

date of section 101(a) of Pub. L. 100-387. See section 101(c) of Pub. L. 100-387, set out as a note under section 1427 of this title.

#### EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsec. (d) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) 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 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(12) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(12) of this title.

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.

### § 1471c. Eligible producers

#### (a) Qualifying livestock producers

(1) If the Secretary determines that a livestock emergency exists in a State, county, or area, qualifying livestock producers located in such State, county, or area, or in a contiguous county as provided for in section 1471a(b) of this title, shall be eligible (under application procedures established by the Secretary) for emergency feed assistance under this subchapter in accordance with this subsection.

(2) For the purposes of this subsection, a “qualifying livestock producer” is a livestock producer who has suffered a substantial loss in feed normally produced on the farm for such producer’s livestock as a result of the livestock emergency and, as a result, does not have sufficient feed that has adequate nutritive value and is suitable for each of such producer’s particular types of livestock (as of the date of the request, or initiation of consideration, for a determination of a livestock emergency under section 1471b of this title) for the estimated duration of the emergency.

(3) Each qualifying livestock producer shall be eligible for emergency feed assistance under the programs specified in section 1471d(a) of this title that is made available where the producer is located in quantities sufficient to meet such feed deficiency with respect to the producer’s livestock normally fed with feed produced by the producer.

#### (b) Availability of additional assistance

Each livestock producer in such State, county, or area, or in a contiguous county as provided for in section 1471a(b) of this title, regardless of whether the producer qualifies for assistance under subsection (a), shall be eligible for emergency assistance under the programs specified in section 1471e of this title that are made available where the producer is located.

#### (c) Program participation option

Any livestock producer, located in a county or area in which benefits under the emergency feed

program or the emergency feed assistance program were made available due to the drought or related condition in 1988 prior to the effective date of this subchapter, who qualifies for assistance under such pre-existing programs shall be eligible for assistance for such drought or related conditions as prescribed in subsection (a) or, at the producer’s option, for assistance under such pre-existing programs.

(Oct. 31, 1949, ch. 792, title VI, §605, as added Pub. L. 100-387, title I, §101(a), Aug. 11, 1988, 102 Stat. 928.)

#### REFERENCES IN TEXT

The effective date of this subchapter, referred to in subsec. (c), is 15 days after Aug. 11, 1988, the effective date of section 101(a) of Pub. L. 100-387. See section 101(c) of Pub. L. 100-387, set out as a note under section 1427 of this title.

#### EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsec. (c) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) 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 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(12) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(12) of this title.

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.

### § 1471d. Assistance programs

#### (a) Available programs

In accordance with section 1471c(a) of this title, the Secretary shall make one or more of the following assistance programs available to qualifying livestock producers in a State, county or area, if the Secretary determines that the livestock emergency in such State, county or area requires the implementation of such program:

(1) The donation of feed grain owned by the Commodity Credit Corporation to producers who are financially unable to purchase feed under paragraph (2) or to participate in any other program authorized under this subsection.

(2) The sale of feed grain owned by the Commodity Credit Corporation to producers for livestock feed at a price, established by the Secretary, that does not exceed—

(A) with respect to such assistance provided for any livestock emergency determined to exist prior to January 1, 1989, 75 percent of the current basic county loan rate for such feed grain in effect under this Act (or at a comparable price if there is no such current basic county loan rate), or

(B) with respect to such assistance provided for any other livestock emergency, 50 percent of the average market price in the county or area involved, as determined by the Secretary.

(3) Reimbursement of any transportation and handling expenses incurred, not to exceed 50 percent of such expenses, by a producer in connection with feed grain donations or sales under paragraphs (1) and (2).

(4) Reimbursement of not to exceed 50 percent of the cost of feed purchased by a producer for the producer's livestock during the duration of the livestock emergency.

(5) Hay and forage transportation assistance to producers of not to exceed 50 percent of the cost of transporting hay or forage purchased from a point of origin beyond a producer's normal trade area to the livestock, subject to the following limitations:

(A) The transportation assistance may not exceed \$50 per ton of eligible hay or forage (\$12.50 for silage).

(B) The quantity of eligible hay and forage for each producer may not exceed the lesser of—

(i) 20 pounds per day per eligible animal unit; or

(ii) the quantity of additional feed needed by the producer for the duration of the livestock emergency.

(6) Livestock transportation assistance to producers of not to exceed 50 percent of the cost of transporting livestock to and from available grazing locations, except that such assistance may not exceed the lesser of—

(A) \$24 per head of a producer's eligible livestock; or

(B) the local cost of the quantity of additional feed needed by the producer for the eligible livestock for duration of the livestock emergency.

**(b) Feed grain through dealer or manufacturer; reimbursement; feed grain stored on farm of producer**

If assistance is made available through the furnishing of feed grain under paragraph (1) or (2) of subsection (a), the Secretary—

(1) may provide for the furnishing of the feed grain through a dealer or manufacturer and the replacing of the feed grain so furnished from feed grain owned by the Commodity Credit Corporation; or

(2) at the option of the livestock producer, shall provide for the furnishing of the feed grain through the use of feed grain stored on the farm of the producer that has been pledged as collateral for a price support loan made under this Act.

**(c) Payments or reimbursements through issuance of negotiable certificates**

In providing assistance under paragraph (2) or (4) of subsection (a), the Secretary may make in-kind payments or reimbursements through the issuance of negotiable certificates that the Commodity Credit Corporation shall exchange for a commodity in accordance with rules prescribed by the Secretary.

**(d) Approved application prerequisite to benefits**

No payment or benefit provided under this section shall be payable or due until such time as a completed application therefor has been approved.

**(e) Time for application**

A person eligible to receive a payment or benefit under this section with respect to a livestock emergency determined to exist prior to January 1, 1989, shall make application for such payment or benefit not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe.

**(f) Livestock transportation assistance**

The Secretary may make available at least \$25,000,000 to provide livestock transportation assistance under subsection (a)(6) for livestock emergencies in 1989.

(Oct. 31, 1949, ch. 792, title VI, §606, as added Pub. L. 100-387, title I, §101(a), Aug. 11, 1988, 102 Stat. 928; amended Pub. L. 101-82, title II, §§201, 202, Aug. 14, 1989, 103 Stat. 581.)

REFERENCES IN TEXT

This Act, referred to in subssecs. (a)(2)(A) and (b)(2), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-82, §201, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "If assistance is made available through the furnishing of feed grain under paragraph (1) or (2) of subsection (a) of this section, the Secretary may provide for the furnishing of the feed grain through a dealer or manufacturer and the replacing of the feed grain so furnished from feed grain owned by the Commodity Credit Corporation."

Subsec. (f). Pub. L. 101-82, §202, added subsec. (f).

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subssecs. (a)(2)(A) and (e) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) 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 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(12) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(12) of this title.

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.

EMERGENCY FORAGE PROGRAM

Pub. L. 100-387, title I, §103, Aug. 11, 1988, 102 Stat. 932, directed the Secretary of Agriculture to implement

an emergency forage program to reseed pasture damaged by the drought or related condition in 1988 and provided for 50 percent cost-sharing, a \$3,500 limit on payments to any one producer and a \$50,000,000 limit on Commodity Credit Corporation funds available for such program.

### § 1471e. Additional assistance

#### (a) Determination by Secretary

In addition to the assistance provided under section 1471d of this title, if the Secretary determines that the livestock emergency also requires the implementation of one or more of the assistance programs described in subsection (b), the Secretary shall implement such programs.

#### (b) Programs authorized

Special assistance under this section includes—

(1) the donation of feed owned by the Commodity Credit Corporation for use in feeding livestock stranded and unidentified as to its owner, including the cost of transporting feed to the affected area, during such period as the Secretary, by regulation, may prescribe;

(2) reimbursement of not to exceed 50 percent of the cost of—

(A) installing pipelines (if that is the least expensive method) or other facilities, including tanks or troughs, for livestock water;

(B) construction or deepening of wells or ponds for livestock water; or

(C) developing springs or seeps for livestock water,

as appropriate in drought areas to facilitate more efficient and better-distributed grazing on land normally used for grazing. Such cost-share assistance may not be made available to provide water for wildlife or recreational livestock, dry lot feeding, or barns or corrals, or to acquire pumping equipment;

(3) reimbursement of not to exceed 50 percent of the cost of burning prickly pear cactus to make it suitable for animal feed; and

(4) making commodities owned by the Commodity Credit Corporation available to livestock producers through the use of a catalog that specifies lots of a size that are economically feasible for a small producer to obtain by means of certificate exchanges.

#### (c) Water development projects for 1988 and 1989 emergencies

The Secretary may make available at least \$25,000,000 to provide special assistance under subsection (b)(2) for livestock emergencies in 1988 and 1989.

(Oct. 31, 1949, ch. 792, title VI, § 607, as added Pub. L. 100-387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 930; amended Pub. L. 101-82, title I, § 142, title II, § 203, Aug. 14, 1989, 103 Stat. 579, 581.)

#### AMENDMENTS

1989—Subsec. (b)(2)(B). Pub. L. 101-82, § 142, inserted “or ponds”.

Subsec. (c). Pub. L. 101-82, § 203, added subsec. (c).

#### 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

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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.

#### § 1471f. Use of Commodity Credit Corporation

The Secretary shall carry out this subchapter through the use of the funds, facilities, and authorities of the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title VI, § 608, as added Pub. L. 100-387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 930.)

#### 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

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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.

#### § 1471g. Benefits limitation

##### (a) Total amount of benefits

The total amount of benefits that a person shall be entitled to receive annually under one or more of the programs established under this subchapter may not exceed \$50,000.

##### (b) Issuance of regulations

The Secretary shall issue regulations—

(1) defining the term “person”, which shall conform, to the extent practicable, to the regulations defining the term “person” issued under section 1308 of this title (before the amendment made by section 1603(a)<sup>1</sup> of the Food, Conservation, and Energy Act of 2008), or successor statute;

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section; and

(3) providing that the term “person” shall include, in the case of any cooperative associa-

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