

## SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

### PART 1400—PAYMENT LIMITATION AND PAYMENT ELIGIBILITY

#### Subpart A—General Provisions

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AUTHORITY: 7 U.S.C. 1308 *et seq.*

SOURCE: 61 FR 37566, July 18, 1996, unless otherwise noted.

#### Subpart A—General Provisions

##### § 1400.1 Applicability.

(a) Together with any additional coverage as may apply with respect to Subpart G of this part or other subpart of this part as provided in such subpart, this part is applicable to the following programs (together with any other programs which adopt this part by reference):

(1) The program governed by part 1413 of this chapter;

(2) All programs governed by parts 1421 and 1427 of this chapter under which a producer realizes a gain from repaying a marketing assistance loan at a lower rate than the commodity's original loan rate, and any program that authorizes a loan deficiency payment for a commodity;

(3) The Conservation Reserve Program (CRP) as governed by part 1410 of this chapter.

(b) This part does not apply to:

(1) CRP rental payments if they are made to a State, including a political subdivision or agency thereof, under a special conservation reserve enhancement program the Secretary approves.

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(2) CRP rental payments made to an individual heir who succeeded to a contract on inherited land, if the land was subject to the CRP contract at the time it was inherited.

(c) This part applies to the programs specified in paragraph (a)(1) and (2) of this section on a crop year basis, and those in paragraph (a)(3) of this section based on each fiscal year.

(d) This part is used to determine whether individuals and entities are to be treated as one person or as separate persons regarding the application of statutory provisions that limit the amount of payments a specific person may receive.

(e) Where more than one provision of this part may apply, the provision most restrictive on the program participant shall apply.

(f) Payments made to the following are not subject to payment limitations under this part:

(1) Public schools for land a public school district owns; and

(2) A State for land a State owns that is used to maintain a public school.

(g) Unless otherwise noted, the following amounts are the payment limitations per person per applicable period for each payment or benefit:

Payment or benefit	Limitation per person, per crop, program year or fiscal year
1. Direct Payments for covered commodities ...	\$40,000
2. Direct Payment for peanuts .....	40,000
3. Counter-Cyclical Payments for covered commodities .....	65,000
4. Counter-Cyclical Payment for peanuts .....	65,000
5. Loan Deficiency Payments and Marketing Loan Gains for loan commodities .....	75,000
6. Total Loan Deficiency Payments and Marketing Loan Gains for peanuts, wool, mohair and honey .....	75,000
7. Conservation Reserve Program .....	50,000
8. Non-Insured Crop Disaster Assistance Program (NAP) payments .....	100,000
9. Environmental Quality Incentives Program (EQIP) payments .....	<sup>1</sup> 450,000
10. Agricultural Management Assistance Program .....	50,000
11. Conservation Security Program (CSP):	
Tier 1 .....	<sup>2</sup> 20,000
Tier 2 .....	<sup>2</sup> 35,000
Tier 3 .....	<sup>2</sup> 45,000

<sup>1</sup> This statutory limit is applied on a "direct attribution" method with respect to the individual or entity.

<sup>2</sup> This limitation is attributed to an individual or entity covered by a Conservation Security Program contract.

(h) As provided in Subpart G of this part, additional requirements are ap-

plicable to certain of the payments specified in paragraph (g) of this section.

[67 FR 61469, Oct. 1, 2002, as amended at 68 FR 33346, June 4, 2003]

**§ 1400.2 Administration.**

(a) The regulations in this part will be administered under the general supervision and direction of the Executive Vice President, Commodity Credit Corporation (CCC), and the Administrator, Farm Service Agency (FSA). In the field, the regulations in this part will be administered by the FSA State and county committees (herein referred to as "State and county committees," respectively).

(b) State executive directors, county executive directors and State and county committees do not have authority to modify or waive any of the provisions of this part.

(c) The State committee may take any action authorized or required by this part to be taken by the county committee which has not been taken by such committee. The State committee may 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 delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, and the Administrator, FSA, or a designee, from determining any question arising under this part or from reversing or modifying any determination made by a State or county committee.

(e) Benefits from programs subject to this part may not be issued until all required forms and necessary payment eligibility and payment limitation determinations are made.

(f) The initial "actively engaged in farming" and "person" determinations shall be made within 60 days after the producer files the required forms and any other supporting documentation needed in making such determinations. If the determination is not made within 60 days, the producer will receive a determination for that program year that reflects the determination sought