

## Farm Service Agency, USDA

## § 783.2

Wheat, and form FSA-751, Wheat Consumption and Resale Report, as applicable, and retain or maintain related copies and records shall constitute noncompliance for the purposes of § 782.19.

### § 782.24 Recordkeeping and examination of records.

(a) *Examination.* For the purpose of verifying compliance with the requirements of this part, each importer, end-user, exporter, and subsequent buyer shall make available at one place at all reasonable times for examination by representatives of USDA, all books, papers, records, contracts, scale tickets, settlement sheets, invoices, written price quotations, or other documents related to the importation of the Canadian-produced wheat that is within the control of such entity.

(b) *Orderly retention of records.* To facilitate examination and verification of the records and reports required by this part, copies of form FSA-750, End-Use Certificate for Wheat, and form FSA-751, Wheat Consumption and Resale Report, shall be filed in an orderly manner, and must be made available for inspection by representatives of USDA.

### § 782.25 Length of time records are to be kept.

The records required to be kept under this part shall be retained for 3 years following the filing date of the applicable record. Records shall be kept for such longer period of time as may be requested in writing by USDA representatives.

## PART 783—1997 TREE ASSISTANCE PROGRAM

### Sec.

- 783.1 Applicability.
- 783.2 Administration.
- 783.3 Definitions.
- 783.4 Program deadlines.
- 783.5 Ownership, income and payment limitations.
- 783.6 Qualifying loss.
- 783.7 Eligible costs.
- 783.8 Application process.
- 783.9 Obligations of an eligible owner.
- 783.10 Partial performance.
- 783.11 Liens and claims of creditors; set-offs.
- 783.12 Appeals.

783.13 Misrepresentation and scheme or device.

783.14 Estates, trusts, and minors.

783.15 Death, incompetency, or disappearance.

783.16 Other regulations.

783.17 Paperwork Reduction Act assigned numbers.

AUTHORITY: Pub. L. 105-18, 111 Stat. 158.

SOURCE: 62 FR 50850, Sept. 29, 1997, unless otherwise noted.

### § 783.1 Applicability.

The regulations in this part set forth the terms and conditions of the Tree Assistance Program (TAP) authorized by the Act Making Emergency Supplemental Appropriations for Recovery from Natural Disasters for the Fiscal Year ending September 30, 1997 (1997 Emergency Appropriations Act). Within specified limits, FSA is authorized by the 1997 Emergency Appropriations Act to reimburse eligible owners for up to 100 percent of the cost of replanting or rehabilitating eligible trees and eligible vines damaged by natural disasters occurring from October 1, 1996, through September 30, 1997.

### § 783.2 Administration.

(a) This part shall be administered by the Farm Service Agency (FSA) under the general direction and supervision of the Deputy Administrator for Farm Programs, FSA. The program shall be carried out in the field by FSA State and county 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, as amended or supplemented.

(c) The State committee shall take any action required by this part which 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 which is not in accordance with this part; or

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

### § 783.3

### 7 CFR Ch. VII (1-1-01 Edition)

(d) The State committee shall allow the county committee to approve applications only for those owners of eligible trees and eligible vines who actually owned the eligible trees or eligible vines at time of the eligible disaster and at the time of application.

(e) No delegation herein to a State or county committee shall preclude the Deputy Administrator for Farm Programs, FSA, 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.

#### § 783.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the context indicates otherwise, singular terms include the plural and plural terms include the singular, masculine terms include the feminine, and terms used in the present tense include the future.

(b) The following terms contained in this part shall have the following meanings:

*Annual gross revenue* means, with respect to a person as defined in part 1400 of this title:

(1) For a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the total gross income received from such operations.

(2) For a person who receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the total gross income from all sources.

(3) The determinations made in accordance with 7 CFR part 1400, subpart B, shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

(4) The year for which the annual gross income shall be received for the purpose of this definition shall be the 1996 tax year.

*Cutting* means a vine which was planted in the ground for commercial production of grapes, kiwi fruit, or passion fruit.

*Eligible owner* means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity and includes any

Indian tribe under the Indian Self-Determination and Education Assistance Act; any Indian organization or entity chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Assistance Act; and, any economic enterprise under the Indian Financing Act of 1974 which meets the requirements of this part.

*Eligible trees* means papaya trees or orchard trees grown for commercial production of fruit and nuts.

*Eligible vines* means grape, kiwi fruit, or passion fruit vines grown for commercial production.

*Individual stand* means an area of eligible trees or vines which are tended by an eligible owner as a single operation, whether or not such trees or vines are planted in the same field or similar location, as determined by the Deputy Administrator. Differing species of trees or vines in the same field or similar area may be considered to be separate individual stands if FSA determines that the species have significantly differing levels of freeze, drought, earthquake, hurricane, or typhoon susceptibility.

*Local county office* means the county FSA office or USDA Service Center that services the farm if an FSA farm serial number has been assigned or, if no serial number is assigned, then the office that services the county in which the eligible trees or vines are located.

*Natural disaster* means drought, excessive moisture, hail, freeze, tornado, hurricane, earthquake, or excessive wind.

*Normal mortality* means the percentage of plant loss on the individual stand of eligible trees or eligible vines which normally occurs in a 12-month period.

*Orchard* means eligible trees planted for commercial annual production of fruit or nuts.

*Owner* means a person who has legal ownership of the eligible trees or vines as determined by FSA. Eligible tree or vine owners need not own the land on which the trees or vines are planted.

*Seedling* means an eligible tree which was planted in the ground for commercial purposes.