

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To repeal the Federal sugar program.

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IN THE SENATE OF THE UNITED STATES

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Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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8 and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

9 **SEC. 3. ELIMINATION OF SUGAR PRICE SUPPORT AND PRO-**  
10 **DUCTION ADJUSTMENT PROGRAMS.**

11 (a) IN GENERAL.—Notwithstanding any other provi-  
12 sion of law—

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

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

12          (b) TERMINATION OF MARKETING QUOTAS AND AL-  
13          LOTMENTS.—

14           (1) IN GENERAL.—Part VII of subtitle B of  
15          title III of the Agricultural Adjustment Act of 1938  
16          (7 U.S.C. 1359aa et seq.) is repealed.

17           (2) CONFORMING AMENDMENT.—Section  
18          344(f)(2) of the Agricultural Adjustment Act of  
19          1938 (7 U.S.C. 1344(f)(2)) is amended by striking  
20          “sugar cane for sugar, sugar beets for sugar,”.

21          (c) GENERAL POWERS.—

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

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

4 (B) in paragraph (3), by inserting “(other  
5 than sugar beets and sugarcane)” after “com-  
6 modity”.

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

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

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

21 (5) SUSPENSION AND REPEAL OF PERMANENT  
22 PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of  
23 the Federal Agriculture Improvement and Reform  
24 Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

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

1 (B) by redesignating subparagraphs (F)  
2 through (I) as subparagraphs (E) through (H),  
3 respectively.

4 (6) STORAGE FACILITY LOANS.—Section  
5 1402(e) of the Farm Security and Rural Investment  
6 Act of 2002 (7 U.S.C. 7971) is repealed.

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

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

16 **SEC. 4. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA**  
17 **TARIFF RATE.**

18 (a) ELIMINATION OF TARIFF ON RAW CANE  
19 SUGAR.—Chapter 17 of the Harmonized Tariff Schedule  
20 of the United States is amended by striking subheadings  
21 1701.11 through 1701.11.50 and inserting in numerical  
22 sequence the following new subheading, with the article  
23 description for such subheading having the same degree  
24 of indentation as the article description for subheading

1 1701.11, as in effect on the day before the date of the  
 2 enactment of this section:

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

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

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

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

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

## 6

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

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

“ 1701.99.00 | Other ..... | Free | | 42.05g/kg | ”;

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

15 and

16 (4) by striking the superior text immediately  
 17 preceding subheading 2106.90.42 and by striking  
 18 subheadings 2106.90.42 through 2106.90.46 and in-  
 19 sserting in numerical sequence the following new sub-  
 20 heading, with the article description for such sub-

1 heading having the same degree of indentation as  
 2 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				42.50g/kg		”.
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3 (d) CONFORMING AMENDMENT.—Chapter 17 of the  
 4 Harmonized Tariff Schedule of the United States is  
 5 amended by striking additional U.S. note 5.

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

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

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

13 (3) by striking subparagraph (D).

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

18 **SEC. 5. APPLICATION.**

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