

**(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-

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.)

**Editorial Notes**

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.

**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.

**§ 8782. 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 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.) [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 et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

**(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 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(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 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).