

Dairy Industry Advisory Committee

BY-LAWS

Section I: Purpose

The purpose of the United States Department of Agriculture (USDA) Dairy Industry Advisory Committee (DIAC) is to review the issues of: 1) farm milk price volatility; and 2) dairy farmer profitability. The DIAC will also provide suggestions and ideas to the Secretary of Agriculture (Secretary) on how USDA can best address these issues to meet the dairy industry's needs.

Section II: Authority

The Secretary has determined that the establishment of the DIAC is in the public interest. The DIAC is subject to the Federal Advisory Committee Act (FACA), as outlined in its Charter, filed with Congress on February 9, 2010.

As deemed necessary, USDA may convene subcommittees to support the DIAC's functions. All activities of the subcommittees will be in compliance with the Federal Advisory Committee Act (FACA). Subcommittees will be appointed by the Chairperson, in consultation with the Executive Secretary and Designated Federal Official (DFO), and may include USDA staff, as appropriate.

Section III: Membership Selection and Appointment

Members of the DIAC are appointed by the Secretary for a term of 2-years. Members will be selected from a cross section of the dairy industry representing: producers and producer organizations, processors and processor organizations, handlers, academia, retailers, consumers, and state agencies involved in organic and non-organic dairy at the local, regional, national and international levels.

Membership includes the responsibility to attend and actively participate in all DIAC meetings and related committee work. A member should notify the DFO at least 5 business days in advance if they cannot participate fully in a DIAC meeting. If a member cannot attend a DIAC meeting, a substitute may not be sent in their place.

Section IV: Meeting Procedures

The DIAC will meet as required. Meetings will be called by the Designated Federal Official (DFO) in consultation with the Chairman according to the following considerations:

- A. *Agenda:* The DFO will approve the agenda for all meetings. USDA will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda on the DIAC website. USDA will publish a notice of the public meeting in the Federal Register at least 15 days prior to a DIAC meeting. Items for the agenda may be submitted to the DFO and/or the Chairman by any member of the DIAC. Items may also be suggested by non-members, including members of the public.

- B. *Minutes and Records:* The DIAC's DFO will prepare minutes of each meeting and will distribute copies to each DIAC member. Minutes of the meetings will be made available to the public through the DIAC website. The minutes will include a record of the persons present (including DIAC members, names of staff, and the names of members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued or approved by the DIAC.

All documents, reports or other materials prepared by, or for, the DIAC constitute official government records and must be maintained according to USDA policies and procedures.

- C. *Meetings.* All meetings of the DIAC will be open to the public. All materials brought before, or presented to, the DIAC during the conduct of a meeting will be available to the public through the DIAC website.

Members of the public may attend any meeting or portion of a meeting and may, at the determination of the Chairman, offer oral comments at such meeting during designated times. The Chairman may decide in advance to exclude oral public comments during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comments from the public are excluded and will invite written comments as an alternative. Members of the public may submit written comments to the DIAC at any time.

DIAC meetings will be managed by the provisions contained in these By-Laws. Any matter of procedure not covered in these By-Laws will be managed by the most recently published "Robert's Rules of Order."

Section V: Voting

No decision or recommendation can be voted upon unless a quorum of nine committee members is present.

When a decision or recommendation of the DIAC is required, the Chairman will request a motion for a vote. Any member, including the Chairman, may make a motion for a vote. A second after a proper motion will be required to bring any issue to vote. A member may not vote via proxy.

A decision or recommendation will be considered passed if a majority of the members voting favor the motion.

Section VI: Role of DIAC Officials

Chairperson: The Chairperson works with the Executive Secretary and the DFO to establish priorities, identify issues which must be addressed, and determine the level and types of staff and financial support required. In addition, the Chairperson will lead all DIAC meetings and is responsible for certifying the accuracy of the minutes written by the DFO to document its meetings.

Designated Federal Official: The DFO serves as the government's agent for all matters related to the DIAC activities. By Law, the DFO must: (1) approve or call the meeting of the DIAC; (2) approve agendas;

(3) attend all meetings; (4) adjourn the meeting when such adjournment is in the public interest; and (5) Chair meetings of the DIAC, when so directed by the Secretary, or his designee.

In addition, the DFO is responsible for providing adequate staff support to the DIAC, including the performance of the following functions: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings, including subcommittee or working group activities, as required by Law; (3) maintaining the roll; (4) preparing the minutes of all meetings of the DIAC's deliberations, including subcommittee and working group activities; (5) addressing official correspondence; (6) maintaining official DIAC records and filing all papers and submissions prepared for or by the DIAC, including those items generated by subcommittees and working groups; (7) acting as the DIAC's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including the annual report as required by FACA.

Executive Secretary: The Executive Secretary is responsible for: (1) approving the use of all government funds; and (2) approving the minutes of all meetings of the DIAC's deliberations.

Section VII: Expenses and Reimbursement

Expenses related to the operation of the DIAC will be borne by USDA. Expenditures of any kind by members and staff must be approved in advance by the DFO and will be in compliance with FACA and USDA related policies and procedures and Federal travel regulations.

Federal governmental employees providing staff support to the DIAC are not eligible for any form of additional compensation. The government will pay travel and per diem for committee members at a rate equivalent to that allowable for federal employees.