

§ 1464.313

§ 1464.313 Estate, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is a producer shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1464.314 Death, incompetence, or disappearance.

In the case of death, incompetence, or disappearance, of any person who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1464.315 Appeals.

The appeal, reconsideration, or review of all determinations made under this part, except the eligibility provisions for kinds of tobacco and others for which there are no appeal rights because they involve matters of general applicability, shall be allowed in accordance with parts 11 and 780 of this title.

Subpart E—Tobacco Loss Assistance Program 2000

SOURCE: 65 FR 65723, Nov. 2, 2000, unless otherwise noted.

§ 1464.401 Applicability and basic terms for payments.

(a) This subpart sets forth the terms and conditions of the Tobacco Loss Assistance Program 2000 (TLAP00) authorized by section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224). That section provides that \$340 million of funds of the Commodity Credit Corporation (CCC)

shall be made available to make direct payments to eligible persons, on a farm:

(1) For which the quantity of quota of eligible tobacco allotted to the farm was reduced from the 1999 crop year to the 2000 crop year; and

(2) That is used for the production of eligible tobacco during the 2000 crop year.

(b) The amounts made available to farms in a State shall be divided based on the quota of eligible tobacco available to each farm of an eligible person for the 2000 crop year.

(c) The amounts made available to farms in a State under paragraph (b) of this section shall be divided among eligible persons who are quota owners, quota lessees, controllers, growers, tenants and producers on farms in the State but only to the extent that is otherwise provided for in this subpart.

(d) The funds made available for "eligible persons" shall be allocated among States in the following dollar amounts:

Alabama	\$100,000
Arkansas	1,000
Florida	2,500,000
Georgia	13,000,000
Indiana	5,400,000
Kansas	23,000
Kentucky	140,000,000
Missouri	2,000,000
North Carolina	100,000,000
Ohio	6,000,000
Oklahoma	1,000
South Carolina	15,000,000
Tennessee	35,000,000
Virginia	19,000,000
West Virginia	1,300,000
Wisconsin	675,000

§ 1464.402 Administration.

(a) This subpart shall be administered by CCC under the general supervision of the Executive Vice President of the CCC and the Deputy Administrator for Farm Programs of the Farm Service Agency (FSA) of the Department of Agriculture (who shall be hereafter referred to in this part as the "Deputy Administrator"). The program shall be carried out in the field by State and county FSA committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part.

(c) The State committee shall take any action required by this part that has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee that is not in accordance with this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with this part.

(d) No delegations in this part to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee. The Deputy Administrator may modify or revise deadlines and requirements contained in this subpart as determined needed or appropriate to accomplish the goals of this program.

§ 1464.403 Eligibility.

For a person to be considered an "eligible person" for purposes of this part, such person must own, operate or produce eligible tobacco on a farm for which a quota reduction from the 1999 crop year to the 2000 crop year occurred and that was used for the production of tobacco during the 2000 crop year.

§ 1464.404 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the program ("TLAP00") of this subpart. The definitions in 7 CFR 718.2 and 723.104 also apply to the program. To the extent that the definitions in this section differ from the definitions in 7 CFR 718.2 and 723.104, the definitions in this section apply rather than the definitions in 7 CFR 718.2 and 723.104. The following terms shall have the following meanings:

Controller means that person or entity who, as determined by the Deputy Administrator, controls the land used to produce eligible tobacco and share in the risk of production.

Eligible person means, with respect to payments under this part, a person who owns or operates, or produces eligible

tobacco on a farm for which the quantity of quota of eligible tobacco allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 was reduced from the 1999 crop year to the 2000 crop year and that will be used for the production of eligible tobacco during the 2000 crop year. For these purposes, the quota will be considered produced if it "considered produced" under the normal rules that apply with respect to tobacco under this part and under 7 CFR part 723; however any such actual production, production that is considered under this part and under 7 CFR part 723 to have occurred, will suffice to qualify the parties associated with that quota for payments under this part to which they would otherwise be entitled. That is, the amount of payment will not be tied to the amount of production which qualifies the party for participation under this program except as might otherwise be specified in this subpart. However, tobacco quotas or allotments which are suspended from production because of a Conservation Reserve Contract with the CCC will not be treated as "considered produced" for these purposes and will not generate payments under this subpart. For purposes of this subpart, further, an eligible person's status, as owner or controller or producer of the tobacco, will be determined as of July 3, 2000.

Eligible tobacco means each of the following kinds of tobacco: flue-cured tobacco (types 11, 12, 13 and 14), dark fire-cured tobacco (type 21), burley tobacco (type 31), and cigar-binder tobacco (types 54 and 55).

Grower/tenant means person(s) or entities who provide labor to produce tobacco and share in the risk of production.

Payment pounds means the pounds of tobacco for which a person is eligible to be paid under this subpart.

Producer means person(s) or entity(s) actively engaged in planting, growing, harvesting, and/or marketing of tobacco, or who shares in the risk of producing the crop.

Quota owner means the person(s) or entities who own the land for which