

**§ 1481.4 Producer eligibility.**

(a) Producers will be eligible under this part if they have suffered losses of more than 35 percent of sugar beets in 2001 or 2002 as a result of a weather related condition, or as further specified in this part.

(b) Payments may be made for losses suffered by an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the application for payment. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

(c) As a condition to receive benefits under this part, a producer must have been in compliance with the Highly Erodible Land Conservation and Wetland Conservation provisions of 7 CFR part 12, for the 2001 or 2002 crop year, as applicable, and must not otherwise be barred from receiving benefits under 7 CFR part 12 or any other law.

**§ 1481.5 Sign-up period.**

A request for benefits under this part must be submitted to CCC at the FSA county office which serves the farm on which the affected sugar beets were planted or prevented from being planted. All applications must be filed in the FSA county office between September 15, 2003 and no later than the close of business on October 31, 2003, or another date determined and announced by the Deputy Administrator.

**§ 1481.6 Proof of loss.**

(a) Where available and determined accurate, RMA loss records will be used for insured sugar beets.

(b) For producers without crop insurance, the producer must provide documentation including the number of acres, yield, production, and sugar percent by unit for 2001 or 2002.

(c) Certifications by third parties or the owner and other such documentation will not be accepted.

(d) Producers shall certify to the accuracy of the information provided. All information provided is subject to verification and spot checks by CCC. Failure to provide information requested by the FSA county committee or by any agency official is cause for denial of any application filed under this part.

**§ 1481.7 Indemnity benefits.**

(a) Eligible producers with losses in excess of 35 percent in both 2001 and 2002 will have a choice of receiving payments of either 2001 or 2002 crop year, but not both.

(b) Eligible producers with losses in excess of 35 percent in one of either 2001 or 2002 may receive benefits for that year.

(c) Eligible producers will receive payments based on the higher of the following:

(1) For producers with crop insurance, 60 percent of their crop insurance indemnity.

(2) For any producer, with or without crop insurance, 65 percent of the higher of the producer's Actual Production History (APH) or the county average yield, minus actual yield, times 55 percent of the following Multi-Peril Crop Insurance (MPCI) price elections:

(i) For 2001 crop \$36 per ton.

(ii) For 2002 crop \$33 per ton.

(3) For any producer, with or without crop insurance, 100 percent of the higher of the producer's APH or the county average yield, minus the actual yield times \$12.50 per ton.

**§ 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