

**Agricultural Marketing Service, USDA**

**§ 1140.2**

**PARTS 1132–1134 [RESERVED]**

**PART 1135—MILK IN THE WESTERN  
MARKETING AREA**

AUTHORITY: 7 U.S.C. 601–674, and 7253.

**Subpart—Order Regulating  
Handling**

**§ 1135.1 General provisions.**

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1135. In this part 1135, all references to sections in part 1000 refer to part 1000 of this chapter.

[64 FR 48015, Sept. 1, 1999]

**PARTS 1136–1139 [RESERVED]**

**PART 1140—DAIRY FORWARD  
PRICING PILOT PROGRAM**

**Subpart A—Definitions**

Sec.

1140.1 Definitions.

**Subpart B—Rules Governing Forward  
Contracts**

1140.2 Rules governing forward contracts.

AUTHORITY: 7 U.S.C. 601 *et seq.*

SOURCE: 65 FR 44413, July 18, 2000, unless otherwise noted.

**Subpart A—Definitions**

**§ 1140.1 Definitions.**

(a) *Pilot program* means the dairy forward pricing pilot program provided by an amendment to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 *et seq.*) signed into law on November 29, 1999 (Section 3 of H.R. 3428 of the 106th Congress, as enacted by section 1001(a)(8) of Public Law 106–113 (113 Stat. 1536)).

(b) *Eligible milk* means the quantity of milk equal to the contracting handler's Class II, III, and IV utilization of producer milk, in product pounds, during the month, combining all plants of a single handler regulated under the same Federal order.

(c) *Forward contract* means an agreement covering the terms and condi-

tions for the sale of milk from a producer defined in §§1001.12, 1005.12, 1006.12, 1007.12, 1030.12, 1032.12, 1033.12, 1124.12, 1126.12, 1131.12, and 1135.12, or a cooperative association defined in §1000.18, and a handler defined in §1000.9 or 1135.9.

(d) *Contract milk* means the producer milk covered by a forward contract.

(e) *Disclosure statement* means the following statement which must be signed by each producer entering into a forward contract with a handler before the market administrator will recognize the terms and conditions provided in such contract.

**DISCLOSURE STATEMENT**

I am voluntarily entering into a forward contract with \_\_\_\_\_ (handler's name). I have been given a copy of the contract and I have received the USDA's Pilot Program Fact Sheet to which this disclosure statement was attached. By signing this form, I understand that I am forfeiting my right to receive the order's minimum prices for that portion of my milk that is under forward contract for the duration of the contract. I also understand that my milk will be priced in accordance with the terms and conditions of the contract.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Producer No: \_\_\_\_\_

(f) *Other definitions.* The definition of any term in parts 1000–1135 of this chapter apply to, and are hereby made a part of, this part.

**Subpart B—Rules Governing  
Forward Contracts**

**§ 1140.2 Rules governing forward con-  
tracts.**

(a) Any handler defined in §§1000.9 and 1135.9 may enter into forward contracts with producers or cooperative associations for the handler's eligible milk. Milk under forward contract in compliance with these rules will be exempt from the minimum payment provisions that would apply to such milk pursuant to §§1001.73, 1005.73, 1006.73, 1007.73, 1030.73, 1032.73, 1033.73, 1124.73, 1126.73, 1131.73 and 1135.73 for the period of time covered by the contract.