

§ 1439.910

7 CFR Ch. XIV (1-1-08 Edition)

eligible payment applications submitted to the designated FSA office shall have payments issued to the applicant by CCC.

(b) If any term, condition, or requirement of these regulations or contract are not met, payments and benefits previously provided by CCC that were not earned under the provisions of the application shall be refunded.

(c) Each owner's share of the total payment shall be indicated on the application, and each owner shall receive benefits or final payment from CCC according to benefits or payments earned under the provisions of the application and this part.

(d) Owners may file applications for more than one feeding period relating to losses occurring within the same year, either 2003 or 2004, but those years only, and in no case may a person receive payment for losses under this subpart for both 2003 and 2004. That is, eligible persons may receive benefits for one of those livestock feed crop years, but not both. CCC shall provide assistance equal to the amount of benefits determined for the owner for the feeding periods that the owner is eligible to receive benefits.

(e) The failure of any contact person to file the necessary receipts or sales documents showing that the terms and conditions of this part and the contract have been met shall render all of the persons ineligible for any payments and benefits under the contract including any payments previously made. Payments shall be refunded to CCC with interest, if applicable, as determined under §1439.8.

(f) If the livestock owner is eligible for the AILFP and the Livestock Assistance Program (LAP), the livestock owner must elect to receive payment for the same year for all farms for both programs, either 2003 or 2004.

(g) Persons that received payments from Section 32 of the Act of August 24, 1935, with respect to 2004 hurricane losses are not eligible for payments under this subpart.

(h) Subject to such other limitations as may apply including those in §1439.909(i), the amount of assistance provided to any owner shall not exceed the smaller of either:

(1) The dollar amount of eligible livestock feed purchased during the relevant eligible feeding period for the days for which such assistance is allowed (as documented by acceptable purchase receipts), less the dollar amount of any sale of livestock feed (whether purchased or produced) by the owner during the eligible feeding period; or

(2) Subject to adjustments, conditions, and deductions as otherwise may be provided for in this part, including, but not limited to those in paragraph (i) of this section, 30 percent of the amount computed by multiplying:

(i) The amount of the estimated daily feed need, expressed as pounds of corn, for the relevant type and weight range of the livestock using the table contained in the "type and weight range" definition contained in §1439.3, or some alternative table chosen by the Deputy Administrator, by

(ii) The number of days the eligible owners of the livestock provided feed to the eligible livestock during the eligible days of the eligible feeding period;

(iii) A corn price, per pound of corn, which price shall be \$0.0369642 for 2003 losses, and \$0.0344642 for 2004 losses unless some alternative pricing shall be chosen by the Deputy Administrator (provided further, however, that after the completion of this multiplication, the claim amount shall be reduced by the dollar amount of any sale of livestock feed whether purchased or produced by the owner during the feeding period.

(3) For purposes of the calculation required by paragraph (h)(2) of this section, the number of livestock during the livestock feed crop year on which the claim is calculated, the Deputy Administrator can include, if all other conditions are met, livestock sold as a result of the natural disaster but only subject to such conditions as may be approved by the Deputy Administrator.

§ 1439.910 Program suspension and termination.

(a) The tribal government that requested the AILFP assistance may, at any time during the operation of a program, recommend suspension or termination of the program.

(b) The Deputy Administrator may suspend or terminate the program at any time if:

(1) The tribal government requests termination or suspension; or

(2) The Deputy Administrator determines a tribal government is not following program provisions when administering the program.

§ 1439.911 Appeals.

Any person who is dissatisfied with a CCC determination made with respect to this subpart may make a request for reconsideration or appeal of such determination in accordance with part 780 of this chapter. Any person who is dissatisfied with a determination made by the tribal authority should seek reconsideration of such determination with the tribe. Decisions and determinations made under this subpart not rendered by CCC or FSA are not appealable to the National Appeals Division.

§ 1439.912 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1439.913 Death, incompetence, and disappearance.

In the case of death, incompetence, or disappearance of any person who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1439.914 Violations.

(a) If the owner has failed to utilize the entire quantity of livestock feed

purchased under the terms and conditions of the application for assistance and contract of these programs, the owner shall not dispose of any remaining quantity of such livestock feed except as specified by CCC.

(b) Fraudulent representations by any warehouseman, handler, dealer, or any other person may result in the person being suspended from participation in a program in accordance with part 1407 of this chapter if such person has:

(1) Made a false certification, representation or report in accordance with this subpart; or

(2) Otherwise failed to comply with any provisions of this part or any contracts entered into in accordance with this part. The making of such fraudulent representations shall make such person liable in accordance with applicable State and Federal criminal and civil statutes.

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