

(a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(6) SENSE OF CONGRESS.—It is the sense of Congress that, given the prohibition on the provision of price support for sugarcane and sugar beets for the 2000 and subsequent crops, the need for the application of assessments under this subsection with regard to such crops should be reexamined at that time.

(g) EFFECT ON EXISTING LOANS FOR SUGAR.—Section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to non-recourse loans made under such section before such date.

(h) CONFORMING AMENDMENTS.—

(1) POWER OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting "(except for sugarcane and sugar beets of the 2000 and subsequent crops)" after "agricultural commodities".

(2) SECTION 32 ACTIVITIES.—The second sentence of the first paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended by inserting "(other than sugarcane and sugar beets)" after "commodity" the last place it appears.

(i) CCC SALES PRICE RESTRICTIONS.—The Commodity Credit Corporation may sell for unrestricted use sugar surrendered to the Corporation under loan programs provided

for in section 206 of the Agricultural Act of 1949 or this section at such price as the Corporation determines appropriate to maintain and expand export and domestic markets for sugar and to avoid undue disruption of commercial sales of sugar.

(j) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Subsection (a) of section 902 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1446g note) is amended to read as follows:

"(a) Beginning with the quota year for sugar imports which begins after the 1995/1996 quota year, the President and the Secretary of Agriculture shall use all authorities available to the President and the Secretary, as the case may be, to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices no greater than the higher of—

"(1) the word sugar price (adjusted to a delivered basis); or

"(2) the raw cane sugar loan rate in effect under section 107(a) of the Agricultural Market Transition Act (plus interest)."

(k) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Effective October 1, 1996, part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa-1359jj) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of such Act (7 U.S.C. 1344(f)(2)) is amended by striking "sugar cane for sugar; sugar beets for sugar;"

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply with respect to sugar marketed on or after such date.

It was decided in the { Yeas 208 Nays 217 negative Answered present 1

19.21 [Roll No. 35] AYES—208

- Andrews Engel Jacobs
Archer English Kanjorski
Army Ensign Kasich
Baker (CA) Eshoo Kelly
Barr Fawell Kennedy (MA)
Barrett (WI) Fields (TX) Kennedy (RI)
Bartlett Flake Kennelly
Bass Flanagan Kim
Beilenson Foglietta Kingston
Berman Forbes Klink
Bilbray Fowler Klug
Bilirakis Fox Kolbe
Blute Frank (MA) LaFalce
Boehlert Franks (CT) Largent
Borski Franks (NJ) LaTourrette
Boucher Frelinghuysen Lazio
Brown (OH) Gallegly Leach
Brownback Gejdenson Lewis (GA)
Bunn Gekas Linder
Buyer Gibbons Lipinski
Callahan Gilchrest LoBiondo
Campbell Goodlatte Longley
Cardin Goodling Lowey
Castle Gordon Luther
Chabot Goss Maloney
Chrysler Graham Manzullo
Clay Greenwood Markey
Clement Gutierrez Martini
Coburn Hall (OH) Mascara
Collins (GA) Hamilton McCarthy
Cox Hancock McDade
Coyne Hansen McDermott
Crane Harman McHale
Creameans Hayworth McHugh
Danner Hilleary McInnis
Davis Hinchey McIntosh
Deal Hobson McNulty
DeLauro Hoekstra Meehan
DeLay Hoke Meyers
Dickey Horn Miller (CA)
Doggott Hostettler Miller (FL)
Dornan Hoyer Moakley
Doyle Hutchinson Molinari
Dreier Hyde Moorhead
Duncan Inglis Moran
Dunn Istook Morella
Ehrlich Jackson (IL) Myers

- Nadler Roukema Tate
Neal Roybal-Allard Taylor (NC)
Neumann Royce Thornton
Ney Salmon Torkildsen
Olver Sanford Towns
Owens Sawyer Upton
Packard Saxton Velazquez
Pallone Scarborough Visclosky
Paxon Schumer Waldholtz
Payne (NJ) Seastrand Walker
Petri Sensenbrenner Wamp
Porter Shadegg Waters
Portman Shaw Waxman
Pryce Shays Weldon (PA)
Quinn Slaughter White
Radanovich Smith (NJ) Wilson
Ramstad Smith (WA) Wolf
Rangel Solomon Yates
Reed Souder Young (FL)
Regula Spratt Zeliff
Riggs Stark Zimmer
Rohrabacher Studds
Ros-Lehtinen Talent

NOES—217

- Abercrombie Fields (LA) Oberstar
Ackerman Filner Obey
Allard Foley Ortiz
Bachus Ford Orton
Baesler Frisa Oxley
Baker (LA) Frost Parker
Baldacci Funderburk Pastor
Ballenger Ganske Payne (VA)
Barcia Gephardt Pelosi
Barrett (NE) Geren Peterson (FL)
Barton Gillmor Peterson (MN)
Bateman Gilman Pickett
Becerra Gonzalez Pomo
Bentsen Green Pomeroy
Bereuter Gunderson Poshard
Bevill Gutknecht Quillen
Bishop Hall (TX) Rahall
Bliley Hastert Richardson
Boehner Hastings (FL) Rivers
Bonilla Hastings (WA) Roberts
Bonior Hayes Roemer
Bono Hefley Rogers
Brewster Hefner Rose
Browder Heineman Roth
Brown (CA) Herger Rush
Brown (FL) Hilliard Sabo
Bryant (TN) Holden Sanders
Bryant (TX) Houghton Schaefer
Bunning Hunter Schiff
Burr Jackson-Lee Schroeder
Burton (TX) Scott
Calvert Jefferson Serrano
Clamp Johnson (CT) Shuster
Canady Johnson (SD) Skaggs
Chambliss Johnson, E. B. Skeen
Chapman Johnson, Sam Skelton
Chenoweth Johnston Smith (MI)
Christensen Jones Smith (TX)
Clayton Kaptur Spence
Clinger Kildee Stearns
Clyburn King Stenholm
Coble Kleczka Stockman
Coleman Knollenberg Stump
Collins (MI) LaHood Stupak
Combest Lantos Tanner
Condit Latham Tauzin
Conyers Laughlin Taylor (MS)
Cooley Levin Tejeda
Costello Lewis (CA) Thomas
Cramer Lewis (KY) Thompson
Crapo Lightfoot Thornberry
Cubin Lincoln Thurman
Cunningham Livingston Tiaht
de la Garza Lofgren Torres
DeFazio Lucas Torricelli
Dellums Manton Traficant
Deutsch Martinez Vento
Diaz-Balart Matsui Volkmer
Dicks McCollum Vucanovich
Dingell McCreery Walsh
Dixon McKeon Ward
Dooley Meek Watt (NC)
Doolittle Menendez Watts (OK)
Durbin Metcalf Weldon (FL)
Edwards Ehlers Weller
Ehlers Miller (FL) Whitfield
Emerson Mink Wicker
Evans Montgomery Williams
Everett Murtha Wise
Ewing Myrick Woolsey
Farr Nethercutt Wynn
Fattah Norwood Young (AK)
Fazio Nussle

ANSWERED "PRESENT"—1

Sisisky

NOT VOTING—5

Collins (IL) McKinney Stokes
Furse Mollohan

So the amendment was not agreed to.
After some further time,

¶19.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SOLOMON:

Strike title II (page 81, line 5, through page 118, line 17) and insert the following:

TITLE II—DAIRY

SEC. 201. MILK PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—During the period beginning on the date of the enactment of this Act and ending December 31, 2000, the Secretary of Agriculture shall support the price of milk produced in the 48 contiguous States through the purchase of cheese, butter, and nonfat dry milk produced from the milk.

(b) RATE.—The price of milk shall be supported at the following rates per hundred-weight for milk containing 3.67 percent butterfat:

- (1) During calendar year 1996, \$10.15.
- (2) During calendar year 1997, \$10.05.
- (3) During calendar year 1998, \$9.95.
- (4) During calendar year 1999, \$9.85.
- (5) During calendar year 2000, \$9.75.

(c) BID PRICES.—The support purchase prices under this section for each of the products of milk (butter, cheese, and nonfat dry milk) announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary. The purchase prices shall be sufficient to enable plants of average efficiency to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) SPECIAL RULE FOR BUTTER AND NONFAT DRY MILK.—

(1) ALLOCATION OF PURCHASE PRICES.—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation.

(2) TIMING OF PURCHASE PRICE ADJUSTMENTS.—The Secretary may make any such adjustments in the purchase prices for nonfat dry milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(e) REFUNDS OF 1995 AND 1996 ASSESSMENTS.—

(1) REFUND REQUIRED.—The Secretary shall provide for a refund of the entire reduction required under section 204(h)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446e(h)(2)), as in effect on the day before the date of the enactment of this Act, in the price of milk received by a producer during calendar year 1995 or 1996, if the producer provides evidence that the producer did not increase marketings in calendar year 1995 or 1996 when compared to calendar year 1994 or 1995, respectively.

(2) EXCEPTION.—This subsection shall not apply with respect to a producer for a particular calendar year if the producer has already received a refund under section 204(h) of the Agricultural Act of 1949 for the same fiscal year before the date of the enactment of this Act.

(3) TREATMENT OF REFUND.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 and 3821).

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) PERIOD OF EFFECTIVENESS.—This section shall be effective only during the period beginning on the date of the enactment of this Act and ending on December 31, 2000. The program authorized by this section shall terminate on December 31, 2000, and shall be considered to have expired notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SEC. 202. CONSOLIDATION AND REFORM OF FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENT OF ORDERS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall amend Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to—

- (1) limit the number of Federal milk marketing orders to between 10 and 14 orders; and
- (2) provide for multiple basing points for the pricing of milk.

(b) EXPEDITED PROCESS.—Using the rule making procedures provided in section 553 of title 5, United States Code, the Secretary shall—

- (1) announce the amendments required under subsection (a) not later than December 31, 1998; and
- (2) implement the amendments not later than December 31, 2000.

(c) FUNDING.—Effective beginning January 1, 2001, the Secretary shall not use any funds to administer more than 14 Federal milk marketing orders.

(d) STUDY REGARDING FURTHER REFORMS.—Not later than January 1, 1998, the Secretary of Agriculture shall submit to Congress a report—

- (1) reviewing the Federal milk marketing order system established pursuant to section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in light of the reforms required by subsection (a); and
- (2) containing such recommendations as the Secretary considers appropriate for further improvements and reforms to the Federal milk marketing order system.

(e) ELEMENTS OF PROGRAM.—Section 153(c) of the Food Security Act of 1985 is amended by striking "2001" and inserting "2002".

(f) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 is amended by inserting "sole" before "discretion".

(g) ELEMENTS OF PROGRAM.—Section 153(c) of the Food Security Act of 1985 is amended—

- (1) by striking "and" at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2) and inserting "; and"; and
- (3) by adding at the end the following:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization is exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of

the Secretary, exceed the limitations on the value set forth in subsection (f); and

"(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.".

(d) MARKET DEVELOPMENT.—Section 153(e)(1) of the Food Security Act of 1985 is amended—

(1) by striking "and" and inserting "the"; and

(2) by inserting before the period the following: " , and any additional amount that may be required to assist in the development of world markets for United States dairy products".

(e) MAXIMUM ALLOWABLE AMOUNTS.—Section 153 of the Food Security Act of 1985 is amended by adding at the end the following:

"(f) REQUIRED FUNDING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year.

"(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.".

SEC. 204. EFFECT ON FLUID MILK STANDARDS IN THE STATE OF CALIFORNIA.

Nothing in this Act or any other provision of law shall be construed to preempt, prohibit or otherwise limit the authority of the State of California, directly or indirectly, to establish or continue in effect any law, regulation or requirement regarding—

- (1) the percentage of milk solids or solids not fat in fluid milk products sold at retail or marketed in the State of California; or
- (2) the labeling of such fluid milk products with regard to milk solids or solids not fat.

SEC. 205. REPEAL OF MILK MANUFACTURING MARKETING ADJUSTMENT.

Section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e-1) is repealed.

SEC. 206. PROMOTION.

(a) CONGRESSIONAL PURPOSE.—Section 1999B(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(a)) is amended—

- (1) by redesignating paragraphs (6), (7) and (8) as paragraphs (7), (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the congressional purpose underlying this subtitle is to maintain and expand markets for fluid milk products, not to maintain or expand any processor's share of those markets and that the subtitle does not prohibit or restrict individual advertising or promotion of fluid milk products since the programs created and funded by this subtitle are not intended to replace individual advertising and promotion efforts;".

(b) CONGRESSIONAL POLICY.—Section 1999B(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(b)) is amended to read as follows:

"(b) POLICY.—It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of powers provided in this subtitle, of an orderly procedure for developing, financing, through adequate assessments on fluid milk products produced in the United States and carrying out an effective, continuous, and coordinated program of promotion, research, and consumer information designed