

ported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than \$10,000 for each such violation.

(6) Monthly reports

Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(h) Substitution of refined sugar

For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

(i) Effective period

This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane. (Pub. L. 104-127, title I, §156, Apr. 4, 1996, 110 Stat. 931; Pub. L. 106-387, §1(a) [title VIII, §836], Oct. 28, 2000, 114 Stat. 1549, 1549A-62; Pub. L. 107-171, title I, §1401(a), May 13, 2002, 116 Stat. 183; Pub. L. 110-234, title I, §1401(a), May 22, 2008, 122 Stat. 977; Pub. L. 110-246, §4(a), title I, §1401(a), June 18, 2008, 122 Stat. 1664, 1705.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (h), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

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 L. 110-234 were repealed by section 4(a) of Pub.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.

AMENDMENTS

2008—Pub. L. 110-246, §1401(a), amended section generally, substituting provisions relating to loan program for the 2008 through 2012 crops of sugar beets and sugarcane, consisting of subsecs. (a) to (i), for provisions relating to loan program for the 1996 through 2007 crops of sugar beets and sugarcane, including provisions relating to loan rate adjustments, consisting of subsecs. (a) to (j).

2002—Pub. L. 107-171 reenacted section catchline and amended text generally, substituting substantially similar provisions in subsecs. (a), (b), (d), (e), and (h), and substituting in subsec. (c) provisions relating to loan rate adjustments for provisions relating to reduction in loan rates, in subsec. (f) provisions relating to loans for in-process sugar for provisions for marketing assessment, in subsec. (g) provisions relating to avoiding forfeitures and corporate inventory disposition for provisions relating to forfeiture penalty, in subsec. (i) provisions relating to substitution of refined sugar for provisions relating to crops, and adding subsec. (j).

2000—Subsec. (e)(1). Pub. L. 106-387, §1(a) [title VIII, §836(1)(B)], substituted “The” for “Subject to paragraph (2), the”.

Pub. L. 106-387, §1(a) [title VIII, §836(1)(A)], substituted “nonrecourse” for “recourse”.

Subsec. (e)(2), (3). Pub. L. 106-387, §1(a) [title VIII, §836(2)-(4)], redesignated par. (3) as (2), substituted

“The Secretary shall” for “If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall”, and struck out heading and text of former par. (2). Text read as follows: “During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.”

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.

EFFECTIVE DATE OF ASSESSMENT TERMINATION

Pub. L. 107-171, title I, §1401(b), May 13, 2002, 116 Stat. 187, provided that: “Subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(f)), as in effect immediately before the enactment of the Farm Security and Rural Investment Act of 2002 [Pub. L. 107-171], is deemed to have been repealed effective as of October 1, 2001.”

REGULATIONS

Pub. L. 106-387, §1(a) [title VIII, §840], Oct. 28, 2000, 114 Stat. 1549, 1549A-63, provided that: “As soon as practicable after the date of enactment of this Act [Oct. 28, 2000], the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement sections 804, 805, 806, 809, 810, 811, 812, 814, 815, 816, 836, 837, 838, 839, 841, 843, 844, and 845 of this title [amending this section and section 3720B of Title 31, Money and Finance, enacting provisions set out as notes under section 3720B of Title 31, and amending provisions set out as a note under section 1421 of this title]; *Provided*, That the issuance of the regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’); *Provided further*, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.”

LOANS FOR 2007 CROP YEAR

Pub. L. 110-234, title I, §1401(b), May 22, 2008, 122 Stat. 981, and Pub. L. 110-246, §4(a), title I, §1401(b), June 18, 2008, 122 Stat. 1664, 1709, provided that: “The Secretary [of Agriculture] shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of enactment of this Act [June 18, 2008].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

SUBCHAPTER V—ADMINISTRATION

§ 7281. Administration

(a) Use of Commodity Credit Corporation

The Secretary shall carry out this chapter through the Commodity Credit Corporation.

(b) Omitted**(c) Determinations by Secretary**

A determination made by the Secretary under this chapter shall be final and conclusive.

(d) Regulations

Not later than 90 days after April 4, 1996, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this chapter. The issuance of the regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly know¹ as the “Paperwork Reduction Act”).

(Pub. L. 104-127, title I, §161, Apr. 4, 1996, 110 Stat. 934.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 7201 of this title.

CODIFICATION

Section is comprised of section 161 of Pub. L. 104-127. Subsec. (b) of section 161 of Pub. L. 104-127 amended sections 714b, 714i, and 714k of Title 15, Commerce and Trade.

§ 7282. Adjustments of loans**(a) Adjustment authority**

The Secretary may make appropriate adjustments in the loan rates for any commodity for differences in grade, type, quality, location, and other factors.

(b) Manner of adjustment

The adjustments under the authority of this section shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this chapter and title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.].

(c) Adjustment on county basis

The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest such rate being 95 percent of the national average loan rate, except that such action shall not result in an increase in outlays. Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(Pub. L. 104-127, title I, §162, Apr. 4, 1996, 110 Stat. 935; Pub. L. 107-171, title I, §1606, May 13, 2002, 116 Stat. 218.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b), see note set out under section 7201 of this title.

¹ So in original. Probably should be “known”.

The Farm Security and Rural Investment Act of 2002, referred to in subsec. (b), is Pub. L. 107-171, May 13, 2002, 116 Stat. 134. Title I of the Act is classified principally to chapter 106 (§7901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 7901 of this title and Tables.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-171 substituted “this chapter and title I of the Farm Security and Rural Investment Act of 2002” for “this chapter”.

§ 7283. Commodity Credit Corporation interest rate**(a) In general**

Notwithstanding any other provision of law, the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation shall be 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995.

(b) Sugar

For purposes of this section, raw cane sugar, refined beet sugar, and in-process sugar eligible for a loan under section 7272 of this title shall not be considered an agricultural commodity.

(Pub. L. 104-127, title I, §163, Apr. 4, 1996, 110 Stat. 935; Pub. L. 107-171, title I, §1401(c), May 13, 2002, 116 Stat. 187.)

AMENDMENTS

2002—Pub. L. 107-171 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 7284. Personal liability of producers for deficiencies**(a) In general**

Except as provided in subsection (b) of this section, no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this chapter¹ title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], and title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.] unless the loan was obtained through a fraudulent representation by the producer.

(b) Limitations

Subsection (a) of this section shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(1) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(2) a failure to properly care for and preserve a commodity; or

(3) a failure or refusal to deliver a commodity in accordance with a program established under this chapter¹ title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], and title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.].

(c) Acquisition of collateral

In the case of a nonrecourse loan made under this chapter¹ title I of the Farm Security and

¹ So in original. Probably should be followed by a comma.