

et seq.), respectively, of title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1681. Subtitle B is classified generally to subchapter II (§8731 et seq.) of this chapter. Subtitle D enacted sections 1359kk, 1359ll, and 7287 of this title, amended sections 1359aa to 1359gg, 1359ii, 7272, and 7971 of this title, repealed former section 1359kk of this title, and enacted provisions set out as notes under sections 3602 and 7272 of this title. Subtitle E enacted subchapter IV (§8771 et seq.) of this chapter and amended sections 450l, 608c, 1637b, 4502, 4504, and 4531 of this title and section 713a-14 of Title 15, Commerce and Trade. For complete classification of subtitles B, D, and E to the Code, see Tables.

#### CODIFICATION

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 L. 110-234 was repealed by section 4(a) of Pub.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

#### EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

#### SUBCHAPTER IV—DAIRY

### § 8771. Repealed. Pub. L. 113-79, title I, § 1421, Feb. 7, 2014, 128 Stat. 694

Section, Pub. L. 110-234, title I, § 1501, May 22, 2008, 122 Stat. 990; Pub. L. 110-246, § 4(a), title I, § 1501, June 18, 2008, 122 Stat. 1664, 1718, related to the dairy product price support program.

### § 8772. Dairy forward pricing program

#### (a) Program required

The Secretary shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

#### (b) Minimum milk price requirements

Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

- (1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 608c of this title; and
- (2) the total payment requirement of subparagraph (C) of that paragraph.

#### (c) Milk covered by program

##### (1) Covered milk

The program shall apply only with respect to the marketing of federally regulated milk that—

- (A) is not classified as Class I milk or otherwise intended for fluid use; and
- (B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

##### (2) Relation to Class I milk

To assist milk handlers in complying with paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, coopera-

tives, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk usage.

#### (d) Voluntary program

##### (1) In general

A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

##### (2) Pricing

A producer or cooperative association described in paragraph (1) may continue to have their<sup>1</sup> milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

#### (3) Complaints

##### (A) In general

The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts.

##### (B) Action

If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

#### (e) Duration

##### (1) New contracts

No forward price contract may be entered into under the program established under this section after September 30, 2018.

##### (2) Application

No forward contract entered into under the program may extend beyond September 30, 2021.

(Pub. L. 110-234, title I, § 1502, May 22, 2008, 122 Stat. 991; Pub. L. 110-246, § 4(a), title I, § 1502, June 18, 2008, 122 Stat. 1664, 1720; Pub. L. 113-79, title I, § 1424, Feb. 7, 2014, 128 Stat. 695.)

#### CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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

#### AMENDMENTS

2014—Subsec. (e)(1). Pub. L. 113-79, § 1424(1), substituted “2018” for “2012”.

Subsec. (e)(2). Pub. L. 113-79, § 1424(2), substituted “2021” for “2015”.

#### EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

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