

a contract for purchase by the applicant, that was negotiated prior to June 1, 2002, are eligible livestock.

Eligible livestock producer means an owner or lessee of eligible livestock whose livestock operation headquarters is physically located in a disaster county, and who did not receive a payment for the eligible livestock under the 2002 LCP-I program, that being the original Livestock Compensation Program, announced in the **Federal Register** October 10, 2002 (67 FR 63070).

Goat means a domesticated, bearded, horned, ruminant mammal of the genus *Capra*, including Angora goats.

Ineligible livestock means any beef cattle, buffalo, beefalo, dairy cattle, sheep, or goats that were considered eligible livestock and for which payment was received under the 2002 LCP-I, or on June 1, 2002, were not owned or subject to a cash lease or under contract to be purchased by an applicant; and are any beef cattle, buffalo, and dairy cattle that, as of June 1, 2002, weighed less than 500 pounds; and also include livestock owned by an ineligible livestock producer.

Ineligible livestock producer, as determined by the Deputy Administrator, means an entity or individual who received payment for livestock under the 2002 LCP-I; who does not own eligible livestock; who slaughters, processes, and packs livestock meat into meat and meat products; and who is livestock owner that, for monetary reimbursement or other gain, provides feed and facilities for livestock owned by another person on a custom feeding basis; or is a livestock owner whose livestock operation headquarters is not located in a disaster county.

Qualifying natural disaster means:

(1) A natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(2) A major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, *et seq.*).

Sheep means a domesticated, horned, ruminant mammal of the genus *Ovis*, bred for wool, edible flesh, or skin.

II. Appeals

An applicant may request an appeal or review of an adverse decision made by the Agency in accordance with 7 CFR parts 11 and 780.

III. Eligibility Requirements

Applicants must meet all of the following requirements to be eligible for the 2002 LCP-II:

1. *Timely application.* The applicant must submit a signed form CCC-370 completed to the best of the applicant's ability to FSA, no earlier than April 1, 2003, and no later than such date as announced by the Deputy Administrator.

2. *Livestock owner or lessee.* The applicant must own, be subject to a contract to purchase, or cash-lease, eligible livestock.

3. *Applicant's operation must be physically located in a disaster county.* The applicant's livestock operation headquarters must be physically located in a disaster county on June 1, 2002.

IV. Gross Revenue Limitation

A person, as defined in 7 CFR part 1400, who has annual gross revenue in excess of \$2.5 million shall not be eligible to receive assistance under the 2002 LCP-II. For the purpose of this determination, annual gross revenue means:

(a) With respect to a person who receives more than 50 percent of such person's gross income from farming and ranching, the total gross revenue received from such operations; and

(b) With respect to a person who receives 50 percent or less of such person's gross income from farming and ranching, the total gross revenue of that person from all sources.

V. Payment Limitation

The total amount of benefits that a person, as determined in accordance with 7 CFR part 1400, shall be entitled to receive under the 2002 LCP-II may not exceed \$40,000.

VI. Amount of Assistance

The amount of assistance for 2002 LCP-II for the livestock covered shall be at the same rates for the eligible livestock covered under the 2002 LCP, as they were published in the **Federal Register** October 10, 2002 and set out below.

VII. Applicant Certification of Eligible Livestock

Eligible livestock must be certified by owner or lessee on the CCC-370. The applicant will report to FSA and provide proof of the number of eligible livestock and, as applicable, that died or were sold after June 1, 2002.

VIII. Payment Eligibility

To be eligible for payment under the 2002 LCP II, as determined by the Deputy Administrator, the applicant

must, as of June 1, 2002, be an owner, lessee, or under contract to purchase eligible livestock, whose livestock headquarters operation is physically located in a disaster county; who has submitted and subsequently received FSA County Committee approval on CCC-370, and who meets all other eligibility requirements. Livestock are not eligible to generate a claim under LCP-II to the extent they generated a claim under LCP-I. Further a producer shall not be eligible to receive or retain a payment under this LCP-II program to the extent that the producer has received payment under the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 FR 56260), or the Livestock Assistance Program established under section 203(b) of the Agricultural Assistance Act of 2003. References in this paragraph to LCP-I are to the original Livestock Compensation Program as announced by the Secretary on October 10, 2002 (67 FR 63070).

IX. Payment Amounts

Adult beef cows and bulls, and adult buffalo and beefalo cows and bulls, as defined in Part I: \$18.00 per head.

Adult dairy cows and bulls, as defined in Part I: \$31.50 per head.

Beef, dairy, buffalo and beefalo replacement heifers, steers, non-breeding heifers, and bulls, as defined in Part I: \$13.50 per head.

All sheep and goats, as defined in Part I, born prior to June 1, 2002: \$4.50 per head.

X. Contract Liability

All producers receiving a share of the LCP-II payment are jointly and severally liable for program violations and resulting repayments, if applicable.

XI. How the 2002 LCP-II Will Work

Applications will be accepted in FSA county offices beginning on April 1, 2003. On the LCP-II application, all owners of livestock in each livestock operation in a disaster county may apply for payment on one application. Each applicant will provide FSA with, and certify to, the applicant's name and identification number, address, and number and type of eligible livestock. After FSA county committee approval of the LCP-II application, payments will be issued, beginning May 1, 2003, or as determined by the Deputy Administrator, from the FSA county office to each approved livestock producer on the application.