

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1359kk, 1359ll, and 7287 of this title, amended sections 1359aa to 1359gg, 1359ii, 7272, and 7971 of this title, repealed former section 1359kk of this title, and enacted provisions set out as notes under sections 3602 and 7272 of this title.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 L. 110-234 was repealed by section 4(a) of Pub.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 Repealed.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, 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 their¹ 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, 2023.

(2) Application

No forward contract entered into under the program may extend beyond September 30, 2026.

(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; Pub. L. 115-334, title I, §1402(a), Dec. 20, 2018, 132 Stat. 4518.)

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

2018—Subsec. (e)(1). Pub. L. 115-334, §1402(a)(1), substituted “2023” for “2018”.

Subsec. (e)(2). Pub. L. 115-334, §1402(a)(2), substituted “2026” for “2021”.

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

¹ So in original. Probably should be “its”.

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 protection program required by section 1403 [7 U.S.C. 9053] is operational.

“(B) September 1, 2014.”

SUBCHAPTER V—ADMINISTRATION

§ 8781. Administration generally

(a) Use of Commodity Credit Corporation

Except as otherwise provided in this chapter, 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

Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this chapter and the amendments made by this chapter.

(2) Procedure

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

(A) chapter 35 of title 44 (commonly known 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.

(4) Interim regulations

Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments

made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(d) Adjustment authority related to trade agreements compliance

(1) Required determination; adjustment

If the Secretary determines that expenditures under this chapter that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 3501 of title 19) 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 of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(Pub. L. 110-234, title I, §1601, May 22, 2008, 122 Stat. 1000; Pub. L. 110-246, §4(a), title I, §1601, June 18, 2008, 122 Stat. 1664, 1728.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which enacted this chapter and sections 1359kk, 1359ll, and 7287 of this title, amended sections 608c, 1308, 1308-1, 1308-2, 1308-3a, 1308a, 1359aa to 1359gg, 1359ii, 1471g, 1524, 1637b, 4502, 4504, 4531, 4553, 7284, 7286, 7333, 7416a, 7971, 7991, and 8204 of this title, section 1141j of Title 12, Banks and Banking, section 713a-14 of Title 15, Commerce and Trade, sections 590h and 2106a of Title 16, Conservation, section 2401 of Title 19, Customs Duties, repealed sections 1359kk, 7993, and 8000 of this title, and enacted provisions set out as notes under sections 1308, 1308-3a, 3602, 7272 and 7333 of this title. For complete classification of title I to the Code, see Tables.

The date of enactment of this Act, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

Sections 1603 and 1604, referred to in subsec. (c)(4), are sections 1603 and 1604 of Pub. L. 110-246, title I, June 18, 2008, 122 Stat. 1730, 1740, which amended sections 1308 to 1308-3a, 1308a, 1471g, 1524, 7333, and 8204 of this title, section 2106a of Title 16, Conservation, and section 2401 of Title 19, Customs Duties, and enacted provisions set out as notes under sections 1308, 1308-3a, and 7333 of this title. For complete classification of sections 1603 and 1604 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.

Section is comprised of section 1601 of Pub. L. 110-246. Subsec. (e) of section 1601 of Pub. L. 110-246 amended section 7991 of this title.

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.