

ture, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

**(B) Duration**

An adjustment made under subparagraph (A) in the repayment rate for marketing assistance loans for peanuts shall be in effect on a short-term and temporary basis, as determined by the Secretary.

**(e) Loan deficiency payments**

**(1) Availability**

The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for loan deficiency payments under this subsection.

**(2) Computation**

A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a).

**(3) Payment rate**

For purposes of this subsection, the payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

**(4) Effective date for payment rate determination**

The Secretary shall determine the amount of the loan deficiency payment to be made under this subsection to the producers on a farm with respect to a quantity of peanuts using the payment rate in effect under paragraph (3) as of the date the producers request the payment.

**(f) Compliance with conservation and wetlands requirements**

As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

**(g) Reimbursable agreements and payment of administrative expenses**

The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subchapter only in a manner that is consistent with such activities in regard to other commodities.

(Pub. L. 110-234, title I, §1307, May 22, 2008, 122 Stat. 974; Pub. L. 110-246, §4(a), title I, §1307, June 18, 2008, 122 Stat. 1664, 1703.)

REFERENCES IN TEXT

Section 8715 of this title, referred to in subsec. (b), was repealed by Pub. L. 113-79, title I, §1103(a), Feb. 7, 2014, 128 Stat. 658.

The Food Security Act of 1985, referred to in subsec. (f), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and 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.

**§ 8758. Adjustments of loans**

**(a) Adjustment authority**

The Secretary may make appropriate adjustments in the loan rates for peanuts for differences in grade, type, quality, location, and other factors.

**(b) Manner of adjustment**

The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for peanuts will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subchapter and subtitles B, D, and E.

**(c) Adjustment on county basis**

**(1) In general**

Subject to paragraph (2), the Secretary may establish loan rates for a crop of peanuts for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

**(2) Prohibition**

Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(Pub. L. 110-234, title I, §1308, May 22, 2008, 122 Stat. 977; Pub. L. 110-246, §4(a), title I, §1308, June 18, 2008, 122 Stat. 1664, 1705.)

REFERENCES IN TEXT

Subtitles B, D, and E, referred to in subsec. (b), are subtitles B (§1201 et seq.), D (§1401 et seq.), and E (§1501 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 608c, 1637b, 4502, 4504, 4531, and 4553 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, cooperatives, 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 min-

imum 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.

**§ 8773. Repealed. Pub. L. 113-79, title I, § 1422(b)(1), Feb. 7, 2014, 128 Stat. 695**

Pub. L. 110-234, title I, § 1506, May 22, 2008, 122 Stat. 994; Pub. L. 110-246, § 4(a), title I, § 1506, June 18, 2008, 122 Stat. 1664, 1723; Pub. L. 112-240, title VII, § 701(b)(2)(B), Jan. 2, 2013, 126 Stat. 2363; Pub. L. 113-79, title I, § 1422(a), Feb. 7, 2014, 128 Stat. 694, related to the milk income loss contract program.

## EFFECTIVE DATE OF REPEAL

Pub. L. 113-79, title I, § 1422(b), Feb. 7, 2014, 128 Stat. 695, provided that:

“(1) REPEAL.—Effective on the termination date, section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is repealed.

“(2) TERMINATION DATE DEFINED.—In paragraph (1), the term ‘termination date’ means the earlier of the following:

“(A) The date on which the Secretary [of Agriculture] certifies to Congress that the margin protec-

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