

1462; amended Pub. L. 101-624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3495; Pub. L. 103-66, title I, § 1101(b)(2)(B), Aug. 10, 1993, 107 Stat. 314, provided for farm program payment yields.

A prior section 1465, act Oct. 31, 1949, ch. 792, title V, § 506(c), formerly § 505(c), as added July 12, 1951, ch. 223, 65 Stat. 121, and renumbered Oct. 3, 1961, Pub. L. 87-345, § 3, 75 Stat. 761, provided for an exemption from a head tax as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

A prior section 1465a, act Oct. 31, 1949, ch. 792, title V, § 506(d), as added Oct. 3, 1961, Pub. L. 87-345, § 4, 75 Stat. 761, provided for illness or disability tax as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1466, act Oct. 31, 1949, ch. 792, title V, § 506, as added Pub. L. 99-198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1463; amended Pub. L. 99-260, § 3, Mar. 20, 1986, 100 Stat. 48; Pub. L. 100-203, title I, § 1109, Dec. 22, 1987, 101 Stat. 1330-6; Pub. L. 101-220, § 11(a), Dec. 12, 1989, 103 Stat. 1882; Pub. L. 101-624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for planting and production history of farms.

A prior section 1466, act Oct. 31, 1949, ch. 792, title V, § 507, formerly § 506, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 507, Oct. 3, 1961, Pub. L. 87-345, § 3, 75 Stat. 761, related to utilization of Federal and State agencies by Secretary of Labor as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1467, act Oct. 31, 1949, ch. 792, title V, § 507, as added Pub. L. 99-198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1463; amended Pub. L. 101-624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for establishment of bases and yields by county committees.

A prior section 1467, act Oct. 31, 1949, ch. 792, title V, § 508, formerly § 507, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 508 and amended Oct. 3, 1961, Pub. L. 87-345, § 3, 75 Stat. 761, defined “agricultural employment” and “employer” for purposes of the program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1468, act Oct. 31, 1949, ch. 792, title V, § 508, as added Pub. L. 99-198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1464; amended Pub. L. 101-624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for administrative appeals procedure.

A prior section 1468, act Oct. 31, 1949, ch. 792, title V, § 509, formerly § 508, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 509, Oct. 3, 1961, Pub. L. 87-345, § 3, 75 Stat. 761, related to importation of workers from other foreign countries with regard to a program of recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1469, act Oct. 31, 1949, ch. 792, title V, § 509, as added Pub. L. 99-198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1464; amended Pub. L. 101-624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497; Pub. L. 103-66, title I, § 1101(b)(2)(C), Aug. 10, 1993, 107 Stat. 314, provided that subchapter was to be effective only for the 1991 through 1997 program crops.

A prior section 509, formerly 508, of act Oct. 31, 1949, was formerly classified to section 1468 of this title. See note set out above.

SUBCHAPTER V—EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988

§ 1471. Definitions

As used in this subchapter:

(1) The term “livestock producer” means—

(A) a person that is actively engaged in farming and that receives a substantial amount of total income from the production of grain or livestock, as determined by the Secretary, that is—

(i) an established producer or husbander of livestock or a dairy producer who is a

citizen of, or legal resident alien in, the United States; or

(ii) a farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation is engaged in livestock production or husbandry, or dairy production; or

(B) Any¹ of the following entities that is actively engaged in livestock production or husbandry, or dairy production—

(i) any Indian tribe (as defined in section 450b(b) of title 25);²

(ii) any Indian organization or entity chartered under the Act of June 18, 1934 (48 Stat. 984, chapter 576; 25 U.S.C. 461 et seq.), commonly known as the “Indian Reorganization Act”;

(iii) any tribal organization (as defined in section 450b(c) of title 25);² or

(iv) any economic enterprise (as defined in section 1452(e) of title 25);

(2) The term “livestock” means cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary (at the Secretary’s sole discretion) that—

(A) are part of a foundation herd (including producing dairy cattle) or offspring; or

(B) are purchased as part of a normal operation and not to obtain additional benefits under this subchapter.

(3) The term “State” means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(4) The term “feed”, for the purposes of emergency feed assistance, means any type of feed (including feed grain, oilseed meal, premix or mixed feed, liquid or dry supplemental feed, roughage, pasture, or forage) that—

(A) best suits the livestock producer’s operation; and

(B) is consistent with acceptable feed practices.

(5) The term “area” includes any Indian reservation (as defined in section 1985(e)(1)(D)(ii)² of this title).

(Oct. 31, 1949, ch. 792, title VI, § 602, as added Pub. L. 100-387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 926; amended Pub. L. 108-447, div. A, title VII, § 785(b)(1), Dec. 8, 2004, 118 Stat. 2850; Pub. L. 109-97, title VII, § 784(b)(1), Nov. 10, 2005, 119 Stat. 2162.)

REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (1)(B)(i), (iii), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms “Indian tribe” and “tribal organization”. However, such terms are defined elsewhere in that section.

Act of June 18, 1934, referred to in par. (1)(B)(ii), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, popularly known as the Indian Reorganization Act, which

¹ So in original. Probably should not be capitalized.

² See References in Text note below.

enacted sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 461 of Title 25 and Tables.

Section 1985(e)(1)(D)(ii) of this title, referred to in par. (5), was redesignated section 1985(e)(1)(A)(ii) of this title by Pub. L. 104-127, title VI, §638(3)(A)(ii), Apr. 4, 1996, 110 Stat. 1096.

AMENDMENTS

2005—Par. (2). Pub. L. 109-97, in introductory provisions, inserted “horses, deer,” after “bison,” and struck out “equine animals used for food or in the production of food,” before “fish”.

2004—Par. (2). Pub. L. 108-447 inserted “elk, reindeer, bison,” after “means cattle,” in introductory provisions.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-97, title VII, §784(c), Nov. 10, 2005, 119 Stat. 2163, provided that:

“(1) IN GENERAL.—This section [amending this section and section 1472 of this title and enacting provisions set out as a note under this section] and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

“(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.”

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100-387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

SHORT TITLE

For short title of title VI of act Oct. 31, 1949, ch. 792, which enacted this subchapter, as the “Emergency Livestock Feed Assistance Act of 1988”, see Short Title of 1988 Amendment note set out under section 1421 of this title.

INCLUSION OF HORSES AND DEER WITHIN DEFINITION OF “LIVESTOCK”

Pub. L. 109-97, title VII, §784(a), Nov. 10, 2005, 119 Stat. 2162, provided that: “In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses and deer within the definition of ‘livestock’ covered by the program.”

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471a. Emergency livestock assistance

(a) The Secretary shall provide emergency feed assistance under this subchapter for the preservation and maintenance of livestock in any State or area of a State where, because of disease, insect infestation, flood, drought, fire, hurricane, earthquake, storm, hot weather, or other natural disaster, the Secretary determines that a livestock emergency exists.

(b)(1) The Secretary shall provide emergency feed assistance under this subchapter for the preservation and maintenance of livestock, to livestock producers that—

(A) conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has determined, under subsection (a) of this section, that a livestock emergency exists, and

(B) are otherwise eligible for assistance under this subchapter.

(2) The Secretary shall accept applications for assistance under this subsection from producers that are affected by the livestock emergency at any time during the eight-month period beginning on the date on which the Secretary determines that such emergency exists in the other county.

(Oct. 31, 1949, ch. 792, title VI, §603, as added Pub. L. 100-387, title I, §101(a), Aug. 11, 1988, 102 Stat. 927.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100-387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471b. Determination of need for assistance

(a) Determination and request by Governor or county committee

(1) Whenever the Governor of a State determines that a livestock emergency due to a natural disaster exists in the State, or a county committee established under section 590h(b) of title 16 determines that such an emergency exists in the county, the Governor or county committee may submit a request for a determination by the Secretary of a livestock emergency in such State or county and for emergency livestock feed assistance under this subchapter.

(2) The request of a Governor or county committee for a livestock emergency determination and for emergency livestock feed assistance shall include, to the extent feasible, recommendations to the Secretary of those options that will most fully use feed available through local sources.

(b) Consideration for assistance without request

The Secretary may consider a State, county, or area in a State for a livestock emergency determination and emergency livestock feed assistance under this subchapter whether or not a request for assistance is submitted, as described in subsection (a) of this section.

(c) Prompt action by Secretary

The Secretary shall act on requests for determinations under subsection (a) of this section and make final determinations on whether a livestock emergency exists in any State, county, or area, under regulations that ensure thorough and prompt action (not later than 30 days after receipt of any such request) and provide for appropriate notification procedures.