

106TH CONGRESS
2D SESSION

S. 3128

To establish the Dairy Farmer Viability Commission.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Mr. FEINGOLD (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. KOHL, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish the Dairy Farmer Viability Commission.

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 Farmer Viability
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the farm-retail price spread (the difference
9 between farm and retail values) for dairy products
10 has doubled since the early 1980’s;

1 (2) the price of raw milk sent to the market by
2 dairy producers has fallen to levels received in 1978;
3 and

4 (3) the number of family-sized dairy operations
5 has decreased by almost 75 percent in the last 2
6 decades, with some States losing nearly 10 percent
7 of their dairy farmers in recent months.

8 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

9 (a) ESTABLISHMENT.—There is established a com-
10 mission to be known as the “Dairy Farmer Viability Com-
11 mission” (referred to in this Act as the “Commission”).

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—The Commission shall be
14 composed of 15 members appointed by the Sec-
15 retary.

16 (2) PROHIBITION ON FEDERAL GOVERNMENT
17 EMPLOYMENT.—A member of the Commission ap-
18 pointed under paragraph (1) shall not be an em-
19 ployee or former employee of the Federal Govern-
20 ment.

21 (3) DATE OF APPOINTMENTS.—The appoint-
22 ment of a member of the Commission shall be made
23 as soon as practicable after the date of enactment of
24 this Act.

25 (c) TERM; VACANCIES.—

1 (1) TERM.—A member shall be appointed for
2 the life of the Commission.

3 (2) VACANCIES.—A vacancy on the
4 Commission—

5 (A) shall not affect the powers of the Com-
6 mission; and

7 (B) shall be filled in the same manner as
8 the original appointment was made.

9 (d) INITIAL MEETING.—Not later than 30 days after
10 the date on which all members of the Commission have
11 been appointed, the Commission shall hold the initial
12 meeting of the Commission.

13 (e) MEETINGS.—The Commission shall meet at the
14 call of the Chairperson.

15 (f) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum, but a lesser num-
17 ber of members may hold hearings.

18 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
19 Commission shall select a Chairperson and Vice Chair-
20 person from among the members of the Commission.

21 **SEC. 4. DUTIES.**

22 (a) STUDY.—The Commission shall conduct a study
23 on matters relating to improving the viability of dairy
24 farming.

1 (b) RECOMMENDATIONS.—The Commission shall de-
2 velop recommendations to improve the viability of dairy
3 farming after considering, with respect to dairy industry—

- 4 (1) farm prices;
- 5 (2) competition;
- 6 (3) leverage;
- 7 (4) stability; and
- 8 (5) concentration in the marketplace.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Commission shall submit to
11 the President and Congress a report that contains—

- 12 (1) a detailed statement of the findings and
13 conclusions of the Commission; and
- 14 (2) the recommendations of the Commission for
15 such legislation and administrative actions as the
16 Commission considers appropriate.

17 **SEC. 5. POWERS.**

18 (a) HEARINGS.—The Commission may hold such
19 hearings, sit and act at such times and places, take such
20 testimony, and receive such evidence as the Commission
21 considers advisable to carry out this Act.

22 (b) INFORMATION FROM FEDERAL AGENCIES.—

- 23 (1) IN GENERAL.—The Commission may secure
24 directly from a Federal agency such information as

1 the Commission considers necessary to carry out this
2 Act.

3 (2) PROVISION OF INFORMATION.—On request
4 of the Chairperson of the Commission, the head of
5 the agency shall provide the information to the Com-
6 mission.

7 (c) POSTAL SERVICES.—The Commission may use
8 the United States mails in the same manner and under
9 the same conditions as other agencies of the Federal Gov-
10 ernment.

11 (d) GIFTS.—The Commission may accept, use, and
12 dispose of gifts or donations of services or property.

13 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

14 (a) COMPENSATION OF MEMBERS.—A member of the
15 Commission shall be compensated at a rate equal to the
16 daily equivalent of the annual rate of basic pay prescribed
17 for level IV of the Executive Schedule under section 5315
18 of title 5, United States Code, for each day (including
19 travel time) during which the member is engaged in the
20 performance of the duties of the Commission.

21 (b) TRAVEL EXPENSES.—A member of the Commis-
22 sion shall be allowed travel expenses, including per diem
23 in lieu of subsistence, at rates authorized for an employee
24 of an agency under subchapter I of chapter 57 of title
25 5, United States Code, while away from the home or reg-

1 ular place of business of the member in the performance
2 of the duties of the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Chairperson of the
5 Commission may, without regard to the civil service
6 laws (including regulations), appoint and terminate
7 an executive director and such other additional per-
8 sonnel as are necessary to enable the Commission to
9 perform the duties of the Commission.

10 (2) CONFIRMATION OF EXECUTIVE DIREC-
11 TOR.—The employment of an executive director shall
12 be subject to confirmation by the Commission.

13 (3) COMPENSATION.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the Chairperson of the Com-
16 mission may fix the compensation of the execu-
17 tive director and other personnel without regard
18 to the provisions of chapter 51 and subchapter
19 III of chapter 53 of title 5, United States Code,
20 relating to classification of positions and Gen-
21 eral Schedule pay rates.

22 (B) MAXIMUM RATE OF PAY.—The rate of
23 pay for the executive director and other per-
24 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section
2 5316 of title 5, United States Code.

3 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
4 EES.—

5 (1) IN GENERAL.—An employee of the Federal
6 Government may be detailed to the Commission
7 without reimbursement.

8 (2) CIVIL SERVICE STATUS.—The detail of the
9 employee shall be without interruption or loss of civil
10 service status or privilege.

11 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
12 TENT SERVICES.—The Chairperson of the Commission
13 may procure temporary and intermittent services in ac-
14 cordance with section 3109(b) of title 5, United States
15 Code, at rates for individuals that do not exceed the daily
16 equivalent of the annual rate of basic pay prescribed for
17 level V of the Executive Schedule under section 5316 of
18 that title.

19 **SEC. 7. FUNDING.**

20 The Secretary of Agriculture shall provide to the
21 Commission for each fiscal year such sums as are nec-
22 essary to carry out this Act, to be derived by transfer of
23 a proportionate amount of funds for administrative ex-
24 penses from each other account for which funds are made

1 available to the Department of Agriculture for administra-
2 tive expenses for the fiscal year.

3 **SEC. 8. TERMINATION OF COMMISSION.**

4 The Commission shall terminate 90 days after the
5 date on which the Commission submits the report of the
6 Commission under section 4(c).

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