

Public Law 102-535
102d Congress

An Act

Oct. 27, 1992
[H.R. 5763]

To provide equitable treatment to producers of sugarcane subject to proportionate shares.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EQUITABLE TREATMENT FOR PRODUCERS.

Section 359f(b)(5) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(b)(5)) (hereinafter referred to as "the 1938 Act"), is amended by striking subparagraph (B) and inserting the following:

"(B) DETERMINATION OF VIOLATION.—No producer shall be considered to have violated subparagraph (A) unless the processor of the sugarcane harvested by such producer from acreage in excess of the proportionate share of the farm markets an amount of sugar that exceeds the allocation of such processor for a fiscal year.

"(C) CIVIL PENALTY.—Any producer on a farm who violates subparagraph (A) by knowingly harvesting, or allowing to be harvested, an acreage of sugarcane in excess of the farm's proportionate share shall be liable to the Commodity Credit Corporation for a civil penalty equal to one and one-half times the United States market value of the quantity of sugar that is marketed by the processor of such sugarcane in excess of the allocation of such processor for the fiscal year. The Secretary shall prorate penalties imposed under this subparagraph in a fair and equitable manner among all the producers of sugarcane harvested from excess acreage that is acquired by such processor."

SEC. 2. ADJUSTMENT AFTER DISASTER.

Section 359f(b) of the 1938 Act, as amended by section 1 of this Act, is further amended by inserting after paragraph (6) the following new paragraph:

"(7) ADJUSTMENTS.—Whenever the Secretary determines that, because of a natural disaster or other condition beyond the control of producers that adversely affects a crop of sugarcane subject to proportionate shares, the amount of sugarcane produced by producers subject to the proportionate shares will not be sufficient to enable processors in the State to meet the State's cane sugar allotment and provide a normal carryover inventory of sugar, the Secretary may uniformly allow producers to harvest an amount of sugarcane in excess of their proportionate share, or suspend proportionate shares entirely, as necessary to enable processors to meet the State allotment and provide a normal carryover inventory of sugar."

SEC. 3. CLARIFYING AND CONFORMING AMENDMENTS.

Section 359f(b) of the 1938 Act, as amended by sections 1 and 2 of this Act, is further amended—

(a) in paragraph (1)(B), by—

(1) striking “production of sugar” and inserting “production of sugarcane”; and

(2) inserting “of sugar” before the period at the end;

(b) in the first sentence of paragraph (2), by—

(1) striking “sugar processed from all crops by all processors” and inserting “sugarcane produced by producers in the area”; and

(2) inserting “of sugar” after “provide a normal carry-over inventory”; and

(c) in the second sentence of paragraph (2), by inserting “paragraph (7) and” after “under”.

Approved October 27, 1992.

LEGISLATIVE HISTORY—H.R. 5763 (See S. 1709):

HOUSE REPORTS: No. 102-831 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Aug. 10, considered and passed House.

Oct. 5, considered and passed Senate.