

Leahy # 3

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve Federal dairy programs.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.****S. 10**

To reauthorize agricultural programs through 2018.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
*Leahy, Cowan, Gillibrand*

Viz:

1 Strike section 1462 and insert the following:

2 **SEC. 1462. FEDERAL MILK MARKETING ORDER PROGRAM**3 **PRE-HEARING PROCEDURE FOR CLASS III**4 **PRICING.**5 (a) IN GENERAL.—The Secretary shall use the pre-  
6 hearing procedure described in this section to consider al-  
7 ternative formulas for Class III milk product pricing  
8 under section 8c of the Agricultural Adjustment Act (7  
9 U.S.C. 608c), reenacted with amendments by the Agricul-  
10 tural Marketing Agreement Act of 1937.

11 (b) REQUESTS FOR PROPOSALS.—

12 (1) IN GENERAL.—Not later than 120 days  
13 after the date of enactment of this Act, the Sec-

1       retary shall issue a request for the submission by in-  
2       terested persons of preliminary proposals for re-  
3       placement of the Class III milk product pricing for-  
4       mula.

5               (2) PRELIMINARY PROPOSALS.—Preliminary  
6       proposals submitted under paragraph (1)—

7                       (A) may include competitive pay price for-  
8       mulas; and

9                       (B) shall provide sufficient detail in con-  
10       cept to serve as the basis for the convening by  
11       the Secretary of a public information session  
12       for review and discussion in accordance with  
13       section 900.24 of title 7, Code of Federal Regu-  
14       lations (as in effect on the date of enactment of  
15       this Act), but need not conform with the other  
16       procedural requirements of part 900 of title 7,  
17       Code of Federal Regulations (as in effect on the  
18       date of enactment of this Act).

19       (c) PRE-HEARING INFORMATION SESSION REVIEW.—

20               (1) IN GENERAL.—Not later than 180 days  
21       after the date on which the Secretary issues a re-  
22       quest under subsection (b)(1), the Secretary shall  
23       convene a public information session in accordance  
24       with section 900.24 of title 7, Code of Federal Regu-

1 lations (as in effect on the date of enactment of this  
2 Act).

3 (2) REQUIREMENTS.—The Secretary shall re-  
4 view all preliminary proposals submitted under this  
5 section that are of sufficient conceptual detail to  
6 allow for the review described in paragraph  
7 (b)(2)(B).

8 (d) HEARING DETERMINATION.—

9 (1) IN GENERAL.—Not later than 90 days after  
10 the conduct of the public information session under  
11 subsection (c), the Secretary shall determine whether  
12 to conduct a formal hearing in accordance with part  
13 900 of title 7, Code of Federal Regulations (as in ef-  
14 fect on the date of enactment of this Act).

15 (2) HEARING TO BE CONDUCTED.—If the Sec-  
16 retary determines under paragraph (1) to conduct a  
17 formal hearing, the Secretary shall issue notice and  
18 conduct the hearing in accordance with part 900 of  
19 title 7, Code of Federal Regulations (as in effect on  
20 the date of enactment of this Act).

21 (3) HEARING NOT TO BE CONDUCTED.—If the  
22 Secretary determines under paragraph (1) not to  
23 conduct a formal hearing, not later than 90 days  
24 after that determination, the Secretary shall submit  
25 to the Committee on Agriculture of the House of

1       Representatives and the Committee on Agriculture,  
2       Nutrition and Forestry of the Senate a written re-  
3       port that explains the basis for the decision.

4       (e) PROCEEDING WITH A HEARING AT ANY TIME.—

5       Consistent with the purposes of this section, the Secretary  
6       may dispense with the pre-hearing requirements of this  
7       section and initiate at any time a formal hearing under  
8       part 900 of title 7, Code of Federal Regulations (as in  
9       effect on the date of enactment of this Act).