

Subsec. (h). Pub. L. 109-171, §1101(c)(2), struck out subsec. (h), which related to transition rule.

### § 7983. Study of national dairy policy

#### (a) Study required

The Secretary of Agriculture shall conduct a comprehensive economic evaluation of the potential direct and indirect effects of the various elements of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;

(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and

(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

#### (b) Report

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 study required by this section.

#### (c) National dairy policy defined

In this section, the term “national dairy policy” means the dairy policy of the United States as evidenced by the following policies and programs:

(1) Federal milk marketing orders issued under section 608c of this title.

(2) Interstate dairy compacts (including proposed compacts described in H.R. 1827 and S. 1157, as introduced in the 107th Congress).

(3) Over-order premiums and State pricing programs.

(4) Direct payments to milk producers.

(5) Federal milk price support program established under section 7981 of this title.<sup>1</sup>

(6) Export programs regarding milk and dairy products, such as the dairy export incentive program established under section 713a-14 of title 15.<sup>1</sup>

(Pub. L. 107-171, title I, §1507, May 13, 2002, 116 Stat. 210.)

#### REFERENCES IN TEXT

H.R. 1827, referred to in subsec. (c)(2), which would have granted consent to the Northeast Interstate Dairy Compact, the Southern Dairy Compact, the Pacific Northwest Dairy Compact, and the Intermountain Dairy Compact, was not enacted into law during the 107th Congress.

S. 1157, referred to in subsec. (c)(2), which would have granted consent to the Northeast Interstate Dairy Compact, the Southern Dairy Compact, the Pacific Northwest Dairy Compact, and the Intermountain Dairy Compact, was not enacted into law during the 107th Congress.

Section 7981 of this title, referred to in subsec. (c)(5), was in the original “section 1401”, and was translated as reading “section 1501”, meaning section 1501 of Pub. L. 107-171 to reflect the probable intent of Congress, because section 1501 of Pub. L. 107-171 relates to Federal milk price support program. Section 1401 of Pub. L. 107-171 amended sections 7272 and 7283 of this title.

<sup>1</sup> See References in Text note below.

Section 713a-14 of title 15, referred to in subsec. (c)(6), was repealed by Pub. L. 113-79, title I, §1423(a), Feb. 7, 2014, 128 Stat. 695.

### § 7984. Studies of effects of changes in approach to national dairy policy and fluid milk identity standards

#### (a) Federal dairy policy changes

The Secretary of Agriculture shall conduct a study of the effects of—

(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 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.

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

**(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 1637a, 4501-4504, 4507, 4553, 6402, and 6414 of 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

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