

(k) In those instances in which, prior to the March 14, 2001 effective date of this subpart, a producer has signed a power of attorney on an approved FSA-211 for a person or entity indicating that such power shall extend to "all above programs", without limitation, such power will be considered to extend to this program unless by April 2, 2001 the person granting the power notifies the local FSA office for the control county that the grantee of the power is not authorized to handle transactions for this program for the grantor.

(l) Livestock producers or any other individual or entity seeking or receiving assistance under this part shall maintain and retain records that will permit verification of PRP practice completion for at least 3 years following the end of the calendar year in which payment was made, or for such additional period as CCC may request. An examination of such records by a duly authorized representative of the United States Government shall be permitted at any time during business hours.

(m) A person shall be ineligible to receive assistance under PRP and be subject to such other remedies as may be allowed by law, if, with respect to the PRP, it is determined by the State committee or the county committee or an official of FSA that such person has:

- (1) Adopted any scheme or other device that tends to defeat the purpose of a program operated under this part;
- (2) Made any fraudulent representation with respect to such program; or
- (3) Misrepresented any fact affecting a program determination.

Subpart E [Reserved]

Subpart F—2000 Flood Compensation Act

SOURCE: 65 FR 65716, Nov. 2, 2000, unless otherwise noted.

§ 1439.501 Applicability.

This subpart sets forth the terms and conditions applicable to the 2000 Flood Compensation Program (FCP). Benefits will be provided to eligible producers in the United States but only in counties approved under the 1998 FCP (provided

for in regulations of this part contained in the 7 CFR, parts 1200 to 1599, edition revised as of January 1, 2000), where long-term flooding occurred, and that were subsequently approved by the Deputy Administrator for Farm Programs as eligible counties.

§ 1439.502 Administration.

This subpart shall be administered as set forth in § 1439.2, except as provided for in this subpart.

§ 1439.503 Definitions.

Except as otherwise indicated, terms in this part shall have the same meanings as those defined in 7 CFR 1439.3 and 718.2. To the extent that the definitions in this section differ from the definitions in 7 CFR 1439.3 and 718.2, the definitions in this section apply rather than the definitions in 7 CFR 1439.3 and 718.2.

Application means the Form CCC-454, Flood Compensation Program Application. The CCC-454 is available at county FSA offices.

Covered land means:

(1) Land that:

- (i) Was unusable for agricultural production during 2000 crop year as the result of flooding;
- (ii) Was used for agricultural production during at least 1 of the 1992 through 1999 crop years;
- (iii) Is a contiguous parcel of land of at least 1 acre;
- (iv) Is located in a county in which producers were eligible for assistance under the 1998 Flood Compensation Program;
- (v) Was not planted during FY 2000; and
- (vi) Meets all other conditions of eligibility.

(2) The term "covered land" excludes any land with respect to which a producer is insured, enrolled, or assisted during the 2000 crop year under:

- (i) A policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*);
- (ii) The noninsured crop assistance program operated under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333);
- (iii) Any crop disaster program established for the 2000 crop year;