

107TH CONGRESS
1ST SESSION

S. 1123

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2001

Mr. FEINGOLD (for himself, Mr. CRAIG, and Mr. KOHL) 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, and for other purposes.

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—

6 (1) in the first sentence—

7 (A) by inserting after “commercial use”
 8 the following: “and on imported dairy prod-
 9 ucts”; and

10 (B) by striking “products produced in the
 11 United States.” and inserting “products.”; and

12 (2) in the second sentence, by inserting after
 13 “produce milk” the following: “or the right of any
 14 person to import dairy products”.

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

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

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

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

23 “(m) the term ‘imported dairy product’ means
 24 any dairy product that is imported into the United
 25 States, including dairy products imported into the
 26 United States in the form of—

1 “(1) milk, cream, and fresh and dried
2 dairy products;

3 “(2) butter and butterfat mixtures;

4 “(3) cheese; and

5 “(4) casein and mixtures;

6 “(n) the term ‘importer’ means any person that
7 imports an imported dairy product from outside the
8 United States for sale in the United States as a
9 principal or as an agent, broker, or consignee of any
10 person; and

11 “(o) the term ‘Customs’ means the United
12 States Customs Service.”.

13 (c) REPRESENTATION OF IMPORTERS ON BOARD.—
14 Section 113(b) of the Dairy Production Stabilization Act
15 of 1983 (7 U.S.C. 4504(b)) is amended—

16 (1) by inserting “NATIONAL DAIRY PROMOTION
17 AND RESEARCH BOARD.—” after “(b)”;

18 (2) by designating the first through ninth sen-
19 tences as paragraphs (1) through (5) and para-
20 graphs (7) through (10), respectively, and indenting
21 appropriately;

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

(4) by inserting after paragraph (5) (as so designated) the following:

“(6) IMPORTERS.—

“(A) IN GENERAL.—The Secretary shall appoint not more than 2 members who are—

“(i) representatives of importers of dairy products; and

“(ii) subject to an assessment under the order.

“(B) REPRESENTATION.—The number of members appointed under subparagraph (A) shall reflect the proportion of domestic production and imports supplying the United States market, as determined by the Secretary on the basis of—

“(i) the average quantity of dairy products produced in the United States during the 3 preceding fiscal years; to

“(ii) the average volume of imports of dairy products imported into the United States during the 3 preceding fiscal years.

“(C) ADDITIONAL MEMBERS; NOMINATION.—The members appointed under this paragraph—

1 “(i) shall be in addition to the total
 2 number of members appointed under para-
 3 graph (2); and

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

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

11 (1) by inserting “ASSESSMENTS.—” after
 12 “(g)”;

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

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

17 “(6) IMPORTERS.—

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

22 “(B) TIMING.—

23 “(i) IN GENERAL.—An assessment on
 24 imported dairy products shall be paid by
 25 the importer to Customs at the time of

1 entry of the products into the United
 2 States and shall be remitted to the Board.

3 “(ii) ENTRY INTO THE UNITED
 4 STATES.—For purposes of this paragraph,
 5 entry of the products into the United
 6 States shall be considered to have occurred
 7 when the products are released from the
 8 custody of Customs and introduced into
 9 the stream of commerce in the United
 10 States.

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

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

21 “(E) RESTRICTION ON USE.—An assess-
 22 ment collected on imported dairy products shall
 23 not be used for foreign market promotion.”.

24 (e) RECORDS.—Section 113(k) of the Dairy Produc-
 25 tion Stabilization Act of 1983 (7 U.S.C. 4504(k)) is

1 amended in the first sentence by striking “person receiv-
 2 ing” and inserting “importer of imported dairy products,
 3 each person receiving”.

4 (f) IMPORTER ELIGIBILITY TO VOTE IN REF-
 5 ERENDUM.—Section 116(b) of the Dairy Promotion Sta-
 6 bilization Act of 1983 (7 U.S.C. 4507(b)) is amended—

7 (1) in the first sentence—

8 (A) by inserting after “of producers” the
 9 following: “and importers”; and

10 (B) by inserting after “the producers” the
 11 following: “and importers”; and

12 (2) in the second sentence, by inserting after
 13 “of the producers” the following: “and importers”.

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