

(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

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quota is established under the Agricultural Adjustment Act of 1938, as amended.

*Share in the risk of production* means having a direct financial stake in the success of the crop through a direct share in the actual proceeds from the actual marketing of the crop which share is conditional upon the success of that marketing. Farm owners who cash-lease their farm land to a tobacco producer for the right to grow tobacco on that land and receive payment for such right regardless of whether or not a tobacco crop is marketed are not considered to share in the risk of production. Farm laborers who provide service in exchange for a wage and whose payment is not subject to the marketing of the tobacco crop are not considered to be sharing in the risk of production.

*TLAP00* means the Tobacco Loss Adjustment Program, for the 2000 crop, which is provided for in this subpart.

**§ 1464.405 Sign up.**

(a) Eligible persons who wish to apply for TLAP00 funds, must file an application with the county FSA office by the date established by the Deputy Administrator. However, a late filed application filed late because of hardship may be accepted. Acceptance of such applications must be approved by the Deputy Administrator, subject to the availability of funds.

(b) Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be provided.

**§ 1464.406 [Reserved]**

**§ 1464.407 Payment benefits.**

(a) TLAP00 payments shall be made to "eligible persons" not later than October 20, 2000 on the basis of two formulas.

(1) All flue-cured and cigar-binder funds in a State will distribute 50 percent to eligible quota owners and 50 percent to eligible producers.

(2) All burley and dark fire-cured tobacco funds in a State will be distributed one-third to quota owners; one-third to the controller; and one-third to grower(s)/tenant(s).

(b) As provided in paragraph (a) of this section the formulas shall be applied to the kinds of tobacco as follows:

(1) The allocated funds for cigar-binder (types 54 and 55) will be disbursed with 50 percent being paid to quota owners based on basic allotment times NASS yield and 50 percent being paid to producers based on basic allotment times the NASS yield. The NASS yield for cigar-binder (types 54 and 55) is 2,054 pounds per acre.

(2) The allocated funds for dark fire-cured (type 21) will be disbursed with one-third being paid to quota owners based on the 2000 crop year basic allotment times NASS yield, one-third being paid to the controller based on the 2000 crop year effective allotment times NASS yield, and one-third being paid to grower(s)/tenant(s) based on the 2000 crop year effective quota times NASS yield. The NASS yield for dark fire-cured (type 21) is 2,139 pounds per acre.

(3) The allotted funds for flue-cured tobacco (types 11, 12, 13 and 14) will be disbursed with 50 percent paid to quota owners on the 2000 crop year basic quota and 50 percent being paid to producers on the 2000 crop year basic quota.

(4) The allotted funds for burley tobacco (type 31) will be disbursed with one-third being paid to quota owners based on the 2000 crop year basic quota; one-third being paid to the farm controller based on the 2000 crop year effective quota before any disaster lease and transfer pounds; and one-third being paid to grower(s)/tenant(s) based on the 2000 crop year effective quota before any disaster lease and transfer pounds.

(c) The Secretary shall use the amount allocated to the State of Georgia to make payments to eligible persons in the State of Georgia only if the State of Georgia agrees to use an equal amount (not to exceed \$13,000,000) to make payments at the same time, or subsequently, to the same eligible persons in the same manner as provided for in this section.

(d) The payment amount shall be determined by apportioning the allocated funds for each State on a poundage basis among the timely applications that are filed, with an allowance for a