

§ 1481.8

7 CFR Ch. XIV (1-1-05 Edition)

§ 1481.8 Availability of funds.

(a) In the event that the total amount of eligible claims submitted under this part exceeds \$60 million, then each payment shall be reduced by a uniform national percentage or other means of proration.

(b) Such payment reductions shall be applied after the imposition of applicable per-person payment limitation provisions.

§ 1481.9 Limitations on payments.

(a) The total amount of benefits that a person, as determined in accordance with part 1400 of this chapter, shall be entitled to receive under this part may not exceed \$80,000.

(b) A person, as defined in part 1400 of this chapter, who has annual gross revenue in excess of \$2.5 million shall not be eligible to receive assistance under this part. For the purpose of this determination, annual gross revenue means:

(1) With respect to a person who receives more than 50 percent of such person's gross income from farming and ranching, the total gross revenue received from such operations; and

(2) With respect to a person who receives 50 percent or less of such person's gross income from farming and ranching, the total gross revenue from all sources.

(c) Payments earned under other programs contained in this chapter shall not reduce the amount payable under this part.

(d) No person shall receive disaster benefits under this part in an amount that exceeds 100 percent of the value of the expected production for the relevant period as determined by CCC. Accordingly, as determined by CCC, the sum of the value of the crop not lost, if any, plus disaster payments, plus the net crop insurance indemnity, cannot exceed 100 percent of what the crop's value would have been if there had been no loss.

(e) All payments are subject to offsets as provided in 7 CFR part 1403.

§ 1481.10 Crop insurance linkage.

(a) Except as provided further in this section, any producer who elected not to purchase crop insurance or NAP coverage as applicable on 2001 or 2002 sugar

beet crops for which the producer receives crop loss assistance must:

(1) Purchase crop insurance with additional coverage on that crop for the 2003 and 2004 crop years for sugar beets.

(2) Or, when such insurance cannot be obtained because it is not available, purchase NAP coverage by paying the administrative fee by the applicable State filing deadline and complete all required program requirements including yearly acreage reports, for the otherwise non-insurable sugar beet crop for both 2003 and 2004 crop years.

(b) If, at the time the producer applies for the 2001 or 2002 CDP the sales closing date for 2003 insurable crops, or for 2003 non-insurable crops for which the producer sought benefits under the 2001 or 2002 CDP has passed, the producer must instead to meet the requirement of this section, purchase crop insurance policy or obtain NAP sugar beet coverage, as applicable, for the next available 2 crop years.

(c) If any producer fails to purchase crop insurance or NAP, as required in paragraphs (a) or (b) of this section, the producer shall reimburse CCC for the full amount of the assistance, plus interest, provided to the producer under this part.

§ 1481.11 Miscellaneous provisions.

(a) A person shall be ineligible to receive disaster assistance under this part if it is determined by the State or 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.

(b) All persons with a financial interest in the operation receiving benefits under this part shall be jointly and severally liable for any refund, including related charges, which is determined to be due CCC for any reason under this part.

(c) In the event that any request for assistance or payment under this part was established as result of erroneous information or a miscalculation, the

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assistance or payment shall be recalculated and any excess refunded with applicable interest.

(d) The liability of any person for any penalty under this part or for any refund to CCC or related charge arising in connection therewith shall be in addition to any other liability of such person under any civil or criminal fraud statute or any other provision of law including, but not limited to: 18 U.S.C. 286, 287, 371, 641, 651, 1001 and 1014; 15 U.S.C. 714m; and 31 U.S.C. 3729.

(e) Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the regulations set forth in parts 11 and 780 of this title.

(f) Any payment or portion thereof to any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, or proceeds thereof.

(g) For the purposes of 28 U.S.C. 3201(e), CCC waives the restriction on receipt of funds or benefits under this program but only as to beneficiaries who as a condition of such waiver agree to apply the 2001 or 2002 sugar beet payments to reduce the amount of the judgment lien.

PART 1482—VALUE-ADDED WHEAT GLUTEN AND WHEAT STARCH PRODUCT MARKET DEVELOPMENT PROGRAM

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AUTHORITY: 15 USC 714c.

SOURCE: 66 FR 30802, June 8, 2001, unless otherwise noted.

§ 1482.1 Applicability.

(a) This program is applicable until June 5, 2003. This program sets forth the terms and conditions under which the Commodity Credit Corporation (CCC) shall provide payments to U.S. producers participating in the Value-Added Wheat Gluten and Wheat Starch Product Market Development Program for the costs of conducting specific market development activities incurred in the United States with respect to U.S. production of wheat gluten.

(b) Payments shall be made only for wheat gluten and wheat starch products produced or advanced in value in the United States.

§ 1482.2 Administration.

(a) The Value-Added Wheat Gluten and Wheat Starch Product Market Development Program shall be administered under the general supervision of the Executive Vice President, CCC, and shall be carried out by the Deputy Administrator, Commodity Operations, Farm Service Agency (FSA).

(b) The Executive Vice-President, CCC, or the Deputy Administrator, FSA, or a designee, may waive or modify deadlines and other program requirements in cases where lateness or failure to meet other requirements does not adversely affect the operation of the Value-Added Wheat Gluten and Wheat Starch Product Market Development Program.

§ 1482.3 Definitions.

The definitions set forth in this section shall be applicable for purposes of administering the Value-Added Wheat Gluten and Wheat Starch Product Market Development Program.

(a) *Adjustment Plan* means a defined program of activities aimed at improving the economic viability of producers of value-added wheat gluten or wheat starch products.

(b) *Agency* means the Farm Service Agency (FSA).

(c) *Agreement* means the Value-Added Wheat Gluten and Wheat Starch Product Market Development Program Application and Contract.

(d) *Modified wheat gluten or modified wheat starch* means any processed product derived from vital wheat gluten or