

106TH CONGRESS
1ST SESSION

H. R. 444

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1999

Ms. BALDWIN (for herself, Mr. OBEY, Mr. KLECZKA, and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program.

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 Promotion Fair-
5 ness Act”.

1 **SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH**
2 **PROGRAM.**

3 (a) DECLARATION OF POLICY.—Section 110(b) of
4 the Dairy Production Stabilization Act of 1983 (7 U.S.C.
5 4501(b)) is amended in the first sentence—

6 (1) by inserting after “commercial use” the fol-
7 lowing: “and on imported dairy products”; and

8 (2) by striking “products produced in the
9 United States.” and inserting “products.”.

10 (b) DEFINITIONS.—Section 111 of the Dairy Produc-
11 tion Stabilization Act of 1983 (7 U.S.C. 4502) is
12 amended—

13 (1) in subsection (k), by striking “and” at the
14 end;

15 (2) in subsection (l), by striking the period at
16 the end and inserting a semicolon; and

17 (3) by adding at the end the following:

18 “(m) the term ‘imported dairy product’ means
19 any dairy product that is imported into the United
20 States, including dairy products imported into the
21 United States in the form of—

22 “(1) milk and cream and fresh and dried
23 dairy products;

24 “(2) butter and butterfat mixtures;

25 “(3) cheese; and

26 “(4) casein and mixtures; and

1 “(n) the term ‘importer’ means a person that
2 imports an imported dairy product into the United
3 States.”.

4 (c) CONTINGENT REPRESENTATION OF IMPORTERS
5 ON BOARD.—Section 113(b) of the Dairy Production Sta-
6 bilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

7 (1) by designating the first through ninth sen-
8 tences as paragraphs (1) through (5) and para-
9 graphs (7) through (10), respectively;

10 (2) in paragraph (2) (as so designated), by
11 striking “Members” and inserting “Except as pro-
12 vided in paragraph (6), the members”; and

13 (3) by inserting after paragraph (5) (as so des-
14 ignated) the following:

15 “(6) IMPORTERS.—If representation of import-
16 ers of imported dairy products is required on the
17 Board by another law or a treaty to which the
18 United States is a party, the Secretary shall appoint
19 not more than two members who are representatives
20 of importers. The members appointed under this
21 paragraph shall be in addition to the total number
22 of members appointed under paragraph (2) and
23 shall be appointed from nominations submitted by
24 importers under such procedures as the Secretary
25 determines to be appropriate.”.

1 (d) IMPORTER ASSESSMENT.—Section 113(g) of the
2 Dairy Production Stabilization Act of 1983 (7 U.S.C.
3 4504(g)) is amended—

4 (1) by designating the first through fifth sen-
5 tences as paragraphs (1) through (5), respectively;
6 and

7 (2) by adding at the end the following:

8 “(6) IMPORTERS.—

9 “(A) IN GENERAL.—The order shall pro-
10 vide that each importer of imported dairy prod-
11 ucts shall pay an assessment to the Board in
12 the manner prescribed by the order.

13 “(B) RATE.—The rate of assessment on
14 imported dairy products shall be determined in
15 the same manner as the rate of assessment per
16 hundredweight or the equivalent of milk.

17 “(C) VALUE OF PRODUCTS.—For the pur-
18 pose of determining the assessment on imported
19 dairy products under subparagraph (B), the
20 value to be placed on imported dairy products
21 shall be established by the Secretary in a fair
22 and equitable manner.”.

23 (e) RECORDS.—Section 113(k) of the Dairy Produc-
24 tion Stabilization Act of 1983 (7 U.S.C. 4504(k)) is
25 amended in the first sentence by striking “person receiv-

- 1 ing” and inserting “importer of imported dairy products,
- 2 each person receiving”.

