

106TH CONGRESS
1ST SESSION

S. 567

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 SENATE OF THE UNITED STATES

MARCH 9, 1999

Mr. KOHL (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 inserting “NATIONAL DAIRY PROMOTION
8 AND RESEARCH BOARD.—” after “(b)”;

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

13 (3) in paragraph (2) (as so designated), by
14 striking “Members” and inserting “Except as pro-
15 vided in paragraph (6), the members”; and

16 (4) by inserting after paragraph (5) (as so des-
17 ignated) the following:

18 “(6) IMPORTERS.—

19 “(A) IN GENERAL.—If representation of
20 importers of imported dairy products is re-
21 quired on the Board by another law or a treaty
22 to which the United States is a party, the Sec-
23 retary shall appoint not more than 2 members
24 who are representatives of importers.

1 “(B) ADDITIONAL MEMBERS; PROCE-
 2 DURES.—The members appointed under this
 3 paragraph—

4 “(i) shall be in addition to the mem-
 5 bers appointed under paragraph (2); and

6 “(ii) shall be appointed from nomina-
 7 tions submitted by importers under such
 8 procedures as the Secretary determines to
 9 be appropriate.”.

10 (d) IMPORTER ASSESSMENT.—Section 113(g) of the
 11 Dairy Production Stabilization Act of 1983 (7 U.S.C.
 12 4504(g)) is amended—

13 (1) by inserting “ASSESSMENTS.—” after
 14 “(g”;

15 (2) by designating the first through fifth sen-
 16 tences as paragraphs (1) through (5), respectively,
 17 and indenting appropriately; and

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

19 “(6) IMPORTERS.—

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

24 “(B) RATE.—The rate of assessment on
 25 imported dairy products shall be determined in

1 the same manner as the rate of assessment per
2 hundredweight or the equivalent of milk.

3 “(C) VALUE OF PRODUCTS.—For the pur-
4 pose of determining the assessment on imported
5 dairy products under subparagraph (B), the
6 value to be placed on imported dairy products
7 shall be established by the Secretary in a fair
8 and equitable manner.”.

9 (e) RECORDS.—Section 113(k) of the Dairy Produc-
10 tion Stabilization Act of 1983 (7 U.S.C. 4504(k)) is
11 amended in the first sentence by striking “person receiv-
12 ing” and inserting “importer of imported dairy products,
13 each person receiving”.

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