

[Chairman's Mark]

1 **TITLE I—PROVISIONS UNDER**
2 **JURISDICTION OF LIVE-**
3 **STOCK, DAIRY, AND POULTRY**
4 **SUBCOMMITTEE**

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5 **Subtitle A—Dairy-Related**
6 **Provisions**

7 **SEC. 101. DAIRY PRODUCT PRICE SUPPORT PROGRAM.**

8 (a) SUPPORT ACTIVITIES.—During the period begin-
9 ning on **[January 1, 2008]** through **[December 31,**
10 **2012]**, the Secretary of Agriculture shall support the price
11 of cheddar cheese, butter, and nonfat dry milk through
12 the purchase of such products made from milk produced
13 in the United States.

1 (b) PURCHASE PRICE.—To carry out subsection (a)
2 during the period specified in such subsection, the Sec-
3 retary shall purchase—

4 (1) cheddar cheese in blocks at not less than
5 \$1.13 per pound;

6 (2) cheddar cheese in barrels at not less than
7 \$1.10 per pound;

8 (3) butter at not less than \$1.05 per pound;
9 and

10 (4) nonfat dry milk at not less than \$0.80 per
11 pound.

12 (c) TEMPORARY PRICE ADJUSTMENT TO AVOID EX-
13 CESS INVENTORIES.—

14 (1) ADJUSTMENTS AUTHORIZED.—The Sec-
15 retary may adjust the minimum purchase prices es-
16 tablished under subsection (b) only as permitted
17 under this subsection.

18 (2) CHEESE INVENTORIES IN EXCESS OF 200
19 MILLION POUNDS.—If net removals for a period of
20 12 consecutive months exceed 200 million pounds of
21 cheese, but do not exceed 400 million pounds, the
22 Secretary may reduce the purchase prices under
23 paragraphs (1) and (2) of subsection (b) during the
24 immediately following month by not more than 10
25 cents per pound.

1 (3) CHEESE INVENTORIES IN EXCESS OF 400
2 MILLION POUNDS.—If net removals for a period of
3 12 consecutive months exceed 400 million pounds of
4 cheese, the Secretary may reduce the purchase
5 prices under paragraphs (1) and (2) of subsection
6 (b) during the immediately following month by not
7 more than 20 cents per pound.

8 (4) BUTTER INVENTORIES IN EXCESS OF 450
9 MILLION POUNDS.—If net removals for a period of
10 12 consecutive months exceed 450 million pounds of
11 butter, but do not exceed 650 million pounds, the
12 Secretary may reduce the purchase price under sub-
13 section (b)(3) during the immediately following
14 month by not more than 10 cents per pound.

15 (5) BUTTER INVENTORIES IN EXCESS OF 650
16 MILLION POUNDS.—If net removals for a period of
17 12 consecutive months exceed 650 million pounds of
18 butter, the Secretary may reduce the purchase price
19 under subsection (b)(3) during the immediately fol-
20 lowing month by not more than 20 cents per pound.

21 (6) NONFAT DRY MILK INVENTORIES IN EX-
22 CESS OF 600 MILLION POUNDS.—If net removals for
23 a period of 12 consecutive months exceed 600 mil-
24 lion pounds of nonfat dry milk, but do not exceed
25 800 million pounds, the Secretary may reduce the

1 purchase price under subsection (b)(4) during the
2 immediately following month by not more than 5
3 cents per pound.

4 (7) NONFAT DRY MILK INVENTORIES IN EX-
5 CESS OF 800 MILLION POUNDS.—If net removals for
6 a period of 12 consecutive months exceed 800 mil-
7 lion pounds of nonfat dry milk, the Secretary may
8 reduce the purchase price under subsection (b)(4)
9 during the immediately following month by not more
10 than 10 cents per pound.

11 (d) UNIFORM PURCHASE PRICE.—The prices that
12 the Secretary pays for cheese, butter, or nonfat dry milk,
13 respectively, under subsection (a) shall be uniform for all
14 regions of the United States.

15 (e) SALES FROM INVENTORIES.—In the case of each
16 commodity specified in subsection (b) that is available for
17 unrestricted use in inventories of the Commodity Credit
18 Corporation, the Secretary may sell the commodity at the
19 market prices prevailing for that commodity at the time
20 of sale, except that the sale price may not be less than
21 110 percent of the minimum purchase price specified in
22 subsection (b) for that commodity.

23 (f) NET REMOVALS DEFINED.—In this section, the
24 term “net removals” means—

1 (b) MINIMUM MILK PRICE REQUIREMENTS.—Sub-
2 section (b) of such section is amended—

3 (1) by striking “and” at the end of paragraph
4 (1);

5 (2) by striking the period at the end of para-
6 graph (2) and inserting “; and”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(3) all Federal milk marketing order provi-
10 sions that carry out such requirements.”.

11 (c) CONFORMING AMENDMENTS.—Such section is
12 further amended—

13 (1) in the section heading, by striking
14 “**PILOT**”;

15 (2) in subsection (c)—

16 (A) in the subsection heading, by striking
17 “PILOT”; and

18 (B) in paragraph (1), by striking “pilot”;
19 and

20 (3) by striking subsections (d) and (e).

21 **SEC. 103. DAIRY EXPORT INCENTIVE PROGRAM.**

22 (a) EXTENSION.—Subsection (a) of section 153 of
23 the Food Security Act of 1985 (15 U.S.C. 713a–14) is
24 amended by striking “2007” and inserting “2012”.

1 (b) COMPLIANCE WITH TRADE AGREEMENTS.—Sec-
2 tion 153 of the Food Security Act of 1985 (15 U.S.C.
3 713a–14) is amended—

4 (1) in subsection (c), by striking paragraph (3)
5 and inserting the following new paragraph:

6 “(3) the maximum volume of dairy product ex-
7 ports allowable consistent with the obligations of the
8 United States under the Uruguay Round Agree-
9 ments approved under section 101 of the Uruguay
10 Round Agreements Act (19 U.S.C. 3511) is exported
11 under the program each year (minus the volume sold
12 under section 1163 of this Act (Public Law 99–198;
13 7 U.S.C. 1731 note) during that year), except to the
14 extent that the export of such a volume under the
15 program would, in the judgment of the Secretary,
16 exceed the limitations on the value set forth in sub-
17 section (f); and”;

18 (2) in subsection (f), by striking paragraph (1)
19 and inserting the following new paragraph:

20 “(1) FUNDS AND COMMODITIES.—Except as
21 provided in paragraph (2), the Commodity Credit
22 Corporation shall in each year use money and com-
23 modities for the program under this section in the
24 maximum amount consistent with the obligations of
25 the United States under the Uruguay Round Agree-

1 ments approved under section 101 of the Uruguay
2 Round Agreements Act (19 U.S.C. 3511), minus the
3 amount expended under section 1163 of this Act
4 (Public Law 99–198; 7 U.S.C. 1731 note) during
5 that year.”.

6 **SEC. 104. REVISION OF FEDERAL MARKETING ORDER**
7 **AMENDMENT PROCEDURES.**

8 Subsection (17) of section 8c of the Agricultural Ad-
9 justment Act (7 U.S.C. 608c), reenacted with amendments
10 by the Agricultural Marketing Agreement Act of 1937, is
11 amended to read as follows:

12 “(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

13 “(A) APPLICABILITY TO AMENDMENTS.—The
14 provisions of this section and section 8d, applicable
15 to orders shall be applicable to amendments to or-
16 ders.

17 “(B) ADVANCE NOTICE OF HEARING.—Notice
18 of a hearing upon a proposed amendment to any
19 order issued pursuant to this section shall be given
20 not less than 3 days before the date fixed for the
21 hearing, and such notice shall be deemed to be due
22 notice of the hearing.

23 “(C) PROMPT RESPONSE TO REQUESTS FOR
24 AMENDMENT HEARINGS.—Not more than 30 days
25 after receipt of a written request for an amendment

1 hearing regarding a milk marketing order, the Sec-
2 retary shall—

3 “(i) issue a denial of the request; or

4 “(ii) issue notice of the hearing, which
5 shall begin no more than 60 days, and conclude
6 no more than 90 days, after receipt of the re-
7 quest.

8 “(D) SUBMISSION AND USE OF EVIDENCE.—

9 The proponents of any amendment proposed to be
10 made to a milk marketing order shall file with the
11 Secretary all testimony and other evidence in sup-
12 port of the amendment, in written form, at least 7
13 business days before the date fixed for the hearing.
14 The Secretary shall make such written testimony
15 and other evidence available to interested members
16 of the public. Subject to any evidentiary objections
17 and cross examination of submitting witness, the
18 written testimony and evidence shall be entered into
19 evidence without being read at the hearing.

20 “(E) ISSUANCE OF DECISION.—The Secretary
21 shall issue a recommended decision on a proposed
22 amendment to a milk marketing order not later than
23 90 days after the date set by the Administrative
24 Law Judge for the submission of post-hearing pro-
25 posed findings and conclusions and written argu-

1 ments or briefs. The final decision shall be issued
2 not later than 60 days after the date on which the
3 recommended decision was issued.

4 “(F) AVOIDING DUPLICATION.—The Secretary
5 shall not be required to call a hearing on any
6 amendment proposed to be made to a milk mar-
7 keting order in response to an application for a
8 hearing on such proposed amendment if the applica-
9 tion requesting the hearing is received by the Sec-
10 retary within 90 days after the date on which the
11 Secretary has announced the decision on a pre-
12 viously proposed amendment to that order and the
13 two proposed amendments are essentially the
14 same.”.

15 **SEC. 105. REPORT ON DEPARTMENT OF AGRICULTURE RE-**
16 **PORTING PROCEDURES FOR NONFAT DRY**
17 **MILK.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Agriculture shall submit
20 to Congress a report regarding Department of Agriculture
21 reporting procedures for nonfat dry milk and the impact
22 of these procedures on Federal milk marketing order min-
23 imum prices during the period beginning on July 1, 2006,
24 and ending on the date of the enactment of this Act.

1 **Subtitle B—Miscellaneous**
2 **Provisions**

3 **SEC. 121. REPEAL OF PROHIBITION ON MANDATORY IDEN-**
4 **TIFICATION SYSTEM FOR COUNTRY OF ORI-**
5 **GIN LABELING.**

6 Section 282(f) of the Agricultural Marketing Act of
7 1946 (7 U.S.C. 1638a(f)) is amended by striking “CER-
8 TIFICATION OF ORIGIN.—” and all that follows through
9 “(2) EXISTING CERTIFICATION PROGRAMS.—To certify”
10 and inserting “CERTIFICATION OF ORIGIN.—To certify”.

11 **SEC. 122. SENSE OF CONGRESS REGARDING**
12 **PSEUDORABIES ERADICATION PROGRAM.**

13 It is the sense of Congress that—

14 (1) the Secretary should recognize the threat
15 feral swine pose to the domestic swine population;

16 (2) keeping the United States commercial swine
17 herd free of pseudorabies is essential to maintaining
18 and growing pork export markets;

19 (3) the establishment of a swine surveillance
20 system will assist the swine industry in the moni-
21 toring, surveillance, and eradication of pseudorabies;
22 and

23 (4) pseudorabies eradication is a high priority
24 that the Secretary should carry out under the au-
25 thorities of the Animal Health Protection Act.

1 **SEC. 123. EFFECT OF USDA INSPECTION AND DETERMINA-**
2 **TION OF NON-REGULATED STATUS.**

3 Notwithstanding any other provision of law, no State
4 or locality shall make any law prohibiting the use in com-
5 merce of an article that the Secretary of Agriculture has—

6 (1) inspected and passed; or

7 (2) determined to be of non-regulated status.