

117TH CONGRESS  
1ST SESSION

# H. R. 4269

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

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

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## 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 2021”.

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

7 (a) FINDINGS.—Congress finds the following:

8 (1) The pace of consolidation in the dairy in-  
9 dustry as it relates to herd size is far surpassing  
10 that seen in the majority of U.S. agriculture.

1           (2) The number of small commercial dairy op-  
2           erations has declined from 146,685 in 1987 to  
3           30,373 in 2017.

4           (3) The number of licensed dairy herds fell by  
5           more than half between 2002 and 2019, despite milk  
6           production continuing to grow.

7           (4) The loss of dairy operations poses signifi-  
8           cant economic challenges to many rural communities  
9           with historic ties to dairy farming.

10          (5) A diverse and cross-regional dairy industry  
11          is critical for food security and resiliency in the  
12          United States.

13          (6) Continued declines of approximately 4 per-  
14          cent of dairy farms annually will negatively impact  
15          rural communities throughout the country.

16          (7) In 2016, dairy farmers of all herd sizes  
17          below 1,000 cows experienced higher total costs than  
18          gross returns.

19          (8) In 2019, monthly exit rates among Wis-  
20          consin licensed dairy farms more than doubled from  
21          2016 levels.

22          (b) ESTABLISHMENT.—Not later than 6 months after  
23          the date on which funds are first made available to carry  
24          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 (c) RECOMMENDATIONS.—

4 (1) IN GENERAL.—The Commission shall de-  
5 velop legislative, regulatory, and market-based rec-  
6 ommendations for the following:

7 (A) Responding to periods of heightened  
8 dairy production during low prices by consid-  
9 ering better supply chain coordination and mar-  
10 ket price signals.

11 (B) Enhancing the competitiveness of U.S.  
12 dairy producers and dairy products in world  
13 markets by identifying challenges and opportu-  
14 nities for new markets for dairy exports.

15 (C) Ensuring that Federal milk marketing  
16 orders and rulemakings that relate to such or-  
17 ders are transparent and provide a fair return  
18 to producers regardless of the end product for  
19 which the milk is used.

20 (2) AVAILABLE RESEARCH.—In developing rec-  
21 ommendations under paragraph (1), the Commission  
22 shall draw upon available research, including the re-  
23 port published in 2020 by the Economic Research  
24 Service of the United States Department of Agri-

1 culture and titled “Consolidation in U.S. Dairy  
2 Farming”.

3 (d) MEMBERSHIP.—

4 (1) NUMBER AND APPOINTMENT.—The Com-  
5 mission shall be composed of 13 members appointed  
6 by the Secretary as follows:

7 (A) At least 1 member representing a na-  
8 tional consumer organization.

9 (B) At least 1 member representing land-  
10 grant colleges and universities or covered  
11 NLGCA Institutions.

12 (C) At least 1 member representing the  
13 food and beverage retail sector.

14 (D) 5 dairy producers (representing a vari-  
15 ety of farming practices and sizes) and 2 dairy  
16 processors, appointed so as to balance geo-  
17 graphical distribution of milk production and  
18 dairy processing, reflect major product seg-  
19 ments of dairy processing, and represent all re-  
20 gions of the United States equitably, including  
21 States that operate outside of a Federal milk  
22 marketing order.

23 (E) At least 2 members representing dairy  
24 farmer, cooperative, or dairy processor, associa-  
25 tions.

1 (F) At least 1 member representing dairy  
2 industry experts in the field of milk pricing, fi-  
3 nance, marketing, risk management, consulting,  
4 or advisory services (or some combination there-  
5 of).

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

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

11 (4) PAYMENT AND TRAVEL EXPENSES.—

12 (A) PAYMENT.—Members of the Commis-  
13 sion shall serve without pay.

14 (B) TRAVEL EXPENSES.—For travel relat-  
15 ing to meetings under paragraph (7), each  
16 member of the Commission shall receive travel  
17 expenses, including per diem in lieu of subsist-  
18 ence, in accordance with applicable provisions  
19 under subchapter I of chapter 57 of title 5,  
20 United States Code.

21 (5) ADMINISTRATIVE SUPPORT SERVICES.—The  
22 Secretary shall provide to the Commission the ad-  
23 ministrative support services necessary for the Com-  
24 mission to carry out the requirements under this  
25 section.

1           (6) CHAIRPERSON.—The members shall elect a  
2           member to serve as Chairperson of the Commission  
3           for the duration of the Commission.

4           (7) MEETINGS.—The Commission shall meet at  
5           least 4 times each year until the date on which the  
6           Commission terminates pursuant to subsection (i).

7           (8) QUORUM.—A quorum shall consist of not  
8           fewer than 7 members of the Commission.

9           (9) VOTING.—

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

15           (B) TIE VOTES.—The Chairperson of the  
16           Commission, in addition to voting, may also  
17           break any tie vote.

18           (e) INFORMATION FROM FEDERAL AGENCIES.—The  
19           Commission may secure directly from any Federal agency  
20           of the United States information necessary to enable it  
21           to carry out this Act. Upon request of the Chairperson  
22           of the Commission, the head of such agency shall furnish  
23           that information to the Commission.

24           (f) REPORT.—

1           (1) SUBMISSION OF REPORT.—Not later than 2  
2           years after the date of the establishment of the  
3           Commission, the Commission shall submit to the  
4           Secretary and Congress a report containing the leg-  
5           islative and regulatory recommendations developed  
6           pursuant to subsection (c).

7           (2) OPINIONS.—

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

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

16           (g) NO EFFECT ON EXISTING PROGRAMS.—The Sec-  
17           retary shall not allow the existence of the Commission to  
18           impede, delay, or otherwise affect any decision-making  
19           process of the Department of Agriculture, including any  
20           rulemaking procedures planned, proposed, or near comple-  
21           tion.

22           (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
23           authorized to be appropriated \$50,000 to carry out this  
24           section.

1 (i) TERMINATION.—The Commission shall terminate  
2 on the earlier of the following:

3 (1) The date of the submission of the report  
4 pursuant to subsection (f).

5 (2) The date that is 2 years after the date of  
6 the establishment of the Commission.

7 (j) DEFINITIONS.—In this section:

8 (1) COVERED NLGCA INSTITUTION.—The term  
9 “covered NLGCA Institution” means an institution  
10 that—

11 (A) is an NLGCA Institution; and

12 (B) offers an accredited dairy economic  
13 program.

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

20 (3) LAND-GRANT COLLEGES AND UNIVER-  
21 SITIES.—The term “land-grant colleges and univer-  
22 sities” has the meaning given such term in section  
23 1404 of the National Agricultural Research, Exten-  
24 sion, and Teaching Policy Act of 1977 (7 U.S.C.  
25 3103).



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

6           (5) SECRETARY.—The term “Secretary” means  
7           the Secretary of Agriculture.

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