

§ 1415.20

determination concerning eligibility for participation utilizing the administrative appeal regulations provided in parts 614 and 780 of this title.

(b) Before a person may seek judicial review of any administrative action concerning eligibility for program participation under this part, the person must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for the purposes of judicial review, no decision will be a final agency action except a decision of the NRCS Chief or the FSA Administrator, as applicable, under these procedures.

(c) Any appraisals, market analysis, or supporting documentation that may be used by NRCS in determining property value are considered confidential information, and will only be disclosed as determined at the sole discretion of NRCS in accordance with applicable law.

(d) Enforcement actions undertaken by NRCS in furtherance of its Federally held property rights are under the jurisdiction of the Federal District Courts and are not subject to review under administrative appeal regulations.

§ 1415.20 Scheme or device.

(a) If it is determined by USDA that a participant has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid to such participant during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by USDA.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person of payments for cost-share practices, rental contracts, or easements for the purpose of obtaining a payment to which a person would otherwise not be entitled.

(c) A participant who succeeds to the responsibilities under this part will report in writing to USDA any interest of any kind in enrolled land that is held by a predecessor or any lender. A failure of full disclosure will be considered a scheme or device under this section.

7 CFR Ch. XIV (1–1–11 Edition)

PART 1416—2006 EMERGENCY AGRICULTURAL DISASTER ASSISTANCE PROGRAMS

Subpart A—General Provisions for 2006 Emergency Agricultural Disaster Assistance Programs

- Sec.
- 1416.1 Applicability.
- 1416.2 Eligible counties, hurricanes, and disaster periods.
- 1416.3 Administration.
- 1416.4 Definitions.
- 1416.5 Application for payment.
- 1416.6 Limitations on payments and other benefits.
- 1416.7 Insurance requirements.
- 1416.8 Appeals.
- 1416.9 Offsets, assignments, and debt settlement.
- 1416.10 Records and inspections thereof.
- 1416.11 Refunds; joint and several liability.

Subpart B—Livestock Compensation Program

- 1416.100 Applicability.
- 1416.101 Definitions.
- 1416.102 Eligible livestock and producers.
- 1416.103 Application process.
- 1416.104 Payment calculation.
- 1416.105 Availability of funds.

Subpart C—Livestock Indemnity Program II

- 1416.200 Applicability.
- 1416.201 Definitions.
- 1416.202 Eligible owners and contract growers.
- 1416.203 Eligible livestock.
- 1416.204 Application process.
- 1416.205 Payment calculation.
- 1416.206 Availability of funds.

Subpart D—Citrus Disaster Program

- 1416.300 Applicability.
- 1416.301 Definitions.
- 1416.302 Eligible crops and producers.
- 1416.303 Application process.
- 1416.304 Payment calculations.
- 1416.305 Availability of funds.

Subpart E—Fruit and Vegetable Disaster Program

- 1416.400 Applicability.
- 1416.401 Definitions.
- 1416.402 Eligible fruit and vegetable producers.
- 1416.403 Application process.
- 1416.404 Payment calculations.
- 1416.405 Availability of funds.