

**(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 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.)

**Editorial Notes**

## CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect

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

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”.

**Statutory Notes and Related Subsidiaries**

## 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.

**Statutory Notes and Related Subsidiaries**

## 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 appro-