§ 1421.304 Payment amount.

(a) The grazing payment rate shall be the loan deficiency payment in effect for the farm on the date which the producer submits a complete program application to CCC. For triticale, the grazing rate will be equal to the loan deficiency payment rate in effect for the predominant class of wheat in the county where the farm is located as of the date the application is filed.

(b) The payable units of production shall be computed by multiplying the eligible grazed acres by the applicable yield determined under paragraph (c) of this section.

(c) The payment yield shall be the yield in effect for the calculation of direct payments under part 1412 of this chapter. In a case of a farm for which a farm program payment yield is unavailable for a covered commodity, an appropriate payment yield for the covered commodity on the farm will be determined by CCC taking into consideration the farm program payment yields applicable to the commodity using three (3) similar farms. For triticale, the payment yield shall be the yield for wheat from three (3) similar farms in that county.

(d) No payment may be received or retained under this subpart to the extent that the payment, were they considered to be LDP’s, would place that person over the per person per year payment limit that applies to LDP’s. The producer agrees that the CCC may collect any payment considered to be an overpayment by reason of this subpart by withholding LDP payments until the matter is resolved, by treating the LDP as being not payable to the extent that a grazing refund would otherwise be due, by setoff, or by any other means available to CCC.

(e) Payments can be withheld until the actual grazed acreage is verified and justified in connection with any other reports filed with FSA with respect to the farm (or filed with some other person or agency) and until all other necessary information is obtained. CCC may require such other verification as it deems appropriate to assure that the program goals are met.

(f) To receive the payment, the eligible producer must submit a request for payment on an application form as prescribed by CCC or FSA. The application may be obtained from the county FSA office, or from the USDA or FSA website in the Internet. The form must be submitted to the county by the close of business on or before March 31 of the calendar year following the year the crop is normally harvested.

(g) The producer will be ineligible for payments under this subpart if any discrepancies between the reported acreage on the program form and other reports of acreage by the producer are not resolved by a date set by CCC.

§ 1421.305 Misrepresentation and scheme or device.

(a) A producer shall be ineligible to receive payments under this subpart if it is determined by DAFP, the State committee, or the county committee to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination.

(b) Any funds disbursed pursuant to this subpart to a producer engaged in a misrepresentation, scheme, or device, or to any other person as a result of
the producer's actions, shall be re-

funded with interest together with

such other sums as may become due.

Any producer engaged in acts prohib-

ited by this section and any person re-

ceiving payment under this subpart, as

a result of such acts, shall be jointly

and severally liable for any refund due

under this section and for related

charges. The remedies provided in this

subpart shall be in addition to other

civil, criminal, or administrative rem-

edies which may apply.

§ 1421.306 Refunds; joint and several

liability.

(a) In the event there is a failure to

comply with any term, requirement,
or condition for payment arising under

this application, of this subpart, and if

any refund of a payment to CCC shall

become due for that or other reason in

connection with the application, of this

subpart, all payments made under this

subpart to any producer shall be re-

funded to CCC together with interest

as determined in accordance with para-

graph (c) of this section and late-pay-

ment charges as provided for in part

1402 of this chapter.

(b) All persons listed on an applica-

tion shall be jointly and severally lia-

ble for any refund due in connection

with that application and for any re-

lated charges which may be determined
to be due for any reason.

(c) Interest shall be applicable to re-

funds required from the producer. Such

interest shall be charged at the rate of

interest which the United States

Treasury charges CCC for funds, as of

the date CCC made such benefits avail-

able. Such interest shall accrue from

the date such benefits were made avail-

able to the date of repayment but the

interest rate shall increase to reflect

any increase in the rate charged to

CCC by Treasury for any percent of

time for which the interest assessment

is collected. CCC may waive the ac-

crual of interest if CCC determines

that the cause of the erroneous deter-

mination was not due to any action of

the producer.

(d) Late payment interest shall be as-

sessed on refunds in accordance with

the provisions of, and subject to the

rates in part 1403 of this chapter.

(e) Producers must refund to CCC any

excess payments made by CCC with re-

spect to any application in which they

have an interest. Such refund shall be

subject to interest at the same rate

that applies to other refunds.

[66 FR 13404, Mar. 6, 2001. Redesignated and

amended at 74 FR 15656, Apr. 7, 2009]

Subpart E—Designated Marketing

Associations for Peanuts

SOURCE: 70 FR 33799, June 10, 2005, unless

otherwise noted.

EDITORIAL NOTE: Nomenclature changes to

subpart E of part 1421 appear at 74 FR 15656,


§ 1421.400 Applicability and abbrevia-

tions.

(a) This subpart sets forth the terms

and conditions under which an entity

which is a marketing association of

peanut producers, or a subsidiary of

such an entity, may qualify to become

an eligible “designated marketing as-

sociation” or “DMA” qualified to proc-

ess peanut marketing assistance loans

and peanut loan deficiency payments

for peanut producers. This subpart only

applies with respect to peanut loans

and peanut loan deficiency payments.

(b) [Reserved]

[70 FR 33799, June 10, 2005, as amended at 74

FR 15656, Apr. 7, 2009]

§ 1421.401 DMA responsibilities.

(a) DMAs are eligible to process the

marketing loans and loan deficiency

payments provided for in this part only

for peanut producers and only if the

DMA and the producers and peanuts

meet all eligibility criteria set out in

this part, including, but not limited to,

the DMA eligibility provisions of this

subpart. In carrying out those func-

tions, DMAs must:

(1) Prepare and execute the appro-

priate CCC peanut MAL and LDP appli-

cation documents;

(2) Determine whether producers and

the commodity are eligible for MALs

and LDPs, including whether the oth-

erwise eligible peanuts are free and