

104TH CONGRESS
1ST SESSION

S. 222

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, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12 (legislative day, JANUARY 10), 1995

Mr. FEINGOLD (for himself 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, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dairy Promotion Pro-
3 gram Improvement Act of 1995”.

4 **SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH**
5 **PROGRAM.**

6 (a) DECLARATION OF POLICY.—The first sentence of
7 section 110(b) of the Dairy Production Stabilization Act
8 of 1983 (7 U.S.C. 4501(b)) is amended—

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

11 (2) by striking “products produced in” and in-
12 sserting “products produced in or imported into”.

13 (b) DEFINITIONS.—Section 111 of the Act (7 U.S.C.
14 4502) is amended—

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

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

19 (3) by adding at the end the following new sub-
20 sections:

21 “(m) the term ‘imported dairy product’
22 means—

23 “(1) any dairy product, including milk and
24 cream and fresh and dried dairy products;

25 “(2) butter and butterfat mixtures;

26 “(3) cheese;

1 “(4) casein and mixtures; and

2 “(5) other dairy products;

3 that are imported into the United States; and

4 “(n) the term ‘importer’ means a person that
5 imports an imported dairy product into the United
6 States.”.

7 (c) FUNDING.—

8 (1) REPRESENTATION ON BOARD.—Section
9 113(b) of the Act (7 U.S.C. 4504(b)) is amended—

10 (A) by designating the first through ninth
11 sentences as paragraphs (1) through (5) and
12 paragraphs (7) through (10), respectively;

13 (B) in paragraph (1) (as so designated), by
14 striking “thirty-six” and inserting “38”;

15 (C) in paragraph (2) (as so designated), by
16 striking “Members” and inserting “Of the
17 members of the Board, 36 members”; and

18 (D) by inserting after paragraph (5) (as so
19 designated) the following new paragraph:

20 “(6) Of the members of the Board, 2 members shall
21 be representatives of importers of imported dairy prod-
22 ucts. The importer representatives shall be appointed by
23 the Secretary from nominations submitted by importers
24 under such procedures as the Secretary determines to be
25 appropriate.”.

1 (2) ASSESSMENT.—Section 113(g) of the Act is
2 amended—

3 (A) by designating the first through fifth
4 sentences as paragraphs (1) through (5), re-
5 spectively; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(6)(A) The order shall provide that each importer
9 of imported dairy products shall pay an assessment to the
10 Board in the manner prescribed by the order.

11 “(B) The rate of assessment on imported dairy prod-
12 ucts shall be determined in the same manner as the rate
13 of assessment per hundredweight or the equivalent of
14 milk.

15 “(C) For the purpose of determining the assessment
16 on imports under subparagraph (B), the value to be placed
17 on imported dairy products shall be established by the Sec-
18 retary in a fair and equitable manner.”.

19 (3) RECORDS.—The first sentence of section
20 113(k) of the Act is amended by striking “person re-
21 ceiving” and inserting “importer of imported dairy
22 products, each person receiving”.

23 (4) REFERENDUM.—Section 116 of the Act (7
24 U.S.C. 4507) is amended by adding at the end the
25 following new subsection:

1 “(d)(1) On the request of a representative group com-
2 prising 10 percent or more of the number of producers
3 subject to the order, the Secretary shall—

4 “(A) conduct a referendum to determine wheth-
5 er the producers favor suspension of the application
6 of the amendments made by section 2 of the Dairy
7 Promotion Program Improvement Act of 1995; and

8 “(B) suspend the application of the amend-
9 ments until the results of the referendum are known.

10 “(2) The Secretary shall continue the suspension of
11 the application of the amendments made by section 2 only
12 if the Secretary determines that suspension of the applica-
13 tion of the amendments is favored by a majority of the
14 producers voting in the referendum who, during a rep-
15 resentative period (as determined by the Secretary), have
16 been engaged in the production of milk for commercial
17 use.”.

18 **SEC. 3. PERIODIC REFERENDA.**

19 Section 115(a) of the Dairy Production Stabilization
20 Act of 1983 (7 U.S.C. 4506(a)) is amended—

21 (1) in the first sentence, by striking “Within
22 the sixty-day period immediately preceding Septem-
23 ber 30, 1985” and inserting “Every 5 years”; and

24 (2) in the second sentence, by striking “six
25 months” and inserting “3 months”.

1 **SEC. 4. PROHIBITION ON BLOC VOTING.**

2 Section 117 of the Dairy Production Stabilization Act
3 of 1983 (7 U.S.C. 4508) is amended—

4 (1) in the first sentence, by striking “Secretary
5 shall” and inserting “Secretary shall not”; and

6 (2) by striking the second through fifth sen-
7 tences.

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