

prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 2. NECESSITY OF USING FORMAL RULEMAKING TO DEVELOP PRICING METHODS FOR CLASS III AND CLASS IV MILK; MODIFIED MANUFACTURING ALLOWANCE FOR CHEESE.

(a) CONGRESSIONAL FINDING.—The Class III and Class IV pricing formulas included in the final decision for the consolidation and reform of Federal milk marketing orders, as published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16025), do not adequately reflect public comment on the original proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802), and are sufficiently different from the proposed rule and any comments submitted with regard to the proposed rule that further emergency rulemaking is merited.

(b) FORMAL RULEMAKING.—

(1) REQUIRED.—The Secretary of Agriculture shall conduct rulemaking, on the record after an opportunity for an agency hearing, to reconsider the Class III and Class IV pricing formulas included in the final decision referred to in subsection (a).

(2) IMPLEMENTATION.—A final decision on the formula shall be implemented not later than 10 months after the date of the enactment of this Act.

(3) EFFECT OF COURT ORDER.—The actions authorized by this subsection are intended to ensure the timely publication and implementation of new pricing formulas for Class III and Class IV milk. In the event that the Secretary is enjoined or otherwise restrained by a court order from implementing the final decision under paragraph (2), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in paragraph (2) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(c) FAILURE TO TIMELY COMPLETE RULEMAKING.—If the Secretary of Agriculture fails to implement new Class III and Class IV pricing formulas within the time period required under subsection (b)(2) (plus any additional period provided under subsection (b)(3)), the Secretary may not assess or collect assessments from milk producers or handlers under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, for marketing order administration and services provided under such section after the end of that period until the pricing formulas are implemented. The Secretary may not reduce the level of services provided under that section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department.

(d) EFFECT ON IMPLEMENTATION SCHEDULE.—Subject to subsection (e), the requirement for additional rulemaking in subsection (b) does not modify or delay the time period for actual implementation of the final decision referred to in subsection (a) as part of Federal milk marketing orders, as such time period is specified in section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277; 112 Stat. 2681-30).

(e) MODIFIED MANUFACTURING ALLOWANCE FOR CHEESE.—

(1) MODIFICATION OF ALLOWANCE.—Pending the implementation of new pricing formulas for Class III and Class IV milk as required by

subsection (b), the Secretary of Agriculture shall modify the formula used for determining Class III prices, as contained in the final decision referred to in subsection (a), to replace the manufacturing allowance of 17.02 cents per pound of cheese each place it appears in that formula with an amount equal to 14.7 cents per pound of cheese.

(2) EXPEDITED IMPLEMENTATION.—The Secretary of Agriculture shall implement the modified formula as soon as practicable after the date of the enactment of this Act. Implementation and use of the modified formula shall not be subject to—

(A) the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code;

(B) a referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of such section 8c;

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(D) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(3) EFFECT ON MINIMUM MILK PRICES.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pursuant to section 1000.50 of title 7, Code of Federal Regulations, before the date on which the Secretary first implements the modified formula, the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 3. ONE-YEAR EXTENSION OF CURRENT MILK PRICE SUPPORT PROGRAM.

(a) EXTENSION OF PROGRAM.—Subsection (h) of section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking “1999” both places it appears and inserting “2000”.

(b) CONTINUATION OF CURRENT PRICE SUPPORT RATE.—Subsection (b)(4) of such section is amended by striking “year 1999” and inserting “years 1999 and 2000”.

(c) ELIMINATION OF RECOURSE LOAN PROGRAM FOR PROCESSORS.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is repealed.

SEC. 4. DAIRY FORWARD PRICING PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new section:

“SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

“(a) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this section, the Secretary of Agriculture shall establish a temporary pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

“(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy—

“(1) all regulated minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c; and

“(2) the requirement of paragraph (C) of such subsection regarding total payments by each handler.

“(c) MILK COVERED BY PILOT PROGRAM.—The pilot program shall apply only with re-

spect to the marketing of federally regulated milk that—

“(1) is not classified as Class I milk or otherwise intended for fluid use; and

“(2) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

“(d) DURATION.—The authority of the Secretary of Agriculture to carry out the pilot program shall terminate on December 31, 2004. No forward price contract entered into under the program may extend beyond that date.

“(e) STUDY AND REPORT ON EFFECT OF PILOT PROGRAM.—

“(1) STUDY.—The Secretary of Agriculture shall conduct a study on forward contracting between milk producers and cooperatives and milk handlers to determine the impact on milk prices paid to producers in the United States. To obtain information for the study, the Secretary may use the authorities available to the Secretary under section 8d, subject to the confidentiality requirements of subsection (2) of such section.

“(2) REPORT.—Not later than April 30, 2002, the Secretary shall submit to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing the results of the study.”

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

Mr. COMBEST demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 285
affirmative } Nays 140

99.19 [Roll No. 436]
AYES—285

Abercrombie	Canady	Engel
Ackerman	Cannon	English
Aderholt	Capuano	Etheridge
Allen	Cardin	Everett
Andrews	Castle	Farr
Bachus	Chambliss	Fattah
Baird	Clayton	Filner
Baker	Clement	Fletcher
Baldacci	Clyburn	Foley
Ballenger	Coburn	Forbes
Barcia	Collins	Fossella
Barr	Combest	Franks (NJ)
Bartlett	Condit	Frelinghuysen
Barton	Cook	Frost
Bass	Cooksey	Gejdenson
Bateman	Costello	Gekas
Bentsen	Coyne	Gephardt
Bereuter	Cramer	Gibbons
Berkley	Crowley	Gilchrest
Berry	Cubin	Gillmor
Bilirakis	Cummings	Gilman
Bishop	Cunningham	Gonzalez
Bliley	Danner	Goode
Blunt	Davis (FL)	Goodlatte
Boehlert	Deal	Goodling
Bonilla	DeFazio	Gordon
Bonior	DeLauro	Graham
Borski	DeMint	Granger
Boucher	Deutsch	Green (TX)
Boyd	Diaz-Balart	Greenwood
Brady (PA)	Dicks	Hall (TX)
Brady (TX)	Dingell	Hansen
Brown (FL)	Doyle	Hastings (FL)
Bryant	Duncan	Hastings (WA)
Burr	Dunn	Hayes
Burton	Edwards	Hayworth
Callahan	Ehrlich	Hill (IN)
Camp	Emerson	Hill (MT)

Hilleary	McKeon	Shuster
Hillhard	McKinney	Simpson
Hinchoy	McNulty	Sisisky
Hinojosa	Meeks (NY)	Skeen
Hoeffel	Metcalf	Skelton
Hoekstra	Mica	Slaughter
Holden	Miller, Gary	Smith (MI)
Holt	Miller, George	Smith (NJ)
Hooley	Mink	Smith (TX)
Horn	Moakley	Smith (WA)
Houghton	Mollohan	Snyder
Hoyer	Moran (KS)	Spence
Hulshof	Morella	Spratt
Hunter	Murtha	Stabenow
Hutchinson	Myrick	Stearns
Insole	Nadler	Stenholm
Isakson	Napolitano	Strickland
Jackson-Lee	Neal	Stump
(TX)	Nethercutt	Sununu
Jenkins	Norwood	Sweeney
John	Olver	Talent
Johnson (CT)	Ortiz	Tanner
Jones (NC)	Packard	Tauzin
Kanjorski	Pastor	Taylor (MS)
Kelly	Pease	Taylor (NC)
Kennedy	Pelosi	Thomas
Kildee	Peterson (PA)	Thompson (CA)
Kilpatrick	Phelps	Thompson (MS)
King (NY)	Pickering	Thornberry
Kingston	Pickett	Thurman
Klink	Pitts	Tiahrt
Knollenberg	Pombo	Towns
Kuykendall	Price (NC)	Trafficant
LaFalce	Quinn	Turner
Lampson	Radanovich	Udall (NM)
Larson	Rahall	Upton
Lazio	Rangel	Vitter
Levin	Regula	Walden
Lewis (CA)	Reyes	Walsh
Lewis (GA)	Reynolds	Wamp
Lewis (KY)	Riley	Watkins
Linder	Rivers	Watt (NC)
LoBiondo	Rodriguez	Watts (OK)
Lowey	Roemer	Weiner
Lucas (KY)	Rogers	Weldon (FL)
Lucas (OK)	Ros-Lehtinen	Weldon (PA)
Maloney (CT)	Roukema	Wexler
Martinez	Ryun (KS)	Weygand
Mascara	Sanders	Whitfield
McCarthy (MO)	Sandlin	Wickert
McCarthy (NY)	Saxton	Wilson
McCollum	Schaffer	Wise
McCrery	Scott	Wolf
McGovern	Serrano	Woolsey
McHugh	Shadegg	Wynn
McInnis	Sherwood	Young (AK)
McIntosh	Shimkus	
McIntyre	Shows	

NOES—140

Archer	Ganske	Millender-
Armey	Goss	McDonald
Baldwin	Green (WI)	Miller (FL)
Barrett (NE)	Gutierrez	Minge
Barrett (WI)	Gutknecht	Moore
Becerra	Hall (OH)	Moran (VA)
Biggert	Hefley	Ney
Bilbray	Henger	Northup
Blagojevich	Hobson	Nussle
Blumenauer	Hostettler	Oberstar
Boehner	Hyde	Obey
Boswell	Istook	Ose
Brown (OH)	Jackson (IL)	Owens
Buyer	Johnson, E. B.	Oxley
Calvert	Johnson, Sam	Pallone
Campbell	Jones (OH)	Pascrell
Capps	Kaptur	Paul
Carson	Kasich	Payne
Chabot	Kind (WI)	Peterson (MN)
Chenoweth	Kleczka	Petri
Clay	Kolbe	Pomeroy
Conyers	Kucinich	Porter
Cox	LaHood	Portman
Crane	Lantos	Pryce (OH)
Davis (IL)	Largent	Ramstad
Davis (VA)	Latham	Rogan
DeGette	LaTourrette	Rohrabacher
DeLahunt	Leach	Rothman
DeLay	Lee	Roybal-Allard
Dixon	Lipinski	Royce
Doggett	Lofgren	Rush
Dooley	Luther	Ryan (WI)
Doolittle	Maloney (NY)	Sabo
Dreier	Manzullo	Salmon
Ehlers	Markey	Sanchez
Eshoo	Matsui	Sanford
Evans	McDermott	Sawyer
Ewing	Meehan	Schakowsky
Frank (MA)	Meek (FL)	Sensenbrenner
Galleghy	Menendez	Sessions

Shaw	Tauscher	Vento
Shays	Terry	Visclosky
Sherman	Thune	Waters
Souder	Tierney	Waxman
Stark	Toomey	Weller
Stupak	Udall (CO)	Wu
Tancredo	Velazquez	Young (FL)

NOT VOTING—8

Berman	Dickey	Jefferson
Bono	Ford	Scarborough
Coble	Fowler	

So the bill was passed.
 A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.20 CLERK TO CORRECT ENGROSSMENT
 On motion of Mr. COMBEST, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such other technical, conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶99.21 PERMISSION TO FILE REPORT
 On motion of Mr. COMBEST, by unanimous consent, the Committee on Agriculture was granted permission to file a supplemental report to accompany the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

¶99.22 INTELLIGENCE REAUTHORIZATION
 On motion of Mr. GOSS, by unanimous consent, the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. GOSS, it was, *Resolved*, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.
Ordered, That the Clerk notify the Senate thereof.

¶99.23 PROVIDING FOR THE CONSIDERATION OF H.R. 2506

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 106-328) the resolution (H. Res. 299) providing for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research.

When said resolution and report were referred to the House Calendar and ordered printed.

¶99.24 APPOINTMENT OF CONFEREES—
 H.R. 1555

The SPEAKER pro tempore, Mr. THORNBERRY, announced the appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and MESSRS. BISHOP, SISISKY, CONDIT, ROEMER and HASTINGS of Florida.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP and ANDREWS.
Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶99.25 MOTION TO INSTRUCT
 CONFEREES—H.R. 1501

Ms. LOFGREN, pursuant to clause 7, rule XXII, submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, to insist that the committee of conference recommend a conference substitute that (1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows; (2) does not include provisions that weaken current gun safety law; and (3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers, and batterers).

After debate,
 ¶99.26 NOTICE—MOTION TO INSTRUCT
 CONFEREES—H.R. 1501

Mrs. MCCARTHY of New York, pursuant to clause 7(c)(1)(B) of rule XXII, announced her intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, to insist that (1) the Committee of Conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and (2) the Committee of Conference should meet every weekday in