

§ 729.207

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0.000679, Knox—0.002818, Lamb—0.026475, Terry—0.009885, Wheeler—0.003102, Wilbarger—0.000000, and Yoakum—0.056172.

(3) *Exception to allocation to counties.* In that Gaines county is the only county listed in paragraph (f)(1) of this section for which the total of farm basic quotas exceeded 20,000,000 pounds for the 1989 crop of peanuts and the total of farm basic quotas in Gaines County for the 1989 crop was 22,853,615 pounds, if the cumulative increase in the basic quota for Gaines County, granted under any special rules for Texas under this section and its predecessor for the 1991 and subsequent crops exceeds 22,853,615 pounds, the amount in excess of 22,853,615 pounds shall, in accordance with the provisions of the authorizing legislation, be apportioned to the remainder of the counties listed in paragraph (f)(1) of this section on the basis of the total production of additional peanuts in the respective counties for the 1988 crop.

(4) *Determining factor for reallocation of quota*—(i) To receive a share of any quota allocated to eligible Texas counties under paragraph (f)(2) of this section, a farm must have had a basic quota greater than zero for the 1990 crop of peanuts. If a farm that had a basic quota greater than zero in 1990 is reconstituted subsequent to 1990:

(A) By division, the resulting farms will be considered to have had a basic quota greater than zero in 1990 for purposes of determining eligibility to receive a share of any quota allocated to eligible Texas counties under paragraph (f)(2) of this section.

(B) By combination, the resulting farm will not be considered to have had a basic quota greater than zero in 1990 for purposes of determining eligibility to receive a share of any quota allocated to eligible Texas counties under paragraph (f)(2) of this section unless, prior to the combination, each farm that is involved in the combination was considered to have had a basic quota greater than zero in 1990 for purposes of determining eligibility to receive an increased quota under paragraph (f)(2) of this section.

(ii) A farm allocation factor shall be determined for each eligible farm as follows:

(A) Using data from the year preceding the year for which the reallocation is being made, determine a factor by dividing the quantity of contract additional peanuts delivered to handlers from the farm by the total remaining peanuts marketed from the farm.

(B) Total all factors determined in accordance with paragraph (f)(4)(ii)(A) of this section.

(C) Except as may be determined by the Deputy Administrator to avoid schemes and devices in contravention of the purposes of this part to avoid inequities, the farm allocation factor shall be determined by dividing the factor determined in accordance with paragraph (f)(4)(ii)(A) of this section by the total determined in accordance with paragraph (f)(4)(ii)(B) of this section.

(5) *Increase in basic quota.* The basic quota otherwise determined for a farm in accordance with the provisions of this section shall be increased by an amount determined by multiplying any quota allocated to the county in accordance with paragraph (f)(2) of this section by the farm allocation factor determined in accordance with paragraph (f)(4)(ii)(C) of this section.

(6) *Quotas for eligible nonquota farms.* Quotas for eligible nonquota farms in any Texas county shall be determined in the same manner as provided for other States in paragraph (e) of this section.

(7) *Allocation of increase in State poundage quota.* Any increase in the State poundage quota for Texas, shall be reallocated to eligible farms in any Texas county, including the counties in paragraph (f)(1) of this section, in accordance with paragraph (b) of this section.

[56 FR 16211, Apr. 19, 1991, as amended at 56 FR 38328, Aug. 13, 1991; 57 FR 27144, June 18, 1992. Redesignated and amended at 61 FR 36999, 37000, July 16, 1996]

§ 729.207 **Tenants sharing in increased quota.**

(a) *General.* If the poundage quota allocated to a State is greater than the poundage quota allocated to such State for the preceding year, an eligible tenant who leased a part or all of a farm in any county in such State for the

production of peanuts shall share equally with the farm owner, in accordance with the provisions in this section, in that quantity of basic quota that is allocated, as a result of the tenants production of additional peanuts on the farm during the base period to such farm, from the State's increased poundage quota. Farms ineligible for quota allocation under § 729.205 do not receive a quota increase; therefore, the provisions of this section with respect to tenant share are not applicable to such farms.

(b) *Eligible tenant.* If a person leased part or all of a farm, and had a 100 percent producer interest in one or more fields of peanuts that were produced on such farm during the base period, and such farm's basic quota is increased as a result of an increase in a State's poundage quota, such person shall be considered as an eligible tenant on such farm and shall share in such increase in the farm's basic quota if such person:

(1) *Ownership interest.* Does not have any ownership interest in such farm;

(2) *Shared in previous year's production of peanuts.* Shared in the production of any peanuts produced on the farm in the crop year immediately preceding the crop year for which such increase in basic quota is granted;

(3) *Application for share of increase.* Files an application at the county FSA office of the county in which such farm is located for administrative purposes, by February 15 of the crop year for which such increase in basic quota is granted, for a share of such increase;

(4) *Supporting proof.* Provides supporting proof, that is acceptable to the county committee, of the quantity of additional peanuts produced on such farm by such person during each year of the base period.

(c) *Tenant's share of increase.* An eligible tenant's share of the increase in a farm's basic quota shall be one half of an amount determined by multiplying the quantity of additional peanuts produced by such tenant and for which acceptable proof was provided in accordance with paragraph (b)(4) of this section by the factor determined in accordance with § 729.206(b)(2) of this part.

(d) *Disposition of tenant's share of increase-*(1) *By tenant.* An eligible tenant may dispose of any basic quota determined for such tenant in accordance with paragraph (c) of this section. Such disposition must take place by:

(i) *Time for disposition.* The later of April 1 of the current year or 30 days after the date of notification of the amount of such basic quota.

(ii) *Manner of disposition.* Filing an application at the county FSA office to transfer such basic quota:

(A) *Farm owned by tenant.* To a farm within the county that is owned by such tenant.

(B) *Sale of quota.* By sale to the owner of any farm within the county in accordance with § 729.214 of this part.

(2) *Allocation to other farms.* Any basic quota determined for an eligible tenant in accordance with paragraph (c) of this section that is not disposed of by such eligible tenant in accordance with paragraph (d)(1) of this section shall, to the extent practicable, be reallocated to other farms within the State in accordance with § 729.206(e) of this part.

(e) *Other provisions.* Any increase in a farm's basic quota that results from a tenant's production of additional peanuts on such farm during the base period shall remain on such farm if the:

(1) Tenant who otherwise might have qualified to receive a share of such increase in basic quota does not file an application for a share of such quota in accordance with paragraph (b) of this section; or

(2) Additional peanuts were produced by a person who was a tenant on such farm only during the beginning year of the base period or the second year of the base period.

[56 FR 16211, Apr. 19, 1991. Redesignated and amended at 61 FR 36999, 37000, July 16, 1996; 65 FR 8247, Feb. 18, 2000]

§ 729.208 Allocation of quota for experimental and research programs.

(a) *General.* A basic quota shall be established for the 1991 crop for each land-grant institution identified in the Act of May 8, 1914 (38 stat. 372, chapter 79; 7 U.S.C. 341 et seq.), colleges eligible to receive funds under the Act of August 30, 1890 (26 stat. 419 chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee