

110TH CONGRESS
2D SESSION

S. 3404

To amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States, allow the establishment of an importers qualified beef council to promote nondomestic beef, and to establish new referendum requirements.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States, allow the establishment of an importers qualified beef council to promote nondomestic beef, and to establish new referendum requirements.

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 “Beef Checkoff Mod-
5 ernization Act of 2008”.

6 **SEC. 2. IMPORTERS QUALIFIED BEEF COUNCIL.**

7 (a) DEFINITION OF QUALIFIED BEEF COUNCIL.—

(1) IN GENERAL.—Section 3 of the Beef Research and Information Act (7 U.S.C. 2902(14)) is amended by striking paragraph (14) and inserting the following:

“(14) QUALIFIED BEEF COUNCIL.—The term ‘qualified beef council’ means—

“(A) a beef promotion entity that—

“(i) is authorized by State law or is otherwise organized and operating within a State;

“(ii) receives voluntary contributions and conducts beef promotion, research, and consumer information programs; and

“(iii) is recognized by the Board as the beef promotion entity within the State; or

“(B) the importers qualified beef council established and maintained by the Secretary in accordance with section 5(1);”.

(2) CONFORMING AMENDMENTS.—Section 5 of the Beef Research and Information Act (7 U.S.C. 2904) is amended—

(A) in paragraph (1), by adding at the end the following: “The Secretary shall establish and maintain, as a subcommittee of the Board,

1 an importers qualified beef council to promote
 2 nondomestic beef or to pursue any other au-
 3 thorized purpose of a qualified beef council de-
 4 scribed in section 3(14)(A).”;

5 (B) in paragraph (4)(A), by striking
 6 “qualified State beef” each place it appears and
 7 inserting “qualified beef”; and

8 (C) in paragraph (8)—

9 (i) in subparagraphs (A) and (B), by
 10 striking “qualified State beef” each place
 11 it appears and inserting “qualified beef”;
 12 and

13 (ii) in subparagraph (C)—

14 (I) in the first sentence, by in-
 15 serting “, of which 50 percent shall be
 16 made available for use by the Board
 17 and 50 percent shall be made avail-
 18 able for use by the importers qualified
 19 beef council established under para-
 20 graph (1)” after “Board”;

21 (II) in the second sentence, by
 22 striking “plans and projects, as pro-
 23 vided for in paragraph (4)” and in-
 24 serting “plans, projects, and activities,

1 in accordance with paragraphs (4)
2 and (13)”; and

3 (III) in the fourth sentence, by
4 striking “qualified State beef” and in-
5 serting “qualified beef”.

6 (b) USE OF FUNDS.—Section 5 of the Beef Research
7 and Information Act (7 U.S.C. 2904) is amended by add-
8 ing at the end the following:

9 “(13) USE OF FUNDS.—

10 “(A) IN GENERAL.—The order shall direct
11 that at least 30 percent of the funds derived
12 from the assessment of United States producers
13 and made available for the promotion and mar-
14 keting of products derived from cattle be used
15 only for the promotion and marketing of prod-
16 ucts derived from cattle exclusively born and
17 raised in the United States.

18 “(B) IMPORTERS QUALIFIED BEEF COUN-
19 CIL.—The order shall direct that, of the aggre-
20 gate amount made available for use by the im-
21 porters qualified beef council under paragraph
22 (4)(C), the importers qualified beef council shall
23 reserve a percentage of that amount, to be de-
24 termined by the importers qualified beef coun-
25 cil, for use—

1 “(i) to promote products specifically
 2 derived from cattle not born and raised in
 3 the United States; or
 4 “(ii) for any other purpose allowed
 5 under this Act for any other qualified beef
 6 council.”.

7 **SEC. 3. REQUIRED TERMS IN ORDER.**

8 Section 5(6) of the Beef Research and Information
 9 Act (7 U.S.C. 2904(6)) is amended in the first sentence—
 10 (1) by striking “established” and inserting
 11 “new or existing”; and
 12 (2) by inserting “and such other organizations
 13 and entities as the Secretary determines to be ap-
 14 propriate,” after “paragraph (4),”.

15 **SEC. 4. REQUIREMENTS OF REFERENDUM.**

16 Section 7(b) of the Beef Research and Information
 17 Act (7 U.S.C. 2906(b)) is amended—
 18 (1) by striking “(b)” and the first sentence and
 19 inserting the following:
 20 “(b) ADDITIONAL REFERENDA TO DETERMINE SUS-
 21 PENSION OR TERMINATION OF ORDER.—
 22 “(1) IN GENERAL.—Beginning in calendar year
 23 2010 and every 7 years thereafter, or more fre-
 24 quently during those 7-year periods, upon the receipt
 25 of a petition of a representative group comprising 10

1 percent or more of cattle producers (as determined
 2 by the Secretary), the Secretary shall conduct a ref-
 3 erendum—

4 “(A) to determine whether cattle producers
 5 favor the termination or suspension of the
 6 order; and

7 “(B) to vote on any other amendments to
 8 the order.”;

9 (2) in the second sentence, by striking “The
 10 Secretary shall” and inserting the following:

11 “(2) MAJORITY VOTE TO SUSPEND OR TERMI-
 12 NATE.—The Secretary shall”; and

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

14 “(3) ADDITIONAL REFERENDA.—

15 “(A) IN GENERAL.—In addition to the
 16 referenda required under subsection (a) and
 17 paragraph (1), not later than 1 year after any
 18 proposed amendments to the order, the Sec-
 19 retary shall conduct a referendum for the spe-
 20 cific amendments to determine whether cattle
 21 producers favor the termination or suspension
 22 of the amendments.

23 “(B) REQUIREMENTS.—Except as pro-
 24 vided in subparagraph (C), the specific amend-
 25 ments that are the subject of a referendum

1 under subparagraph (A) shall be considered in-
2 dividually.

3 “(C) SINGLE PURPOSE.—Multiple amend-
4 ments may be considered jointly if the amend-
5 ments are relevant to a single purpose, includ-
6 ing amendments relating to changes—

7 “(i) in the assessment level;

8 “(ii) to the contracting requirements;

9 “(iii) in oversight, administration, and
10 organizational structure; or

11 “(iv) to collection or allocation of pro-
12 ceeds.

13 “(D) EFFECTIVE DATE.—An amendment
14 approved under a referendum under subpara-
15 graph (A) shall take effect beginning on the
16 date that is 180 days after the amendment re-
17 ceives the majority approval of the producers
18 voting in the referendum.”.

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