

103^D CONGRESS
1ST SESSION

H. R. 3410

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 terminate the program on December 31, 1996, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1993

Mr. OBEY introduced the following bill; which was referred to the Committee on Agriculture

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 terminate the program on December 31, 1996, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dairy Promotion Pro-
5 gram Improvement Act of 1993”.

1 **SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH**
2 **PROGRAM.**

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

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

8 (2) by striking “products produced in” and in-
9 serting “products produced in or imported into”.

10 (b) DEFINITIONS.—Section 111 of such Act (7
11 U.S.C. 4502) is amended—

12 (1) by striking “and” at the end of subsection
13 (k);

14 (2) by striking the period at the end of sub-
15 section (l) and inserting a semicolon; and

16 (3) by adding at the end the following new sub-
17 sections:

18 “(m) the term ‘imported dairy product’
19 means—

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

22 “(2) butter and butterfat mixtures;

23 “(3) cheese;

24 “(4) casein and mixtures; and

25 “(5) other dairy products,

26 that are imported into the United States; and

1 “(n) the term ‘importer’ means a person that
2 imports an imported dairy product into the United
3 States.”.

4 (c) FUNDING.—

5 (1) REPRESENTATION ON BOARD.—Section
6 113(b) of such Act (7 U.S.C. 4504(b)) is amended—

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

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

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

15 (D) by inserting after paragraph (5) (as so
16 designated) the following new paragraph:

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

23 (2) ASSESSMENT.—Section 113(g) of such Act
24 is amended—

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

4 (B) by adding at the end the following new
5 paragraph:

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

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

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

17 (3) RECORDS.—The first sentence of section
18 113(k) of such Act is amended by striking “person
19 receiving” and inserting “importer of imported dairy
20 products, each person”.

21 (4) REFERENDUM.—Section 116 of such Act (7
22 U.S.C. 4507) is amended by adding at the end the
23 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 1993; 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. TERMINATION OF DAIRY PROMOTION AND RE-**
19 **SEARCH PROGRAM.**

20 Section 116 of the Dairy Production Stabilization Act
21 of 1983 (7 U.S.C. 4507) (as amended by section 2(c)(4))
22 is further amended by adding at the end the following new
23 subsection:

1 “(e)(1) On December 31, 1996, the Secretary shall
2 terminate the order issued under this Act (including the
3 collection of assessments under the order).

4 “(2) As soon as practicable after the date referred
5 to in paragraph (1), the Secretary shall terminate activi-
6 ties under the order in an orderly manner.”.

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

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

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

12 (2) by striking the second through fifth sen-
13 tences.

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