

made. The Secretary shall deliver a copy of any notice of appeal to each person shown by the records of the Secretary to be adversely affected by reason of the decision appealed, and shall at all times thereafter permit any such person to inspect and make copies of appellant's reasons for the appeal and shall on application permit the person to intervene in the appeal.

(2) Hearing

The Secretary shall provide each appellant an opportunity for a hearing before an administrative law judge in accordance with sections 554 and 556 of title 5. The expenses for conducting the hearing shall be reimbursed by the Commodity Credit Corporation.

(Feb. 16, 1938, ch. 30, title III, §359i, as added Pub. L. 107-171, title I, §1403, May 13, 2002, 116 Stat. 202; amended Pub. L. 110-234, title I, §1403(h), May 22, 2008, 122 Stat. 988; Pub. L. 110-246, §4(a), title I, §1403(h), June 18, 2008, 122 Stat. 1664, 1716.)

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 L. 110-234 were repealed by section 4(a) of Pub.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 1359ii, act Feb. 16, 1938, ch. 30, title III, §359i, as added Pub. L. 101-624, title IX, §902, Nov. 28, 1990, 104 Stat. 3487; amended Pub. L. 102-237, title I, §111(k), Dec. 13, 1991, 105 Stat. 1836, related to appeals, prior to the general amendment of this subpart by Pub. L. 107-171.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §1403(h)(1), inserted “or 1359gg(d)” after “1359ff”.

Subsec. (c). Pub. L. 110-246, §1403(h)(2), struck out subsec. (c) which related to special appeal process regarding beet sugar allocations.

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.

§ 1359jj. Administration

(a) Use of certain agencies

In carrying out this subpart, the Secretary may use the services of local committees of sugar beet or sugarcane producers, sugarcane processors, or sugar beet processors, State and county committees established under section 590h(b) of title 16, and the departments and agencies of the United States Government.

(b) Use of Commodity Credit Corporation

The Secretary shall use the services, facilities, funds, and authorities of the Commodity Credit Corporation to carry out this subpart.

(Feb. 16, 1938, ch. 30, title III, §359j, as added Pub. L. 107-171, title I, §1403, May 13, 2002, 116 Stat. 203.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1359jj, act Feb. 16, 1938, ch. 30, title III, §359j, as added Pub. L. 101-624, title IX, §902, Nov. 28, 1990, 104 Stat. 3488, related to administration of this subpart, prior to the general amendment of this subpart by Pub. L. 107-171.

§ 1359kk. Administration of tariff rate quotas

(a) Establishment

(1) In general

Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

(2) Exception

Paragraph (1) shall not apply to specialty sugar.

(b) Adjustment

(1) Before April 1

Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 1359cc(b)(2) and 1359ee(b) of this title, including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, and domestic raw cane sugar refining capacity has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 7272 of this title.

(2) On or after April 1

On or after April 1 of each fiscal year—

(A) the Secretary may take action to increase the supply of sugar in accordance with sections 1359cc(b)(2) and 1359ee(b) of this title, including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 7272 of this title.

(Feb. 16, 1938, ch. 30, title III, §359k, as added Pub. L. 110-234, title I, §1403(j), May 22, 2008, 122 Stat. 988, and Pub. L. 110-246, §4(a), title I, §1403(j), June 18, 2008, 122 Stat. 1664, 1717.)