



Farm Bill Summary: Issues Affecting Dairy Producers

Dairy Product Price Support Program

The Farm Bill Conference Report establishes a dairy product price support program (shifting the basis of the program from milk to the specific CCC-purchased products), provides for temporary price support adjustments, and restores the 110 percent minimum CCC commercial sell-back price rule. The specific dairy product price support levels, i.e. the bases for the temporary adjustment triggers as well as the commercial sell-back minimums, are the same as the current CCC purchase prices. These are \$1.13 per pound for cheddar cheese blocks, \$1.10 for cheddar cheese barrels, \$1.05 per pound for butter and \$0.80 per pound for nonfat dry milk.

Dairy Forward Pricing Program

This program is revived with three important producer safeguards: 1) processors cannot make participation a condition of receiving milk; 2) Class I milk is excluded; and 3) the program sunsets at the end of the Farm Bill. NMPF will work with USDA to see that a fourth safeguard, USDA enforcement of contract prices, is achieved through the requirement that payment be made "in accordance with the terms of a forward price contract" in order to satisfy minimum payment requirements.

Dairy Export Incentive Program

The DEIP program is extended for the duration of the Bill. It also directs the Secretary to use the maximum volumes and monetary funding for dairy product exports under the program, consistent with the obligations of the United States under the Uruguay Round WTO agreements.

Market Access Program and Foreign Market Development Program

Annual funding for the Market Access Program (MAP) and the Foreign Market Development (FMD) Program will continue at \$200 million and \$34.5 million, respectively.

Revision of Federal Marketing Order Amendment Procedures

USDA will be held to stricter deadlines from the time a petition is submitted until the time of final decision in Federal Order hearings. This will speed up Federal order proceedings and put a greater burden on petitioners to clearly establish their case up front. USDA is also required to consider feed and fuel costs in any make allowance hearing.

Dairy Indemnity Program

The Dairy Indemnity Program is extended through 2012.

Milk Income Loss Contract Program

The MILC program is extended, raising the payment cap after September 2008 from 2.4 million to 2.94 million pounds and restoring the payment rate to 45% of the difference between Boston Class I and \$16.94. It also addresses concerns about rising input costs by incorporating a feed cost adjuster, which raises the target milk price when the standard NASS dairy feed mix price rises above \$147 per ton.

Dairy Promotion and Research Program

The Dairy Promotion and Stabilization Act of 1983, is amended by changing the authorization of the national checkoff to include all 50 states plus Puerto Rico and the District of Columbia. The inclusion of all domestic producers in the promotion checkoff allows for imported dairy products to also be assessed. The Bill specifies that imports will be assessed at the rate of \$0.075 per cwt. of milk equivalent, one-half the rate at which domestic producers are assessed. USDA shall consult with USTR to ensure that the legislation is WTO compliant. In addition, the assessment will be refundable to importers for products imported under contracts entered into prior to the enactment of the Bill and imported during the year following that enactment.

Report on Department of Agriculture Reporting Procedures for Non-Fat Dry Milk

The Secretary of Agriculture is directed to issue a report to Congress on recent milk powder price reporting errors and their impact on Federal order prices.

Federal Milk Marketing Order Review Commission

Subject to availability of funds, the Secretary is directed to appoint a commission to review the operations, impacts, and potential reform of Federal orders and “non-Federal milk marketing order systems.”

Mandatory Reporting of Dairy Commodities

The current mandatory reporting of dairy product sales, prices, and storage is expedited by requiring electronic reporting; it also establishes regular audits and calls for an increased frequency of reporting. This is subject to funding availability.

Bovine Johne’s Disease Control Program

The current Johne’s Disease program is extended through 2012.

Foot and Mouth Disease Live Virus Research

The Secretary of Agriculture is directed to issue a permit to the Secretary of Homeland Security for FMD live virus research at Plum Island replacement facility. This is required if the replacement facility is located on the mainland.

Environmental Quality Incentives Program (EQIP)

\$3.4 billion in additional funds is provided for the EQIP program. It also allows for up to \$450,000 for individual qualifying projects. Payments under this and other conservation programs are subject to an adjusted gross income (AGI) limit of \$1 million; if over one third of AGI is from non-farm income (although a waiver can be obtained in cases of special environmental significance).

Conservation Security Program

The CSP program is extended and substantially amended to create a simpler system. An additional \$1.1 billion was added to the baseline and will enroll 113 million acres.

Energy

Multiple new energy programs are incorporated, including \$300 million for programs in which energy is derived from agriculture waste. Important existing energy programs such as the Renewable Energy Systems and Energy Efficiency Improvements Loan Guarantee Program (renamed the Rural Energy for America Act), the Biomass Research and Development Act of 2000, and the Bioenergy and Bioproducts Research Initiative are extended. In addition, the Farm Bill increases the limit on the maximum amount of the combined loan and grant for animal waste renewable energy projects from 50 percent to 75 percent of the funded activity, while limiting the maximum amount of loan guaranteed to 75 percent of the funded activity and not more than \$25 million. The Bill also establishes the "Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative" to award competitive grants for projects focused on supporting on-farm biomass crop research and the dissemination of results to enhance the production of biomass energy crops and the integration of such production with the production of bioenergy.

Adjusted Gross Income (AGI) Limits and 3 Entity Rule

Congress established new AGI limits for the purposes of eligibility for farm payments to individuals. These new limits take effect in 2009. Specifically, over \$500,000 in average adjusted gross non-farm income disqualifies anyone for payments under commodity programs including MILC; and over \$750,000 in average adjusted gross non-farm income disqualifies anyone for direct payments under crop programs. However, over \$1,000,000 in average adjusted gross non-farm income only disqualifies someone for payments under the conservation programs, if less than two-thirds of this is farm income and a waiver cannot be obtained from the Secretary. These AGI limits double for married couples.

The three entity rule for commodity programs is eliminated, but because both spouses are eligible for subsidies, the income limits effectively double for married couples. This also takes effect in 2009. In addition, a total payment cap is created for direct and counter-cyclical payments for a single farmer to \$40,000 and \$65,000 respectively. Furthermore, the Bill establishes a total payment cap for Average Crop Revenue Election (a newly created revenue guarantee program) participants of \$32,000 for direct payments and \$73,000 for counter-cyclical payments.

Human Nutrition Programs

Federal nutrition program spending is increased by \$10.4 billion under the agreement with the bulk of that going to the food stamp program. The minimum benefit for food stamp recipients is raised and eligibility criteria are loosened a bit. Milk and dairy product purchases make up about 12 percent of food stamp expenditures, so increases in food stamp program funding will likely result in higher dairy sales. The bill also provides permanent authority for the Commodity Supplemental Food Program (CSFP) instead of requiring reauthorization of the program with each farm bill. CSFP authorizes USDA to purchase cheese, nonfat dry milk and other products, and provide them to low income seniors, women and children.