

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3322

To respond to the current over-supply of milk by temporarily increasing the payment rate for payments under the milk income loss contract program and by directing the Secretary of Agriculture to facilitate the efforts of producer associations and other third parties to remove dairy cows from production, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2009

Mr. MURPHY of New York (for himself and Mr. TONKO) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To respond to the current over-supply of milk by temporarily increasing the payment rate for payments under the milk income loss contract program and by directing the Secretary of Agriculture to facilitate the efforts of producer associations and other third parties to remove dairy cows from production, 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 Relief and Mar-  
5       ket Stabilization Act”.

1 **SEC. 2. TEMPORARY INCREASE IN PAYMENT RATE FOR**  
2 **MILK INCOME LOSS CONTRACT PROGRAM.**

3 Section 1506(c)(3) of the Food, Conservation, and  
4 Energy Act of 2008 (7 U.S.C. 8773(c)(3)) is amended—

5 (1) by redesignating subparagraph (C) as sub-  
6 paragraph (E); and

7 (2) by striking subparagraph (B) and inserting  
8 the following new subparagraphs:

9 “(B) for the period beginning on October  
10 1, 2008, and ending on February 28, 2009, 45  
11 percent;

12 “(C) for the period beginning on March 1,  
13 2009, and ending on November 30, 2009, 90  
14 percent; and

15 “(D) for the period beginning on December  
16 1, 2009, and ending on August 31, 2012, 45  
17 percent; and”.

18 **SEC. 3. CONTRACTS TO REDUCE NUMBER OF DAIRY COWS**  
19 **IN PRODUCTION.**

20 (a) **CONTRACTS REQUIRED.**—The Secretary of Agri-  
21 culture shall use amounts in the fund established under  
22 section 32 of the Act of August 24, 1935 (7 U.S.C. 612c),  
23 to enter into a contract with a producer association or  
24 other third party that has a program in operation to en-  
25 courage dairy producers to remove dairy cows from pro-  
26 duction. Under the contract, the Secretary may pay all

1 or a portion of the costs incurred by the party to com-  
2 pensate dairy producers for removing dairy cows from pro-  
3 duction.

4 (b) DETERMINATION OF SIZE OF NEEDED HERD RE-  
5 Duction.—Not later than 30 days after the date of the  
6 enactment of this Act, the Secretary shall determine the  
7 number of dairy cows that would be need to be removed  
8 from production nationwide to bring the national supply  
9 of milk in line with national demand.

10 (c) IMPLEMENTATION.—The Secretary shall begin to  
11 enter into contracts under subsection (a) as soon as pos-  
12 sible after making the determination under subsection (b).

13 (d) REGULATIONS.—The promulgation of any regula-  
14 tions to carry out this section shall be made without re-  
15 gard to—

16 (1) the notice and comment provisions of sec-  
17 tion 553 of title 5, United States Code;

18 (2) the Statement of Policy of the Secretary of  
19 Agriculture effective July 24, 1971 (36 Fed. Reg.  
20 13804), relating to notices of proposed rulemaking  
21 and public participation in rulemaking; and

22 (3) chapter 35 of title 44, United States Code  
23 (commonly known as the Paperwork Reduction Act).

24 (e) CONGRESSIONAL REVIEW OF AGENCY RULE-  
25 MAKING.—In carrying out this section, the Secretary shall

1 use the authority provided under section 808 of title 5,  
2 United States Code.

3 (f) DURATION OF CONTRACTS.—Any contract en-  
4 tered into under subsection (a) shall expire one year after  
5 the date of the enactment of this Act.

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