

peanuts notwithstanding repeal of this subpart by Pub. L. 107-171, see section 7959(a)(2) of this title.

SUBPART VII—FLEXIBLE MARKETING ALLOTMENTS
FOR SUGAR

Editorial Notes

CODIFICATION

Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938, comprising this subpart, was originally added to act Feb. 16, 1938, ch. 30, title III, by Pub. L. 101-624, title IX, §902, Nov. 28, 1990, 104 Stat. 3479, and amended Pub. L. 102-237, title I, §111(c)-(k), Dec. 13, 1991, 105 Stat. 1830-1836; Pub. L. 102-535, Oct. 27, 1992, 106 Stat. 3526; Pub. L. 103-66, title I, §1107(b), Aug. 10, 1993, 107 Stat. 324. Part VII is shown herein, however, as having been added by Pub. L. 107-171, title I, §1403, May 13, 2002, 116 Stat. 187, without reference to those intervening amendments because of the extensive revision of part VII by Pub. L. 107-171.

§ 1359aa. Definitions

In this subpart:

(1) Human consumption

The term “human consumption”, when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products.

(2) Mainland State

The term “mainland State” means a State other than an offshore State.

(3) Market

(A) In general

The term “market” means to sell or otherwise dispose of in commerce in the United States.

(B) Inclusions

The term “market” includes—

- (i) the forfeiture of sugar under the loan program for sugar established under section 7272 of this title;
- (ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and
- (iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 8110 of this title.

(C) Marketing year

Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.

(4) Offshore State

The term “offshore State” means a sugarcane producing State located outside of the continental United States.

(5) State

Notwithstanding section 1301 of this title, the term “State” means—

- (A) a State;
- (B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(6) United States

The term “United States”, when used in a geographical sense, means all of the States.

(Feb. 16, 1938, ch. 30, title III, §359a, as added Pub. L. 107-171, title I, §1403, May 13, 2002, 116 Stat. 187; amended Pub. L. 110-234, title I, §1403(a), May 22, 2008, 122 Stat. 981; Pub. L. 110-246, §4(a), title I, §1403(a), June 18, 2008, 122 Stat. 1664, 1709.)

Editorial Notes

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 1359aa, act Feb. 16, 1938, ch. 30, title III, §359a, as added Pub. L. 101-624, title IX, §902, Nov. 28, 1990, 104 Stat. 3479; amended Pub. L. 102-237, title I, §111(c), Dec. 13, 1991, 105 Stat. 1830, related to information reporting with respect to sugar and crystalline fructose marketing quotas, prior to the general amendment of this subpart by Pub. L. 107-171.

A prior section 359a of act Feb. 16, 1938, was renumbered section 359e and was classified to section 1359a of this title prior to repeal by Pub. L. 107-171.

AMENDMENTS

2008—Pub. L. 110-246, §1403(a), added pars. (1) and (3) and redesignated former pars. (1) to (4) as (2), (4), (5), and (6), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 1359bb. Flexible marketing allotments for sugar

(a) Sugar estimates

(1) In general

Not later than August 1 before the beginning of each of the 2008 through 2023 crop years for sugarcane and sugar beets, the Secretary shall estimate—

(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

(B) the quantity of sugar that would provide for reasonable carryover stocks;

(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.