

(1) terminating all Federal programs relating to price support and supply management for milk; and

(2) granting the consent of Congress to cooperative efforts by States to manage milk prices and supply.

**(b) Fluid milk identity standards**

The Secretary shall conduct a study of the effects of including in the standard of identity for fluid milk a required minimum protein content that is commensurate with the average nonfat solids content of bovine milk produced in the United States.

**(c) Reports**

Not later than 1 year after May 13, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the studies required by this section.

(Pub. L. 107-171, title I, §1508, May 13, 2002, 116 Stat. 211.)

SUBCHAPTER VI—ADMINISTRATION

**§ 7991. Administration generally**

**(a) Use of Commodity Credit Corporation**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this chapter.

**(b) Determinations by Secretary**

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

**(c) Regulations**

**(1) In general**

Not later than 90 days after May 13, 2002, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this chapter.

**(2) Procedure**

The promulgation of the regulations and administration of this chapter shall be made without regard to—

(A) chapter 35 of title 44 (commonly known<sup>1</sup> as the “Paperwork Reduction Act”);

(B) 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

(C) the notice and comment provisions of section 553 of title 5.

**(3) Congressional review of agency rulemaking**

In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5.

**(d) Treatment of advance payment option**

The protection that was afforded producers that had an option to elect to accelerate the receipt of any payment under a production flexibility contract payable under the Federal Agriculture Improvement and Reform Act of 1996, as

provided by section 525 of Public<sup>2</sup> 106-170 (113 Stat. 1928; 7 U.S.C. 7212 note), shall also apply to the option to receive—

(1) the advance payment of direct payments and counter-cyclical payments under subchapter I and subchapter III;

(2) the single payment of compensation for eligible peanut quota holders under section 7960 of this title; and

(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.].

**(e) Adjustment authority related to Uruguay Round compliance**

**(1) Required determination; adjustment**

If the Secretary determines that expenditures under subchapters I through V that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 3501 of title 19), as in effect on May 13, 2002, will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

**(2) Congressional notification**

Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(Pub. L. 107-171, title I, §1601, May 13, 2002, 116 Stat. 211; Pub. L. 110-234, title I, §1601(e), May 22, 2008, 122 Stat. 1001; Pub. L. 110-246, §4(a), title I, §1601(e), June 18, 2008, 122 Stat. 1664, 1729.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsecs. (a) to (c), see References in Text note set out under section 7901 of this title.

The Federal Agriculture Improvement and Reform Act of 1996, referred to in subsec. (d), is Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

Subchapter III, referred to in subsec. (d)(1), was in the original “subtitle C”, meaning subtitle C (§§1301-1310) of title I of Pub. L. 107-171, May 13, 2002, 116 Stat. 166, which is classified principally to subchapter III of this chapter. For complete classification of subtitle C to the Code, see References in Text note set out under section 7951 of this title and Tables.

The Food, Conservation, and Energy Act of 2008, referred to in subsec. (d)(3), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651. Title I of the Act is classified principally to chapter 113 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

Subchapter V, referred to in subsec. (e)(1), was in the original “subtitle E”, meaning subtitle E (§§1501-1508) of title I of Pub. L. 107-171, May 13, 2002, 116 Stat. 205, which enacted subchapter V of this chapter and amended sections 450l, 1637a, 4501-4504, 4507, 6402, and 6414 of

<sup>1</sup> So in original. Probably should be “known”.

<sup>2</sup> So in original. Probably should be followed by “Law”.

this title and section 713a-4 of Title 15, Commerce and Trade. For complete classification of subtitle E to the Code, see Tables.

#### 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—Subsec. (d)(3). Pub. L. 110-246, §1601(e), added par. (3).

#### 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.

### § 7992. Suspension of permanent price support authority

#### (a) Agricultural Adjustment Act of 1938

The following provisions of the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.] shall not be applicable to the 2002 through 2007 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on May 13, 2002, through December 31, 2007:

- (1) Parts II through V of subtitle B of title III (7 U.S.C. 1326-1351) [7 U.S.C. 1321 et seq., 1331 et seq., 1341 et seq., 1351].
- (2) In the case of upland cotton, section 377 (7 U.S.C. 1377).
- (3) Subtitle D of title III (7 U.S.C. 1379a-1379j).
- (4) Title IV (7 U.S.C. 1401-1407).

#### (b) Agricultural Act of 1949

The following provisions of the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] shall not be applicable to the 2002 through 2007 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on May 13, 2002, and through December 31, 2007:

- (1) Section 101 (7 U.S.C. 1441).
- (2) Section 103(a) (7 U.S.C. 1444(a)).
- (3) Section 105 (7 U.S.C. 1444b).
- (4) Section 107 (7 U.S.C. 1445a).
- (5) Section 110 (7 U.S.C. 1445e).
- (6) Section 112 (7 U.S.C. 1445g).
- (7) Section 115 (7 U.S.C. 1445k).
- (8) Section 201 (7 U.S.C. 1446).
- (9) Title III (7 U.S.C. 1447-1449).
- (10) Title IV (7 U.S.C. 1421-1433d), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).
- (11) Title V (7 U.S.C. 1461-1469).
- (12) Title VI (7 U.S.C. 1471-1471j).

#### (c) Suspension of certain quota provisions

The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2002 through 2007.

(Pub. L. 107-171, title I, §1602, May 13, 2002, 116 Stat. 212.)

#### REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in subsecs. (a) and (c), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§1281 et seq.) of this title. Parts II through V of subtitle B of title III of the Act are classified generally to subparts II (§1321 et seq.), III (§1331 et seq.), IV (§1341 et seq.), and V (§1351, which was omitted from the Code), respectively, of part B of subchapter II of chapter 35 of this title. Subtitle D of title III of the Act is classified generally to part D (§1379a et seq.) of subchapter II of chapter 35 of this title. Title IV of the Act was classified generally to subchapter III (§1401 et seq.) of chapter 35 of this title, and was omitted from the Code. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in subsec. (b), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. Title III of the Act is classified generally to sections 1447 to 1449 of this title. Title IV of the Act is classified principally to subchapter I (§1421 et seq.) of chapter 35A of this title. Title V of the Act, which was classified generally to subchapter IV (§1461 et seq.) of chapter 35A of this title, was omitted from the Code. Title VI of the Act is classified generally to subchapter V (§1471 et seq.) of chapter 35A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended, referred to in subsec. (c), is act May 26, 1941, ch. 133, 55 Stat. 203, which enacted sections 1330 and 1340 of this title.

#### CODIFICATION

Section is comprised of section 1602 of Pub. L. 107-171. Subsec. (d) of section 1602 of Pub. L. 107-171 amended section 7301 of this title.

### § 7993. Repealed. Pub. L. 110-234, title I, § 1623(a), May 22, 2008, 122 Stat. 1025, and Pub. L. 110-246, § 4(a), title I, § 1623(a), June 18, 2008, 122 Stat. 1664, 1753

Section, Pub. L. 107-171, title I, §1605, May 13, 2002, 116 Stat. 216, related to Commission on the Application of Payment Limitations for Agriculture.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

### § 7994. Study

#### (1) In general

The Secretary shall conduct a study on the effects on the limitation on producers to move quota to a farm other than the farm to which the quota was initially assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

#### (2) Report

Not later than 90 days after May 13, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and