

107TH CONGRESS  
1ST SESSION

# H. R. 2248

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2001

Ms. BALDWIN (for herself, Mr. McHUGH, Mr. KIND, Mr. OBEY, Mr. PETRI, Mrs. EMERSON, Mr. GUTKNECHT, Mr. OWENS, Mr. LARSON of Connecticut, Mr. SMITH of Michigan, Mr. HILLIARD, Mr. SENSENBRENNER, Mr. OBERSTAR, Mrs. THURMAN, Mr. SANDERS, Mr. KLECZKA, and Mr. BARRETT of Wisconsin) introduced the following bill; which was referred to the Committee on Agriculture

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## 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 a person that  
7           imports an imported dairy product into the United  
8           States; and

9           “(o) the term ‘Customs’ means the United  
10          States Customs Service.”.

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

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

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

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

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

25                 “(6) IMPORTERS.—

1           “(A) REPRESENTATION.—The Secretary  
2 shall appoint not more than 2 members who  
3 represent importers of dairy products and are  
4 subject to assessments under the order, to re-  
5 flect the proportion of domestic production and  
6 imports supplying the United States market,  
7 which shall be based on the Secretary’s deter-  
8 mination of the average volume of domestic pro-  
9 duction of dairy products proportionate to the  
10 average volume of imports of dairy products in  
11 the United States over the previous three years.

12           “(B) ADDITIONAL MEMBERS; NOMINA-  
13 TIONS.—The members appointed under this  
14 paragraph—

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

18                   “(ii) shall be appointed from nomina-  
19 tions submitted by importers under such  
20 procedures as the Secretary determines to  
21 be appropriate.”.

22           (d) IMPORTER ASSESSMENT.—Section 113(g) of the  
23 Dairy Production Stabilization Act of 1983 (7 U.S.C.  
24 4504(g)) is amended—

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

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

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

7           “(6) IMPORTERS.—

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

12                 “(B) TIME FOR PAYMENT.—The assess-  
13 ment on imported dairy products shall be paid  
14 by the importer to Customs at the time of the  
15 entry of the products into the United States  
16 and shall be remitted by Customs to the Board.  
17 For purposes of this subparagraph, entry of the  
18 products into the United States shall be deemed  
19 to have occurred when the products are released  
20 from custody of Customs and introduced into  
21 the stream of commerce within the United  
22 States. Importers include persons who hold title  
23 to foreign-produced dairy products immediately  
24 upon release by Customs, as well as persons  
25 who act on behalf of others, as agents, brokers,

1 or consignees, to secure the release of dairy  
2 products from Customs and the introduction of  
3 the released dairy products into the stream of  
4 commerce.

5 “(C) RATE.—The rate of assessment on  
6 imported dairy products shall be determined in  
7 the same manner as the rate of assessment per  
8 hundredweight or the equivalent of milk.

9 “(D) VALUE OF PRODUCTS.—For the pur-  
10 pose of determining the assessment on imported  
11 dairy products under subparagraph (C), the  
12 value to be placed on imported dairy products  
13 shall be established by the Secretary in a fair  
14 and equitable manner.

15 “(E) USE OF ASSESSMENTS ON IMPORTED  
16 DAIRY.—Assessments collected on imported  
17 dairy products shall not be used for foreign  
18 market promotion.”.

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

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

4 (1) in the first sentence—

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

7 (B) by inserting after “the producers” the  
8 following: “and importers”; and

9 (2) in the second sentence, by inserting after  
10 “commercial use” the following: “and importers vot-  
11 ing in the referendum (who have been engaged in  
12 the importation of dairy products during the same  
13 representative period, as determined by the Sec-  
14 retary).”.

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