

116TH CONGRESS
2D SESSION

H. R. 8274

To direct the Secretary of Agriculture to establish the Dairy Pricing and Policy Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2020

Mr. KIND (for himself and Mr. GALLAGHER) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To direct the Secretary of Agriculture to establish the Dairy Pricing and Policy Commission, and for other purposes.

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 “Dairy Pricing and Pol-
5 icy Commission Act of 2020”.

6 **SEC. 2. DAIRY PRICING AND POLICY COMMISSION.**

7 (a) ESTABLISHMENT.—Not later than 6 months after
8 the date on which funds are first made available to carry
9 out this section, the Secretary shall establish a commission

1 to be known as the “Dairy Pricing and Policy Commis-
2 sion” (in this section referred to as the “Commission”).

3 (b) STUDY BY COMMISSION.—The Commission shall
4 conduct, with respect to the 10-year period ending on the
5 date of the enactment of this Act, a comprehensive study
6 of the following:

7 (1) Decreasing real values of dairy farmer milk
8 prices and income.

9 (2) Economic and policy causes for the declin-
10 ing number of small and medium sized dairy oper-
11 ations.

12 (3) Levels of milk production in the United
13 States with regional changes in farm numbers, cow
14 numbers, and milk production per cow.

15 (4) Opportunities and challenges for increasing
16 domestic and export demand for dairy products.

17 (5) The effects of declining dairy farm numbers
18 on rural economies.

19 (6) Causes for the consolidation within the
20 dairy industry.

21 (c) RECOMMENDATIONS.—In conducting the study
22 pursuant to subsection (b), the Commission shall develop
23 legislative, regulatory, and market-based recommendations
24 for the following:

1 (1) Responding to periods of heightened dairy
2 production during low prices by considering better
3 supply chain coordination and market price signals.

4 (2) Enhancing the competitiveness of American
5 dairy producers and dairy products in world mar-
6 kets.

7 (3) Evaluating and identifying challenges and
8 opportunities for new markets for dairy exports.

9 (4) Ensuring that Federal Milk Marketing Or-
10 ders (FMMO) and FMMO rulemakings are trans-
11 parent and provide a fair return to producers re-
12 gardless of the end product for which their milk is
13 used.

14 (5) Ensuring that the competitiveness of dairy
15 products with other competing products in the mar-
16 ketplace is preserved and enhanced.

17 (d) MEMBERSHIP.—

18 (1) NUMBER AND APPOINTMENT.—The Com-
19 mission shall be composed of 18 members appointed
20 by the Secretary as follows:

21 (A) At least 1 member representing a na-
22 tional consumer organization.

23 (B) At least 3 members representing land-
24 grant colleges and universities or covered

1 NLGCA Institutions, with at least two of such
2 members having expertise in economics.

3 (C) At least 1 member representing the
4 food and beverage retail sector.

5 (D) Six dairy producers representing a va-
6 riety of farming practices and sizes and 3 dairy
7 processors, appointed so as to balance geo-
8 graphical distribution of milk production and
9 dairy processing, reflect major product seg-
10 ments of dairy processing, and represent all re-
11 gions of the United States equitably, including
12 States that operate outside of a Federal Milk
13 Marketing Order.

14 (E) At least 2 members shall represent
15 dairy farmer, cooperative, or dairy processor,
16 associations.

17 (F) At least 2 members shall represent
18 dairy industry experts in the field of milk pric-
19 ing, finance, marketing, risk management, con-
20 sulting, or advisory services (or some combina-
21 tion thereof).

22 (2) TERMS.—Each member shall be appointed
23 for the duration of the Commission.

1 (3) VACANCY.—Any vacancy occurring before
2 the termination of the Commission shall be filled in
3 the same manner as the original appointment.

4 (4) PAY.—Members shall serve without pay, but
5 shall be entitled to receive a reimbursement from the
6 Secretary from existing budget authority for reason-
7 able expenses necessary to carry out the duties of
8 the Commission.

9 (5) CHAIRPERSON.—The members shall elect a
10 member to serve as Chairperson of the Commission
11 for the duration of the Commission.

12 (6) VOTING.—

13 (A) IN GENERAL.—If the Commission is
14 unable to reach a consensus on a proposed rec-
15 ommendation or determination, the Commission
16 may decide the matter by majority vote of its
17 members.

18 (B) TIE VOTES.—The Chairperson of the
19 Commission, in addition to voting, may also
20 break any tie vote.

21 (e) ADMINISTRATIVE SUPPORT SERVICES.—The Sec-
22 retary shall provide to the Commission the administrative
23 support services necessary for the Commission to carry out
24 the requirements under this section.

25 (f) REPORT.—

1 (1) SUBMISSION OF REPORT.—Not later than 2
2 years after the date of the first meeting of the Com-
3 mission, the Commission shall submit to the Sec-
4 retary and Congress a report containing the results
5 of the study conducted pursuant to subsection (b),
6 including the legislative and regulatory recommenda-
7 tions developed pursuant to subsection (c).

8 (2) OPINIONS.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the report shall reflect, to the extent
11 practicable, a consensus opinion of the mem-
12 bers.

13 (B) EXCEPTION.—If the members did not
14 reach a consensus opinion with respect to a
15 matter, the report may include majority and
16 minority findings regarding such matter.

17 (g) FEDERAL ADVISORY COMMITTEE ACT.—Section
18 14(a)(2)(B) of the Federal Advisory Committee Act (5
19 U.S.C. App.; relating to the termination of advisory com-
20 mittees) shall not apply to the Commission.

21 (h) ADVISORY NATURE.—The Commission is wholly
22 advisory in nature, and the recommendations of the Com-
23 mission are nonbinding.

24 (i) NO EFFECT ON EXISTING PROGRAMS.—The Sec-
25 retary shall not allow the existence of the Commission to

1 impede, delay, or otherwise affect any decision-making
2 process of the Department of Agriculture, including any
3 rulemaking procedures planned, proposed, or near comple-
4 tion.

5 (j) ADMINISTRATIVE ASSISTANCE.—The Secretary
6 shall provide administrative support to the Commission,
7 and expend to carry out this section such funds as nec-
8 essary from budget authority available to the Secretary.

9 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated \$50,000 to carry out this
11 section.

12 (l) TERMINATION.—The Commission shall terminate
13 on the earlier of the following:

14 (1) The date of the submission of the report
15 pursuant to subsection (f).

16 (2) The date that is 2 years after the date of
17 the first meeting of the Commission.

18 (m) DEFINITIONS.—In this section:

19 (1) COVERED NLGCA INSTITUTION.—The term
20 “covered NLGCA Institution” means an institution
21 that—

22 (A) is an NLGCA Institution; and

23 (B) offers an accredited dairy economic
24 program.

1 (2) FEDERAL MILK MARKETING ORDER.—The
2 term “Federal milk marketing order” means a Fed-
3 eral milk marketing order issued under section 8c of
4 the Agricultural Adjustment Act (7 U.S.C. 608c),
5 reenacted with amendments by the Agricultural
6 Marketing Agreement Act of 1937.

7 (3) LAND-GRANT COLLEGES AND UNIVER-
8 SITIES.—The term “land-grant colleges and univer-
9 sities” has the meaning given such term in section
10 1404 of the National Agricultural Research, Exten-
11 sion, and Teaching Policy Act of 1977 (7 U.S.C.
12 3103).

13 (4) NLGCA INSTITUTION.—The term “NLGCA
14 Institution” has the meaning given such term in sec-
15 tion 1404 of the National Agricultural Research,
16 Extension, and Teaching Policy Act of 1977 (7
17 U.S.C. 3103).

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

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