the control of the owner, or when de-
struction is delayed due to require-
ments of another Federal Agency.

(Approved by the Office of Management and
Budget under control number 0579–0047)

(42 FR 64336, Dec. 23, 1977, as amended at 45
FR 43680, June 27, 1980; 45 FR 86410, Dec. 31,
1980; 46 FR 5861, Jan. 21, 1981; 47 FR 53324,
Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR
11993, Mar. 27, 1985; 51 FR 11300, Apr. 2, 1986;
51 FR 32599, Sept. 12, 1986; 54 FR 32435, Aug.
8, 1989; 56 FR 18506, Apr. 23, 1991; 59 FR 12533,
Mar. 17, 1994)

§ 51.7 Claims for indemnity.

(a) Claims for indemnity for animals
destroyed because of brucellosis shall
be presented on indemnity claim forms
furnished by APHIS on which the
owner of the animals covered thereby
shall certify that the animals are or
are not subject to any mortgage as de-
fined in this part. If the owner states
there is a mortgage, the APHIS indem-
nity claim form shall be signed by the
owner and by each person holding a
mortgage on the animals, consenting
to the payment of any indemnity al-
lowed to the person specified thereon.
Payment will be made only if the
claimant has submitted a complete in-
demnity claim form to, and such claim
has been approved by the Veterinarian
in Charge or by an APHIS representa-
tive designated by him. On claims for
indemnity made under the provisions
of §51.3, the Veterinarian in Charge or
an APHIS representative designated by
him shall record on the APHIS indem-
nity claim form the amount of Federal
and State indemnity payments that ap-
pear to be due to the owner of the ani-
mals. The owner of the animals shall
be furnished a copy of the completed
APHIS indemnity claim form. The Vet-
erinarian in Charge or an APHIS rep-
resentative designated by him shall
then forward the completed APHIS in-
demnity claim form to the Adminis-
trator for further action on the claim.
No charges for holding the animals on
the farm pending slaughter or for
trucking by the owner shall be so de-
ducted or otherwise paid by the United
States Department of Agriculture.

(b) Claims for indemnity for reg-
istered cattle shall be accompanied by
the cattle’s registration papers issued
in the name of the owner. If the reg-
istration papers are unavailable or if
the cattle are less than 1 year old and
are not registered at the time the
claim for indemnity is submitted, the
Veterinarian in Charge may grant a 60-
day extension or the Administrator
may grant an extension longer than 60
days for the presentation of registra-
tion papers.

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[42 FR 64336, Dec. 23, 1977. Redesignated at 46
26, 1982, and amended at 47 FR 53324, Nov. 26,
1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993,
Mar. 27, 1985; 54 FR 32435, Aug. 8, 1989; 56 FR
18506, Apr. 23, 1991]

§ 51.8 Disinfection of premises, convey-
ances, and materials.

All premises, including all struc-
tures, holding facilities, conveyances,
and materials, contaminated because
of occupation or use by brucellosis re-
actor or exposed animals shall be prop-
erly cleaned and disinfected with a dis-
infectant permitted by APHIS in ac-
cordance with recommendations of the
APHIS or State representative within
15 days from the date reactors were re-
moved from the premises, except that
the appropriate Veterinarian in Charge
may extend the time limit for disinfec-
tion to 30 days when request for such
extension is received by him prior to
the expiration date of the original 15-
day period allowed, and when he deter-
mines that such extension will not ad-
versely affect the Brucellosis Eradi-
cation Program; and except further,
that the Administrator may, upon re-
quest in specific cases, extend the time
limit beyond the 30-day period when
unusual and unforeseen circumstances
occur, such as but not limited to
floods, storms, or other Acts of God,
which are beyond the control of the
owner, preventing or hindering the dis-
infection of premises, conveyances, and
materials. Certain premises may be ex-
empted from such cleaning and dis-
infesting requirements by approval of
the appropriate Veterinarian in Charge
on written recommendations by the
APHIS or State representative or when
a written report by the APHIS or State
representative determines that there
are no buildings, holding facilities,
conveyances, or other materials on the
§ 51.9 Claims not allowed.

Claims for compensation for animals destroyed because of brucellosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the existence of brucellosis in the animal was determined based on the results of an official test, as defined in §78.1 of this chapter, and specific instructions for the administration of the official test had not previously been issued to the individual performing the test by APHIS and the State animal health official.

(c) If all cattle, bison, and swine eligible for testing in the claimant's herd have not been tested for brucellosis under APHIS or State supervision.

(d) If the animals are:

(1) Barrows or gilts maintained for feeding purposes; or

(2) Spayed heifers or steers, unless the steers are work oxen, or unless the spayed heifers or steers are unweaned animals in a herd approved for depopulation in accordance with §51.3 of this part.

(e) If the animals are classified as reactors and are unofficial vaccinates, unless there is either a record of a negative official test made not less than 30 days following the date of unofficial vaccination or unless other APHIS approved tests show the unofficial vaccinates are affected with virulent Brucella.

(f) If there is substantial evidence that the owner or his agent has in any way been responsible for any unlawful or improper attempt to obtain indemnity funds for such animal.

(g) If, at the time of test or condemnation, the animals belonged to or were upon the premises of any person to whom they had been sold for slaughter; shipped for slaughter, or delivered for slaughter.

(b) If any known brucellosis reactor animal remains in the herd, unless, in the opinion of the Veterinarian in Charge, a reasonable search has been made for the brucellosis reactor animal and the brucellosis reactor animal could not be found and removed.

(i) If the animals are brucellosis reactor animals which are slaughtered other than as part of a herd depopulation, and which are from a herd: (1) That was already classified as a “herd known to be affected” at the time the animals were identified as brucellosis reactor animals and (2) for which an approved action plan or approved individual herd plan (as defined in §78.1 of this chapter) was not in effect at the time the claim was filed.

§ 51.10 Part 53 of this chapter not applicable.

No claim for indemnity for animals destroyed because of brucellosis shall hereafter be paid under the regulations contained in part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this part.


Subpart B—Indemnity for Sheep, Goats, and Horses

SOURCE: 69 FR 41912, July 13, 2004, unless otherwise noted.

§ 51.20 Definitions.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform