

108TH CONGRESS
1ST SESSION

H. R. 1659

To ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Mr. NUNES introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Milk Regulatory Eq-
5 uity Act of 2003”.

1 **SEC. 2. MINIMUM MILK PRICES FOR HANDLERS UNDER**
2 **FEDERAL MILK MARKETING ORDERS.**

3 (a) APPLICATION OF MINIMUM PRICE REQUIRE-
4 MENTS.—A milk handler described in subsection (b) shall
5 be subject to all of the minimum and uniform price re-
6 quirements of the Federal milk marketing order issued
7 under section 8c(5) of the Agricultural Adjustment Act
8 (7 U.S.C. 608c(5)), reenacted with amendments by the
9 Agricultural Marketing Agreement Act of 1937, applicable
10 to the county in which the plant of the handler is located,
11 at Federal order class prices, if the handler has packaged
12 fluid milk product route dispositions, or sales of packaged
13 fluid milk products to other plants, in a marketing area
14 located in a State that requires handlers to pay minimum
15 prices for raw milk purchases.

16 (b) COVERED MILK HANDLERS.—Except as provided
17 in subsection (c), subsection (a) applies to a handler of
18 Class I milk products (including a producer-handler or
19 producer operating as a handler)—

20 (1) whose plant is located within the boundaries
21 of a Federal order milk marketing area (as those
22 boundaries are in effect as of the date of the enact-
23 ment of this Act);

24 (2) that has packaged fluid milk product route
25 dispositions, or sales of packaged fluid milk products
26 to other plants, in a milk marketing area located in

1 a State that requires handlers to pay minimum
2 prices for raw milk purchases; and

3 (3) that is not otherwise obligated by a Federal
4 milk marketing order, or a regulated milk pricing
5 plan operated by a State, to pay minimum class
6 prices for the raw milk represented by those milk
7 dispositions or sales.

8 (c) CERTAIN HANDLERS EXEMPTED.—Subsection
9 (a) does not apply—

10 (1) to a handler (otherwise described in sub-
11 section (b)) that operates an exempt plant, as de-
12 fined in section 1000.8(e) of title 7, Code of Federal
13 Regulations (as in effect on the date of the enact-
14 ment of this Act); or

15 (2) a producer-handler (otherwise described in
16 subsection (b)) for any month during which the pro-
17 ducer-handler has route dispositions, and sales to
18 other plants, of packaged fluid milk products equal-
19 ing less than 6,000,000 pounds of milk.

20 (d) EFFECTIVE DATE AND IMPLEMENTATION.—Sub-
21 section (a) shall take effect on the first day of the first
22 month beginning more than 15 days after the date of the
23 enactment of this Act. To accomplish this expedited imple-
24 mentation schedule, effective on the date of the enactment
25 of this Act, the Secretary of Agriculture shall include in

1 the pool distributing plant provision of each Federal milk
2 marketing order issued under section 8c(5)(B) of the Agri-
3 cultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted
4 with amendments by the Agricultural Marketing Agree-
5 ment of 1937, language to ensure that a handler described
6 in subsection (b) will be fully regulated by the order in
7 which the handler's distributing plant is located. Inclusion
8 of this language into Federal milk marketing orders shall
9 not be subjected to a referendum under section 8c(19) of
10 the Agricultural Adjustment Act (7 U.S.C. 608c(19)), re-
11 enacted with amendments by the Agricultural Marketing
12 Agreement Act of 1937.

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