beef steers means neutered male bovine livestock, used for the purpose of providing meat for human consumption,

that weighed more than 500 pounds on or before June 1, 2002.

Buffalo and beefalo bulls means male livestock of those breeds, used for the purpose of providing meat for human consumption, that as of June 1, 2002, that weighed more than 500 pounds and were less than two years old.

Buffalo and beefalo replacement heifers and buffalo and beefalo non-breeding heifers means female livestock of those breeds, used for the purpose of providing meat for human consumption, that as of June 1, 2002, weighed more than 500 pounds and had never delivered any offspring.

Buffalo and beefalo steers means neutered male livestock of those breeds, used for the purpose of providing meat for human consumption, that weighed more than 500 pounds on or before June 1, 2002.

Business entity means a corporation, partnership, joint operation, trust, limited liability company, or cooperative.

Dairy bulls means male bovine livestock, of a breed used for the purpose of providing milk for human consumption, that as of June 1, 2002, weighed more than 500 pounds and were less than two years old.

Dairy replacement heifers and dairy non-breeding heifers means female bovine livestock, of a breed used for the purpose of providing milk for human consumption, that as of June 1, 2002, weighed more than 500 pounds and had never delivered any offspring.

Dairy steers means neutered male bovine livestock, of a breed used for the purpose of providing milk for human consumption, that weighed more than 500 pounds on or before June 1, 2002.

Deputy Administrator or DAFP means the Deputy Administrator for Farm Programs, Farm Service Agency (FSA), or a designee.

Disaster county means a county included in the geographic area covered by a qualifying natural disaster declaration for calendar year 2001 or calendar year 2002 for which the request for such designation was submitted during the period beginning January 1, 2001, and ending February 20, 2003, and was subsequently approved. Contiguous counties are not considered to be disaster counties unless they themselves qualified on their own or a disaster county.

Eligible livestock means certain beef and dairy cattle, buffalo and beefalo, sheep, and goats that an eligible producer owned, or cash-leased for 90 or more days, and that were owned or subject to a cash lease on June 1, 2002. Certain beef and dairy cattle, buffalo and beefalo, sheep, and goats subject to