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# 7 U.S. Code § 1359gg

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## Special rules

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### **(a) Transfer of acreage base history**

#### **(1) Transfer authorized**

For the purpose of establishing proportionate shares for sugarcane farms under section 1359ff(c) of this title, the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

#### **(2) Converted acreage base**

##### **(A) In general**

Sugarcane acreage base established under section 1359ff(c) of this title that has been or is converted to nonagricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

##### **(B) Notification**

Not later than 90 days after the Secretary becomes aware of a conversion of any sugarcane acreage base to a nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

##### **(C) Initial transfer period**

The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to 1 or more farms owned by the owner.

##### **(D) Grower of record**

If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

- (i) be notified; and
- (ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

##### **(E) Pool distribution**

###### **(i) In general**

If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

###### **(ii) Acceptance of requests**

After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

**(iii) Assignment**

The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

**(F) Statewide reallocation**

**(i) In general**

Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

**(ii) Allocation**

Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

**(G) Status of reassigned base**

After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

- (i) remain on the farm; and
- (ii) be subject to the transfer provisions of paragraph (1).

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