

culture was not to take into consideration any market value of whey.

AVOIDANCE OF ADVERSE EFFECT OF MILK PRODUCTION TERMINATION PROGRAM ON BEEF, PORK, AND LAMB PRODUCERS

Pub. L. 99-198, title I, §104, Dec. 23, 1985, 99 Stat. 1366, directed Secretary of Agriculture, in order to minimize adverse effect of milk production termination program on beef, pork, and lamb producers during 18-month period for which such program was in effect under subsec. (d) of this section, to use funds available under specific programs of Department of Agriculture to purchase and distribute quantities of red meat in addition to those quantities normally purchased and distributed by Secretary, directed Secretary of Defense and other Federal agencies to use increased quantities of red meat to meet food needs of programs they administered, encouraged State agencies to cooperate in such effort, and directed Secretary of Agriculture to encourage consumption of red meat by the public.

CIRCUMVENTION OF HISTORICAL DISTRIBUTION OF MILK

Pub. L. 99-198, title I, §107, Dec. 23, 1985, 99 Stat. 1367, directed Secretary of Agriculture to monitor Commodity Credit Corporation purchases of milk products during 1986 and 1987 and report to Congress, on a quarterly basis, on disruptions of, or attempts by handlers or cooperative marketing associations to circumvent, historical distribution of milk among processors during the milk production termination program.

APPLICATION OF 1985 AMENDMENTS

Pub. L. 99-198, title I, §108, Dec. 23, 1985, 99 Stat. 1367, provided that: "The amendments made by this subtitle [subtitle A (§§101-108) of title I of Pub. L. 99-198, enacting section 1446c-2 of this title, amending this section, and enacting provisions set out as notes under this section] shall not affect any liability of any person under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) as in effect before the date of the enactment of this Act [Dec. 23, 1985]."

NATIONAL COMMISSION ON DAIRY POLICY

Pub. L. 99-198, title I, subtitle D (§§141-146), Dec. 23, 1985, 99 Stat. 1374, as amended by Pub. L. 100-28, §1, Apr. 24, 1987, 101 Stat. 291, established a National Commission on Dairy Policy to study and make recommendations concerning future operation of the Federal program established to support price of milk marketed by producers in the United States, directed Commission to submit to Secretary of Agriculture and Congress, not later than Mar. 31, 1988, a report containing results of its study and its recommendations, and provided for termination of Commission 30 days after submitting its report.

APPLICABILITY OF SUBSECTION (d)(2), (3) TO 48 CONTIGUOUS STATES, DECEMBER 1983, THROUGH MAY 1984

Pub. L. 98-213, §14, Dec. 8, 1983, 97 Stat. 1462, provided that effective with respect to milk marketed for commercial use during period beginning on Dec. 1, 1983 and ending on May 31, 1984, subsec. (d)(2) and (3) of this section was to apply only to milk produced in the forty-eight contiguous States.

IMPLEMENTATION OF SUBSECTION (d) WITHOUT REGARD TO PUBLIC PARTICIPATION IN RULEMAKING

Pub. L. 99-198, title I, §102, Dec. 23, 1985, 99 Stat. 1366, provided that 5 U.S.C. 553 was not to apply with respect to implementation of subsec. (d) of this section by the Secretary of Agriculture.

Pub. L. 98-180, title I, §102(b), Nov. 29, 1983, 97 Stat. 1135, directed Secretary of Agriculture to implement provisions of subsec. (d) of this section, as amended by section 102(a) of Pub. L. 98-180, without regard to the provisions requiring notice and other procedures for public participation in rulemaking contained in 5 U.S.C. 553.

AVOIDANCE OF ADVERSE IMPACT OF DAIRY DIVERSION PROGRAM ON BEEF AND PORK PRODUCERS

Pub. L. 98-180, title I, §103, Nov. 29, 1983, 97 Stat. 1135, provided that in order to minimize adverse impact of the dairy diversion program on beef and pork producers, Secretary of Agriculture was to use funds available for purposes of 7 U.S.C. 612c(2) and other funds available under commodity distribution and other nutrition programs of Department of Agriculture to increase use of beef and pork for such purposes, Secretary of Defense and other Federal and State agencies were encouraged to use increased quantities of beef and pork to meet food needs of programs which they administered, and Secretary of Agriculture was to take appropriate action to encourage consumption of beef and pork by members of public.

PRICE SUPPORT OF MILK FOR PERIOD BEGINNING OCTOBER 1, 1981, AND ENDING NO LATER THAN DECEMBER 31, 1981

Pub. L. 97-67, §1, Oct. 20, 1981, 95 Stat. 1039, as amended by Pub. L. 97-77, §2(a), Nov. 13, 1981, 95 Stat. 1069, provided that notwithstanding provisions of subsec. (c) of this section, the price of milk was to be supported at the level of \$13.10 per hundredweight for milk containing 3.67 per centum butterfat for the period beginning Oct. 1, 1981, and ending Dec. 22, 1981.

CONTINUATION OF SPECIAL MILK PROGRAM FOR CHILDREN

Pub. L. 85-478, July 1, 1958, 72 Stat. 276, as amended by Pub. L. 86-10, Apr. 3, 1959, 73 Stat. 15; Pub. L. 86-163, Aug. 18, 1959, 73 Stat. 363; Pub. L. 86-446, §§1, 2, Apr. 29, 1960, 74 Stat. 84; Pub. L. 87-67, June 30, 1961, 75 Stat. 147; Pub. L. 87-128, title IV, §402, Aug. 8, 1961, 75 Stat. 319, authorized, for the fiscal years 1960-1962, the use of the funds of the Commodity Credit Corporation to increase the consumption of fluid milk by children (1) in non-profit schools of high-school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Appropriations were further authorized for fiscal years 1963-1967 for the same purposes.

STUDY OF PRODUCTION CONTROL AND PRICE SUPPORTS; REPORT TO CONGRESS

Act Aug. 28, 1954, ch. 1041, title II, §204(f), 68 Stat. 901, directed Secretary of Agriculture to make a study of various methods of production control and of various methods of price support which could be made applicable to milk and butterfat and their products, including programs to be operated and financed by dairymen; and to submit to Congress on or before the 3d day of January, 1955, a detailed report thereof showing among other things the probable costs and effects of each type of operation studied and the legislation, if any, needed to put it into effect.

§ 1446a. Dairy products; availability through Commodity Credit Corporation

As a means of increasing the utilization of dairy products (including for purposes of this section, milk) upon the certification by the Secretary of Veterans Affairs or by the Secretary of the Army, acting for the military departments under the Department of Defense's Single Service Purchase Assignment for Subsistence, or their duly authorized representatives that the usual quantities of dairy products have been purchased in the normal channels of trade—

(a) Secretary of Veterans Affairs; needs; report to Congress

The Commodity Credit Corporation until December 31, 1995, shall make available to the Sec-

retary of Veterans Affairs at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Secretary of Veterans Affairs certifies that he requires in order to provide butter and cheese and other dairy products as a part of the ration in hospitals under his jurisdiction. The Secretary of Veterans Affairs shall report every six months to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

(b) Secretary of the Army; needs; report to Congress

The Commodity Credit Corporation until December 31, 1995, shall make available to the Secretary of the Army, at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Secretary of the Army or his duly authorized representative certifies can be utilized in order to provide additional butter and cheese and other dairy products as a part of the ration (1) of the Army, Navy, Air Force, or Coast Guard, (2) in hospitals under the jurisdiction of the Department of Defense, and (3) of cadets and midshipmen at, and other personnel assigned to, the United States Merchant Marine Academy. The Secretary of the Army shall report every six months to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

(c) Costs

Dairy products made available under this section shall be made available without charge, except that the Secretary of the Army or the Secretary of Veterans Affairs shall pay the Commodity Credit Corporation the costs of packaging incurred in making such products so available.

(d) Dairy products available

The obligation of the Commodity Credit Corporation to make dairy products available pursuant to the above shall be limited to dairy products acquired by the Corporation through price-support operations and not disposed of under provisions (1) and (2) of section 1431¹ of this title.

(Oct. 31, 1949, ch. 792, title II, §202, as added Aug. 28, 1954, ch. 1041, title II, §204(d), 68 Stat. 900; amended Apr. 2, 1956, ch. 159, §3, 70 Stat. 87; Pub. L. 85-835, title V, §504, Aug. 28, 1958, 72 Stat. 996; Pub. L. 87-128, title IV, §403, Aug. 8, 1961, 75 Stat. 319; Pub. L. 87-495, June 25, 1962, 76 Stat. 109; Pub. L. 88-529, Aug. 31, 1964, 78 Stat. 736; Pub. L. 90-140, Nov. 16, 1967, 81 Stat. 464; Pub. L. 91-524, title II, §203, Nov. 30, 1970, 84 Stat. 1361; Pub. L. 93-86, §1(4), Aug. 10, 1973, 87 Stat. 223; Pub. L. 95-113, title II, §204, Sept. 29, 1977, 91 Stat. 920; Pub. L. 97-98, title I, §104, Dec. 22, 1981, 95 Stat. 1220; Pub. L. 99-198, title I, §151, Dec. 23, 1985, 99

Stat. 1377; Pub. L. 101-624, title I, §109, Nov. 28, 1990, 104 Stat. 3380; Pub. L. 102-54, §13(c), June 13, 1991, 105 Stat. 274; Pub. L. 102-237, title I, §113(9), Dec. 13, 1991, 105 Stat. 1838; Pub. L. 103-437, §4(b), Nov. 2, 1994, 108 Stat. 4582.)

Editorial Notes

REFERENCES IN TEXT

Provisions (1) and (2) of section 1431 of this title, referred to in subsec. (d), were redesignated as subsec. (a)(1) and (2) of section 1431 of this title by Pub. L. 98-258, title V, §502(1), Apr. 10, 1984, 98 Stat. 137.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437, §4(b)(1), substituted “Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House” for “Committees on Agriculture of the Senate and House”.

Subsec. (b). Pub. L. 103-437, §4(b)(2), substituted “Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House” for “Committees on Agriculture of the Senate and the House”.

1991—Pub. L. 102-54 and Pub. L. 102-237, §113(9)(A), amended introductory provisions identically, substituting “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

Subsec. (a). Pub. L. 102-237, §113(9)(B), substituted “Secretary of Veterans Affairs” for “Administrator” before “certifies” and “shall report”.

Pub. L. 102-54 and Pub. L. 102-237, §113(9)(A), amended subsec. (a) identically, substituting “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” before “at warehouses”.

Subsec. (c). Pub. L. 102-54 and Pub. L. 102-237, §113(9)(A), amended subsec. (c) identically, substituting “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

1990—Subsecs. (a), (b). Pub. L. 101-624 substituted “1995” for “1990”.

1985—Subsecs. (a), (b). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsecs. (a), (b). Pub. L. 97-98 substituted “1985” for “1981”.

1977—Subsecs. (a), (b). Pub. L. 95-113 substituted “1981” for “1977”.

1973—Subsecs. (a), (b). Pub. L. 93-86 substituted “1977” for “1973”.

1970—Subsecs. (a), (b). Pub. L. 91-524 substituted “1973” for “1970”.

1967—Subsecs. (a), (b). Pub. L. 90-140 substituted “1970” for “1967”.

1964—Subsecs. (a), (b). Pub. L. 88-529 substituted “1967” for “1964”.

1962—Subsec. (a). Pub. L. 87-495 changed requirement of a monthly report to one every six months.

1961—Subsecs. (a), (b). Pub. L. 87-128 substituted “1964” for “1961”.

1958—Subsecs. (a), (b). Pub. L. 85-835 substituted “1961” for “1958” and provided for receipt of surplus dairy products by Coast Guard and United States Merchant Marine Academy.

1956—Subsecs. (a), (b). Act Apr. 2, 1956, substituted “1958” for “1956”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

¹ See References in Text note below.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1446a-1. Use of Commodity Credit Corporation funds for purchases of dairy products requirements for school and other programs

The Secretary of Agriculture is hereby authorized to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools), domestic relief distribution, community action, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes.

(Pub. L. 89-321, title VII, § 709, Nov. 3, 1965, 79 Stat. 1212; Pub. L. 89-808, § 3(b), Nov. 11, 1966, 80 Stat. 1538.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1966—Pub. L. 89-808 struck out “foreign distribution,” after “community action,” thus deleting that part authorizing purchase of dairy products for foreign donation, such authority now being included in the general authority provided for by section 1721 et seq. of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1966 AMENDMENT

Pub. L. 89-808, § 3(b), Nov. 11, 1966, 80 Stat. 1538, provided that the amendment made by section 3(b) is effective Jan. 1, 1967.

COMMODITY DISTRIBUTION PROGRAM; PROHIBITION ON FURNISHING COMMODITIES TO SUMMER CAMPS

Prohibition on furnishing commodities under authority of this section to summer camps where number of adults participating in activities of camp exceeds one for each five children under 18 years of age participating in such activities, see section 4(b) of Pub. L. 93-86, Aug. 10, 1973, 87 Stat. 249, set out as a note under section 612c of this title.

§ 1446b. Policy with regard to dairy products

The production and use of abundant supplies of high quality milk and dairy products are essential to the health and general welfare of the

Nation: a dependable domestic source of supply of these foods in the form of high grade dairy herds and modern, sanitary dairy equipment is important to the national defense; and an economically sound dairy industry affects beneficially the economy of the country as a whole. It is the policy of Congress to assure a stabilized annual production of adequate supplies of milk and dairy products; to promote the increased use of these essential foods; to improve the domestic source of supply of milk and butterfat by encouraging dairy farmers to develop efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment; and to stabilize the economy of dairy farmers at a level which will provide a fair return for their labor and investment when compared with the cost of things that farmers buy.

(Aug. 28, 1954, ch. 1041, title II, § 204(a), 68 Stat. 899.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Agricultural Act of 1954, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1446c. Domestic disposal programs for dairy products

In order to prevent the accumulation of excessive inventories of dairy products the Secretary of Agriculture shall undertake domestic disposal programs under authorities granted in the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.] and the Agricultural Act of 1949, as amended [7 U.S.C. 1421 et seq.], or as otherwise authorized by law.

(Aug. 28, 1954, ch. 1041, title II, § 204(c), 68 Stat. 900.)

Editorial Notes

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in text, is act Feb. 16, 1938, ch. 30, 52 Stat. 31, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, which is classified principally to chapter 35A (§ 1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1954, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Statutory Notes and Related Subsidiaries

REPORT OF DAIRY PRODUCT PURCHASES

Pub. L. 101-624, title I, § 105, Nov. 28, 1990, 104 Stat. 3379, provided that: “The Secretary of Agriculture shall make available to the public quarterly evaluations of