

204(h)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446e(h)(2)), as in effect on the day before the amendment made by subsection (g), in the price of milk received by a producer during calendar year 1995 or 1996, if the producer provides evidence that the producer did not increase marketings in calendar year 1995 or 1996 when compared to calendar year 1994 or 1995, respectively.

(2) Exception

This subsection shall not apply with respect to a producer for a particular calendar year if the producer has already received a refund under section 204(h) of the Agricultural Act of 1949 for the same fiscal year before the effective date of this section.

(3) Treatment of refund

A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 3811 and 3821 of title 16.

(f) Commodity Credit Corporation

The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) Omitted

(h) Period of effectiveness

This section (other than subsection (g)) shall be effective only during the period beginning on the first day of the first month beginning after April 4, 1996, and ending on May 31, 2002. The program authorized by this section shall terminate on May 31, 2002, and shall be considered to have expired notwithstanding section 907 of title 2.

(Pub. L. 104-127, title I, §141, Apr. 4, 1996, 110 Stat. 914; Pub. L. 106-78, title VIII, §807(a), Oct. 22, 1999, 113 Stat. 1181; Pub. L. 106-387, §1(a) [title VII, §742(a)], Oct. 28, 2000, 114 Stat. 1549, 1549A-35; Pub. L. 107-76, title VII, §772(a), Nov. 28, 2001, 115 Stat. 745.)

Editorial Notes

REFERENCES IN TEXT

Section 204 of the Agricultural Act of 1949, referred to in subsec. (e)(1), (2), was classified to section 1446e of this title prior to repeal by subsec. (g) of this section. See Codification note below.

CODIFICATION

Section is comprised of section 141 of Pub. L. 104-127. Subsec. (g) of section 141 of Pub. L. 104-127 repealed section 1446e of this title and enacted provisions set out as a note under section 1446e of this title.

AMENDMENTS

2001—Subsec. (b)(5). Pub. L. 107-76, §772(a)(1), added par. (5).

Subsec. (h). Pub. L. 107-76, §772(a)(2), substituted “May 31, 2002” for “December 31, 2001” in two places.

2000—Subsec. (b)(4). Pub. L. 106-387, §1(a) [title VII, §742(a)(1)], substituted “through 2001” for “and 2000”.

Subsec. (h). Pub. L. 106-387, §1(a) [title VII, §742(a)(2)], substituted “2001” for “2000” in two places.

1999—Subsec. (b)(4). Pub. L. 106-78, §807(a)(1), substituted “each of calendar years 1999 and 2000” for “calendar year 1999”.

Subsec. (h). Pub. L. 106-78, §807(a)(2), substituted “2000” for “1999” in two places.

§ 7252. Repealed. Pub. L. 107-76, title VII, § 772(b), Nov. 28, 2001, 115 Stat. 745

Section, Pub. L. 104-127, title I, §142, Apr. 4, 1996, 110 Stat. 915; Pub. L. 106-78, title VIII, §807(b), Oct. 22, 1999, 113 Stat. 1181; Pub. L. 106-387, §1(a) [title VII, §742(b)], Oct. 28, 2000, 114 Stat. 1549, 1549A-35, related to recourse loan program for commercial processors of dairy products.

§ 7253. Consolidation and reform of Federal milk marketing orders

(a) Amendment of orders

(1) Required consolidation

The Secretary shall amend Federal milk marketing orders issued under section 608c of this title to limit the number of Federal milk marketing orders to not less than 10 and not more than 14 orders.

(2) Inclusion of California as separate order

Upon the petition and approval of California dairy producers in the manner provided in section 608c of this title, the Secretary shall designate the State of California as a separate Federal milk marketing order. The order covering California shall have the right to reblend and distribute order receipts to recognize quota value. Subsection (b) does not apply to the authority of the Secretary under this subsection.

(3) Related issues addressed in consolidation

Among the issues the Secretary is authorized to implement as part of the consolidation of Federal milk marketing orders are the following:

(A) The use of utilization rates and multiple basing points for the pricing of fluid milk.

(B) The use of uniform multiple component pricing when developing 1 or more basic formula prices for manufacturing milk.

(4) Effect of existing law

In implementing the consolidation of Federal milk marketing orders and related reforms under this subsection, the Secretary may not consider, or base any decision on, the table contained in section 608c(5)(A) of this title.

(b) Expedited process

(1) Use of informal rulemaking

To implement the consolidation of Federal milk marketing orders and related reforms under subsection (a), the Secretary shall use the notice and comment procedures provided in section 553 of title 5.

(2) Time limitations

(A) Proposed amendments

The Secretary shall announce the proposed amendments to be made under subsection (a) not later than 2 years after April 4, 1996.

(B) Final amendments

The Secretary shall implement the amendments not later than 3 years after April 4, 1996.

(3) Effect of court order

The actions authorized by this subsection are intended to ensure the timely publication