

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, 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 L. 110-234 was repealed by section 4(a) of Pub.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

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

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