

112TH CONGRESS
1ST SESSION

S. 685

To repeal the Federal sugar program.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2011

Mr. LUGAR (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To repeal the Federal sugar program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Free Sugar Act of
5 2011”.

6 **SEC. 2. SUGAR PROGRAM.**

7 Section 156 of the Federal Agriculture Improvement
8 and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

1 **SEC. 3. ELIMINATION OF SUGAR PRICE SUPPORT AND PRO-**
2 **DUCTION ADJUSTMENT PROGRAMS.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law—

5 (1) a processor of any of the 2012 or subse-
6 quent crops of sugarcane or sugar beets shall not be
7 eligible for a loan under any provision of law with
8 respect to the crop; and

9 (2) the Secretary of Agriculture may not make
10 price support available, whether in the form of a
11 loan, payment, purchase, or other operation, for any
12 of the 2012 and subsequent crops of sugar beets and
13 sugarcane by using the funds of the Commodity
14 Credit Corporation or other funds available to the
15 Secretary.

16 (b) **TERMINATION OF MARKETING QUOTAS AND AL-**
17 **LOTMENTS.**—

18 (1) **IN GENERAL.**—Part VII of subtitle B of
19 title III of the Agricultural Adjustment Act of 1938
20 (7 U.S.C. 1359aa et seq.) is repealed.

21 (2) **CONFORMING AMENDMENT.**—Section
22 344(f)(2) of the Agricultural Adjustment Act of
23 1938 (7 U.S.C. 1344(f)(2)) is amended by striking
24 “sugar cane for sugar, sugar beets for sugar,”.

25 (c) **GENERAL POWERS.**—

1 (1) SECTION 32 ACTIVITIES.—Section 32 of the
2 Act of August 24, 1935 (7 U.S.C. 612c), is amended
3 in the second sentence of the first paragraph—

4 (A) in paragraph (1), by inserting “(other
5 than sugar beets and sugarcane)” after “com-
6 modities”; and

7 (B) in paragraph (3), by inserting “(other
8 than sugar beets and sugarcane)” after “com-
9 modity”.

10 (2) POWERS OF COMMODITY CREDIT CORPORA-
11 TION.—Section 5(a) of the Commodity Credit Cor-
12 poration Charter Act (15 U.S.C. 714c(a)) is amend-
13 ed by inserting “, sugar beets, and sugarcane” after
14 “tobacco”.

15 (3) PRICE SUPPORT FOR NONBASIC AGRICUL-
16 TURAL COMMODITIES.—Section 201(a) of the Agri-
17 cultural Act of 1949 (7 U.S.C. 1446(a)) is amended
18 by striking “milk, sugar beets, and sugarcane” and
19 inserting “, and milk”.

20 (4) COMMODITY CREDIT CORPORATION STOR-
21 AGE PAYMENTS.—Section 167 of the Federal Agri-
22 culture Improvement and Reform Act of 1996 (7
23 U.S.C. 7287) is repealed.

24 (5) SUSPENSION AND REPEAL OF PERMANENT
25 PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of

1 the Federal Agriculture Improvement and Reform
2 Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

3 (A) by striking subparagraph (E); and

4 (B) by redesignating subparagraphs (F)
5 through (I) as subparagraphs (E) through (H),
6 respectively.

7 (6) STORAGE FACILITY LOANS.—Section
8 1402(e) of the Farm Security and Rural Investment
9 Act of 2002 (7 U.S.C. 7971) is repealed.

10 (7) FEEDSTOCK FLEXIBILITY PROGRAM FOR
11 BIOENERGY PRODUCERS.—Section 9010 of the
12 Farm Security and Rural Investment Act of 2002 (7
13 U.S.C. 8110) is repealed.

14 (d) TRANSITION PROVISIONS.—This section and the
15 amendments made by this section shall not affect the li-
16 ability of any person under any provision of law as in ef-
17 fect before the application of this section and the amend-
18 ments made by this section.

19 **SEC. 4. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA**
20 **TARIFF RATE.**

21 (a) ELIMINATION OF TARIFF ON RAW CANE
22 SUGAR.—Chapter 17 of the Harmonized Tariff Schedule
23 of the United States is amended by striking subheadings
24 1701.11 through 1701.11.50 and inserting in numerical
25 sequence the following new subheading, with the article

1 description for such subheading having the same degree
 2 of indentation as the article description for subheading
 3 1701.11, as in effect on the day before the date of the
 4 enactment of this section:

“ | 1701.11.00 | Cane sugar | Free | | 39.85¢/kg | ”.

5 (b) ELIMINATION OF TARIFF ON BEET SUGAR.—
 6 Chapter 17 of the Harmonized Tariff Schedule of the
 7 United States is amended by striking subheadings
 8 1701.12 through 1701.12.50 and inserting in numerical
 9 sequence the following new subheading, with the article
 10 description for such subheading having the same degree
 11 of indentation as the article description for subheading
 12 1701.12, as in effect on the day before the date of the
 13 enactment of this section:

“ | 1701.12.00 | Beet sugar | Free | | 42.05¢/kg | ”.

14 (c) ELIMINATION OF TARIFF ON CERTAIN REFINED
 15 SUGAR.—Chapter 17 of the Harmonized Tariff Schedule
 16 of the United States is amended—

17 (1) by striking the superior text immediately
 18 preceding subheading 1701.91.05 and by striking
 19 subheadings 1701.91.05 through 1701.91.30 and in-
 20 sserting in numerical sequence the following new sub-
 21 heading, with the article description for such sub-
 22 heading having the same degree of indentation as
 23 the article description for subheading 1701.12.05, as

1 in effect on the day before the date of the enactment
2 of this section:

“ 1701.91.02 Containing added coloring but not containing added flavoring matter .. Free 42.05g/kg ”;

3 (2) by striking subheadings 1701.99 through
4 1701.99.50 and inserting in numerical sequence the
5 following new subheading, with the article descrip-
6 tion for such subheading having the same degree of
7 indentation as the article description for subheading
8 1701.99, as in effect on the day before the date of
9 the enactment of this section:

“ 1701.99.00 Other Free 42.05g/kg ”;

10 (3) by striking the superior text immediately
11 preceding subheading 1702.90.05 and by striking
12 subheadings 1702.90.05 through 1702.90.20 and in-
13 sserting in numerical sequence the following new sub-
14 heading, with the article description for such sub-
15 heading having the same degree of indentation as
16 the article description for subheading 1702.60.22:

“ 1702.90.02 Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids Free 42.05g/kg ”;

17 and

18 (4) by striking the superior text immediately
19 preceding subheading 2106.90.42 and by striking
20 subheadings 2106.90.42 through 2106.90.46 and in-

1 serting in numerical sequence the following new sub-
 2 heading, with the article description for such sub-
 3 heading having the same degree of indentation as
 4 the article description for subheading 2106.90.39:

“

2106.90.40	Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter	Free			42.50¢/kg
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 ”.

5 (d) CONFORMING AMENDMENT.—Chapter 17 of the
 6 Harmonized Tariff Schedule of the United States is
 7 amended by striking additional U.S. note 5.

8 (e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—
 9 Section 404(d)(1) of the Uruguay Round Agreements Act
 10 (19 U.S.C. 3601(d)(1)) is amended—

11 (1) by inserting “or” at the end of subpara-
 12 graph (B);

13 (2) by striking “; or” at the end of subpara-
 14 graph (C) and inserting a period; and

15 (3) by striking subparagraph (D).

16 (f) EFFECTIVE DATE.—The amendments made by
 17 this section apply with respect to goods entered, or with-
 18 drawn from warehouse for consumption, on or after the
 19 15th day after the date of the enactment of this Act.

20 **SEC. 5. APPLICATION.**

21 Except as otherwise provided in this Act, this Act and
 22 the amendments made by this Act shall apply beginning
 23 with the 2012 crop of sugar beets and sugarcane.