

Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,025,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the co-operators share the cost of printing either in cash or in services, and the Bureau deter-

mines the cooperator is capable of meeting accepted quality standards.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 10 and concurred therein with the following amendment:

In lieu of the matter stricken by said amendment, insert the following:

“of which \$1,800,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh: *Provided*, That notwithstanding any other provision of law a single procurement for the construction of facilities at the Walnut Creek National Wildlife Refuge, Iowa may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 52.323.18”.

Mr. YATES moved that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with the following amendment:

In lieu of the sum proposed by said amendment, insert “\$82,655,000”.

After debate, By unanimous consent, the previous question was ordered.

The question being put, viva voce, Will the House agree to said motion? The SPEAKER pro tempore, Mr. MFUME, announced that the yeas had it.

Mr. BURTON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 293 Nays ..... 131

120.17 [Roll No. 524] YEAS—293

- Abercrombie Chapman Fingerhut
Ackerman Clay Fish
Andrews (ME) Clayton Flake
Andrews (NJ) Clement Foglietta
Andrews (TX) Clinger Ford (MI)
Applegate Clyburn Ford (TN)
Bacchus (FL) Coleman Fowler
Baesler Collins (IL) Frank (MA)
Barlow Collins (MI) Franks (CT)
Bateman Conyers Frost
Becerra Coppersmith Furse
Beilenson Costello Gallo
Bereuter Coyne Gejdenson
Berman Cramer Gephardt
Bevill Danner Gibbons
Billbray Darden Gilchrest
Bilirakis de la Garza Gillmor
Bishop Deal Gilman
Blackwell DeFazio Gingrich
Bliley DeLauro Gonzalez
Blute Dellums Goodling
Boehlert Derrick Gordon
Bonior Deutsch Goss
Borski Diaz-Balart Green
Boucher Dicks Gutierrez
Browder Dixon Hall (OH)
Brown (CA) Dooley Hamburg
Brown (FL) Durbin Hamilton
Brown (OH) Edwards (CA) Harman
Bryant Edwards (TX) Hastings
Byrne Engel Hayes
Callahan English (AZ) Hefner
Calvert Eshoo Hilliard
Canady Evans Hinchey
Cantwell Farr Hoagland
Cardin Fields (LA) Hobson
Carr Filner Hochbruckner

- Holden Meek Schumer
Horn Menendez Scott
Houghton Mfume Serrano
Hoyer Mica Shays
Hughes Michel Shepherd
Inslee Miller (CA) Sisisky
Jefferson Miller (FL) Skaggs
Johnson (CT) Mineta Skeen
Johnson (GA) Mink Skelton
Johnson (SD) Moakley Slaughter
Johnson, E. B. Mollohan Smith (IA)
Johnston Montgomery Smith (NJ)
Kanjorski Moran Snowe
Kaptur Morella Spence
Kennedy Murphy Spratt
Kennelly Murtha Stark
Kildee Myers Stokes
Klecza Nadler Strickland
Klein Natcher Studds
Klink Neal (MA) Stupak
Kolbe Neal (NC) Swett
Kopetski Oberstar Swift
Kreidler Obey Synar
Kyl Olver Tausin
LaFalce Ortiz Taylor (MS)
Lancaster Owens Tejeda
Lantos Packard Thomas (CA)
LaRocco Pallone Thomas (WY)
Laughlin Parker Thompson
Lazio Payne (NJ) Thornton
Leach Payne (VA) Thurman
Levin Pelosi Torckildsen
Lewis (CA) Peterson (FL) Torres
Lewis (FL) Pickle Torricelli
Lewis (GA) Pomeroy Towns
Lipinski Poshard Traficant
Livingston Price (NC) Tucker
Lloyd Quillen Unsoeld
Long Rahall Valentine
Lowey Rangel Velazquez
Machtley Ravenel Vento
Maloney Reed Visclosky
Mann Regula Volkmer
Manton Reynolds Walsh
Margolies- Richardson Washington
Mezvinsky Roemer Waters
Markey Rogers Watt
Martinez Ros-Lehtinen Weldon
Matsui Rose Wheat
Mazzoli Rostenkowski Whitten
McCandless Roukema Williams
McCloskey Rowland Wilson
McCollum Roybal-Allard Wise
McCrery Rush Wolf
McDade Sanders Woolsey
McDermott Sangmeister Wyden
McHale Sawyer Wynn
McKinney Saxton Yates
McMillan Schenk Young (AK)
McNulty Schiff Young (FL)
Meehan Schroeder Zimmer

NAYS—131

- Allard Kingston
Archer Dunn Klug
Army Emerson Knollenberg
Bachus (AL) English (OK) Lambert
Baker (CA) Everett Levy
Baker (LA) Ewing Lightfoot
Ballenger Fawell Linder
Barca Fields (TX) Manzullo
Barcia Franks (NJ) McCurdy
Barrett (NE) Gallegly McHugh
Barrett (WI) Gekas McInnis
Bartlett Geren McKeon
Barton Glickman Meyers
Bentley Goodlatte Minge
Boehner Grams Mollinari
Bonilla Grandy Moorhead
Brewster Greenwood Nussle
Bunning Gunderson Orton
Burton Hall (TX) Oxley
Buyer Hancock Paxon
Camp Hansen Penny
Castle Heffley Peterson (MN)
Coble Herger Petri
Collins (GA) Hoekstra Pickett
Combest Hoke Pombo
Condit Gutierrez Huffington Porter
Cooper Hutchinson Portman
Cox Hutto Pryce (OH)
Crane Hyde Quinn
Crapo Inglis Ramstad
Cunningham Inhofe Ridge
DeLay Istook Roberts
Dickey Jacobs Rohrbacher
Dingell Johnson, Sam Roth
Doolittle Kasich Royce
Dornan Kim Santorum
Dreier King Sarpalius

Schaefer	Smith (TX)	Tanner
Sensenbrenner	Solomon	Taylor (NC)
Shaw	Stearns	Upton
Shuster	Stenholm	Vucanovich
Slattery	Stump	Walker
Smith (MI)	Sundquist	Zeliff
Smith (OR)	Talent	

## NOT VOTING—9

Brooks	Hunter	Sabo
Fazio	Lehman	Sharp
Hastert	Pastor	Waxman

So the motion to recede and concur in the amendment of the Senate numbered 12 with an amendment was agreed to.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 18 and concurred therein with the following amendment:

"In lieu of the matter proposed by said amendment, insert: *Provided*, That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner."

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 23 and concurred therein with the following amendment:

In lieu of the sum proposed by said amendment, insert "\$201,724,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 24 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment insert "\$4,377,000 to be derived from amounts made available under this head in Public Law 101-512 as a grant for the restoration of the Keith Albee Theatre in Huntington, West Virginia, and \$1,844,000 to be derived from amounts made available under this head in Public Law 102-381 for a pedestrian walkway and interpretive park (A Walk on the Mountain): *Provided*, That \$2,000,000 for the Boston Public Library and \$500,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That of the funds provided under this heading, not to exceed \$350,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt Memorial may be issued which includes the full scope of the Project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18: *Provided further*, that for the purpose of performing an environmental impact statement (EIS) on the Paseo del Norte alignment, the National Park Service's proposed Calabacillas alternative road alignment, and any other alternative routes in association with the Petroglyph National Monument in Albuquerque, New Mexico \$400,000 are to be allocated to the City of Albuquerque to perform the EIS, only in the event that the City of Albuquerque and the National Park Service reach mutual agreement, within 75 days of the date of enactment of this Act, on the conditions that must be met for the study, such funds to be derived by transfer from balances available in the "Land acquisition and State assistance" account, National Park Service: *Pro-*

*vided further*, That \$1,500,000 for the New England Conservatory shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a upon designation as a National Historic Landmark".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 27 and concurred therein.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 38 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert the following: *Provided further*, That of the amount appropriated under this head in Public Law 102-381, any unobligated balance as of September 30, 1993 related to the Alaska Native Claims Settlement Act shall remain available until expended and may be obligated under a grant to the Alaska Native Foundation for education, training, and technical assistance to Alaskan village corporations for reconveyance requirements".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 39 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert: *Provided further*, That not to exceed \$91,223,000 of the funds in this Act shall be available for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended, for fiscal year 1994 and previous years".

On motion of Mr. YATES, by unanimous consent, the following amendments of the Senate numbered 41, 43, 49, 50, 51, 67, 76, 82, 95, 101, and 111 were considered en bloc.

On motion of Mr. the House receded from its disagreement to the amendments of the Senate numbered 41, 43, 49, 50, 51, 54, 67, 76, 82, 95, 101, and 111 and concurred therein.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 42 and concurred therein.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 54 and concurred therein.

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 62 and concurred therein with the following amendment:

Retain the matter inserted by said amendment, amended as follows:

In lieu of the first section number named in said amendment, insert "114".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 69 and concurred therein with the following amendment:

In lieu of the sum proposed by said amendment, insert the following: "\$1,304,891,000, including not less than \$55,552,000 for law enforcement".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 71 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert: "\$249,002,000, including road obliteration and watershed restoration".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 72 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert: "\$20,000,000, is for watershed restoration; \$99,347,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 73 and concurred therein with the following amendment:

In lieu of the sum proposed by said amendment, insert "\$129,655,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 74 and concurred therein with the following amendment:

In lieu of the sum proposed by said amendment, insert "\$64,250,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 75 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert: ", and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above, and for watershed assessment activities: *Provided*, That notwithstanding any other provision of law, monies received from the timber salvage sales program shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 77 and concurred therein with the following amendment:

In lieu of the matter stricken and inserted by said amendment, insert "None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, except for sales that are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes."

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 81 and concurred therein with the following amendment:

Restore the matter stricken by said amendment, amended to read as follows:

"None of the funds available to the Forest Service in this Act shall be used to begin preparation of timber sales in fiscal year 1994 using the scaling method: *Provided*, That this limitation shall not apply to timber salvage sales: *Provided further*, That thinning sales may be prepared using the scaling method if determined by the Regional Forester to be

the most effective means of achieving a stated environmental objective: *Provided further*, That this limitation shall not apply to sales prepared pursuant to existing timber contracts: *Provided further*, That any timber sales prepared during fiscal year 1994 which involve the use of the scaling method must be scaled by the Forest Service, or under contracts issued by the Forest Service and paid for using deposits by the timber purchaser.

Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-8028-0-7-302) shall not exceed \$279,668,000 in fiscal year 1994."

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 84 and concurred therein with the following amendment:

In lieu of the matter inserted by said amendment, insert: "Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes."

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 90 and concurred therein with the following amendment:

In lieu of the sum proposed by said amendment, insert "\$18,310,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 100 and concurred therein with the following amendment:

Retain the matter proposed by said amendment, amended as follows: In lieu of the sum named in said amendment insert "\$300,000".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 102 and concurred therein with the following amendment:

Restore the matter stricken by said amendment, amended to read as follows: "Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 118 and concurred therein with the following amendment:

Retain the matter inserted by said amendment, amended as follows: In lieu of the section number named in said amendment, insert "314".

On motion of Mr. YATES, the House receded from its disagreement to the amendment of the Senate numbered 120 and concurred therein with the following amendment:

Retain the matter inserted by said amendment, amended as follows: In lieu of the section number named in said amendment, insert "315".

On motion of Mr. YATES, the House receded from its disagreement to the

amendment of the Senate numbered 121 and concurred therein with the following amendment:

Retain the matter inserted by said amendment, amended as follows: In lieu of the section number named in said amendment, insert "316".

Mr. YATES moved that the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein with the following amendment:

In lieu of the matter proposed by said amendment, insert:

**SEC. 317. GRAZING.**

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding the following new sections:

**"SEC. 405. GRAZING FEES.**

"(a) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of Agriculture shall annually establish grazing fees.

"(b) PHASE-IN.—The grazing fee for the grazing years 1994, 1995, and 1996 shall be as follows:

"(1) Grazing Fee for 1994=\$2.39 per AUM

"(2) Grazing Fee for 1995=\$2.92 per AUM

"(3) Grazing Fee for 1996=\$3.45 per AUM

"(c) CALCULATION.—Beginning in the grazing year 1997, the grazing fee per AUM shall be equal to a \$3.45 base value multiplied by the forage value index computed annually from data supplied by the National Agricultural Statistics Service, in accordance with the following formula:

"Grazing Fee Per AUM=\$3.45 Forage Value Index

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Forage Value Index (FVI)' means the average estimate (weighted by AUMs) of the annual rental charge per AUM for pasturing cattle on private rangelands in the 17 contiguous Western States (Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming) divided by \$8.67 (average for the years 1990, and 1991, and 1992); and

"(2) the term 'Animal Unit Month (AUM)' means the amount of forage necessary for the sustenance of 1 cow or its equivalent for a period of 1 month.

"(e) INCREASES OR DECREASES.—Any annual increase or decrease in the grazing fee occurring after 1996 shall be limited to not more than 15 percent of the fee in the previous year.

"(f) LANDS AFFECTED.—Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management and the National Forest System lands in the 17 contiguous Western States, excluding the National Forests in Texas, at a specified rate per animal unit month.

"(g) GRAZING AFFECTED.—The full fee shall be charged for each paying animal unit which is defined as each animal 6 months of age or over at the time of entering the public lands, or National Forest System lands, for all weaned animals regardless of age, and for such animals as will become 12 months of age during the authorized period of use. No charge will be made for animals under 6 months of age at the time of entering the public lands, or National Forest System lands, that are the natural progeny of animals upon which fees are paid, provided they will not become 12 months of age during the authorized period of use, or for progeny born during that period.

**"SEC. 406. RANGELAND REFORM.**

"(a) REGULATIONS.—The Secretary of the Interior shall promulgate regulations to es-

tablish payment dates, late fee assessments, and service charges for the grazing fee established pursuant to section 405 of this Act and as provided for in section 4130.7-3 of title 43, Code of Federal Regulations.

"(b) EXECUTIVE ORDER.—Executive Order No. 12548 (43 U.S.C. 1905 note) shall not apply to grazing fees established after the date of enactment of this section.

"(c) PROPOSED DECISIONS AND APPEALS ON PERMITS OR LEASES.—The Secretary of the Interior shall issue regulations providing for decisions and appeals of final decisions on razing permits or leases. Such regulations shall provide the following:

"(1) CHANGES IN LIVESTOCK MANAGEMENT PRACTICES.—After consultation, reductions of permitted use or changes in livestock management practices necessary to protect rangeland ecosystem health shall be implemented through a documented agreement or by decision of the authorized officer. Determinations regarding the ecological health of ecosystems or the actions necessary to achieve healthy ecosystems shall be based on the standards and guidelines promulgated pursuant to subsection (c), or monitoring, inventory, or other forage production data acceptable to the authorized officer.

"(2) OTHER CHANGES.—When the authorized officer determines that the soil, vegetation, or other resources on the public lands require protection because of conditions such as drought, fire, flood, or insect infestation, or when continued grazing use poses a significant risk of resource damage from these factors, after consultation with, or a reasonable attempt to consult with affected permittees or lessees, other interested parties, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock, or modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the office of Hearings and Appeals.

"(d) WATER RIGHTS.—Subject to valid water rights existing on the date of enactment, no water rights shall be obtained for grazing-related actions on public lands except in the name of the United States.

"(e) SUBLEASING.—A leasing surcharge shall be added by the Secretary of the Interior to the grazing fee billings for authorized leasing of base property to which public land grazing preference is attached or authorized grazing of livestock owned by persons other than the permittee or lessee. The surcharge shall be in addition to any other fees that may be charged for using public land forage. Surcharges shall be paid for grazing use calculated in accordance with the following:

11(1) 20 percent of the grazing bill for the permitted grazing use that is attached to a leased base property by an approved transfer, or that was leased and attached to the base property of another party through an approved transfer.

"(2) 50 percent of the grazing bill for pasturing livestock owned by persons other than the permittee or lessee under a grazing authorization.

"(3) 70 percent of the grazing bill when base property is leased and a transfer has been approved and livestock owned by persons other than the permittee or lessee are pastured under a grazing authorization.

"(f) UNAUTHORIZED GRAZING USE.—

"(1) VIOLATIONS.—

"(A) Violation of section 4140.1(b)(1) of title 43, Code of Federal Regulations, constitutes unauthorized grazing use.

“(B) The authorized officer shall determine whether a violation is nonwillful, willful, or repeated willful.

“(C) Violators shall be liable in damages to the United States for the forage consumed by their livestock, for injury to public lands and other property of the United States caused by their unauthorized grazing use, and for expenses incurred in impoundment and disposal of their livestock, and may be subject to civil penalties or criminal sanction for such unlawful acts.

“(2) NOTICE AND ORDER TO REMOVE.—

“(A) Whenever a violation has been determined to be nonwillful and incidental, and the owner of the unauthorized livestock is known, the authorized officer shall notify the alleged violator that a violation has been reported, that the violation must be corrected, and how it can be settled, based upon the discretion of the authorized officer.

“(B) Whenever it appears that a violation exists and the owner of the unauthorized livestock is known, written notice of unauthorized use and order to remove livestock by a specified date shall be served upon the alleged violator or the agent of record, or both, by certified mail or personal delivery. The written notice shall also allow a specified time from receipt of notice for the alleged violator to show that there has been no violation or to make settlement under paragraph (3).

“(C) When neither the owner of the unauthorized livestock nor his agent is known, the authorized officer may proceed to impound the livestock under paragraph (3).

“(3) SETTLEMENT.—

“(A) The authorized officer shall determine whether the violation is nonwillful, willful, or repeated willful. Where violations are repeated willful, the authorized officer shall take action under section 4170.1-1(b) of title 43, Code of Federal Regulations. The amount due for settlement shall include the value of forage consumed as determined under subparagraph (B). Settlement for willful and repeated willful violations shall also include the full value for all damages to the public lands and other property of the United States, and all reasonable expenses incurred by the United States in detecting, investigating, resolving violations, and livestock impoundment costs.

“(B) For purposes of subparagraph (A), the value of forage consumed shall be determined as follows:

“(i) For nonwillful violations, the value of forage consumed as determined by the average monthly rate per AUM for pasturing livestock on privately owned land (excluding irrigated land) for the 17 Western States as published annually by the Department of Agriculture. The authorized officer may approve nonmonetary settlement of unauthorized use when the authorized officer determines that each of the following conditions are met:

“(I) Evidence shows that the unauthorized use occurred through no fault of the livestock operator.

“(II) The forage use is insignificant.

“(III) The public lands have not been damaged.

“(IV) Nonmonetary settlement is in the best interests of the United States.

“(ii) For willful violations, twice the value of forage consumed as determined in clause (i) of this paragraph.

“(iii) For repeated willful violations, three times the value of the forage consumed as determined in clause (i) of this paragraph.

“(iv) Payment made under this paragraph does not relieve the alleged violator of any criminal liability under Federal or State law.

“(v) Violators shall not be authorized to make grazing use on the public lands administered by the Bureau of Land Management

until any amount found to be due the United States under this section has been paid. The authorized officer may take action under section 4160.1-2 of title 43, Code of Federal Regulations, to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid. The proposed decision shall include a demand for payment.

“(g) RESOURCE ADVISORY COUNCILS.—

“(1) One or more resource advisory councils, as provided for in section 309, shall be established for the area within the jurisdiction of each Bureau of Land Management State Office to provide guidance on the management of public lands and resources.

“(2) The Secretary or a designee of the Secretary shall appoint not less than 10 nor more than 15 members to serve on each resource advisory council. One appointee of each resource advisory council shall be an official elected to a position in State or local government serving the people of the area for which the council is established.

“(3) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding multiple use plans and programs for public lands and resources within its area.

“(4) A resource advisory council and its subcommittees shall meet at the call of the designated Federal officer and elect their own officers. The designated Federal officer shall attend all meetings of the council and its subcommittees.

“(5) Administrative support for a resource advisory council and its subcommittees shall be provided by the office of the designated Federal officer.

“(h) RANGE IMPROVEMENT FUND.—

“(1) With respect to public lands, in addition to range developments accomplished through other resources management funds, authorized range improvement may be secured through the use of the appropriated range improvement fund provided for by section 401 of this Act. One-half of the available funds shall be expended in the State and district from which they were derived. The remaining one-half of the fund shall be allocated, on a priority basis, by the Secretary or designee for on-the-ground ecosystem rehabilitation, protection and improvement.

“(2) All appropriated funds for range improvement are to be used for cost-effective investment in improvements that benefit all rangeland resources, including riparian area rehabilitation, improvement, and protection, fish and wildlife habitat improvement or protection, soil and water resource improvement, wild horse and burro habitat management facilities, vegetation improvement and management and livestock grazing management. The funds may be used for activities including the planning, design, layout, modification, and monitoring and evaluating the effectiveness of specific range improvement projects.

“(3) During the planning of the range development or range improvement programs, authorized officers shall consult affected permittees, lessees, and other interested parties.

“(i) RANGE IMPROVEMENT OWNERSHIP.—

“(1) With respect to public lands, any permittee or lessee may apply for a range improvement permit to install, use, maintain, or modify range improvements that are needed to achieve management objectives within his or her designated allotment. The permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance. Such range improvement permit may be issued at the discretion of the authorized officer.

“(2) The permittee or lessee may hold the title to all temporary range improvements authorized as livestock handling facilities such as corrals and dipping vats and tem-

porary, readily removable improvements such as troughs for hauled water. The authorization for permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreement to protect the public interest for multiple use of rangeland ecosystems. The United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon.

“(3) Where a permittee or lessee cannot make use of the forage available for livestock and an application for nonuse has been denied or the opportunity to make use of the available forage is requested by the authorized officer, the permittee or lessee shall cooperate with the temporary authorized use of forage by another operator, when it is authorized by the authorized officer following consultation with the preference permittee or lessee.

“(4) A permittee or lessee shall be reasonably compensated for the use and maintenance of improvements and facilities by the operator who has an authorization for temporary grazing use.

“(5) The authorized officer may mediate disputes about reasonable compensation and, following consultation with the interested parties, make a determination concerning the fair and reasonable share of operation and maintenance expenses and compensation for use of improvements and facilities.

“(6) Where a settlement cannot be reached, the authorized officer shall issue a temporary grazing authorization including appropriate terms and conditions and the requirement to compensate the preference permittee or lessee for the fair share of operation and maintenance as determined by the authorized officer under subpart 4160 of title 43, Code of Federal Regulations.

“(j) MANDATORY QUALIFICATIONS.—

“(1) Except as provided in sections 4110.1-1, 4130.3, and 4130.4-3 of title 43, Code of Federal Regulations, to qualify for a grazing permit or lease on the public lands an applicant must own or control land or water base property, and must be—

“(A) a citizen of the United States or have properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization;

“(B) a group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are qualified under subparagraph (A); or

“(C) a corporation authorized to conduct business in the State in which the grazing use is sought.

“(2) Any applicant who currently holds or has previously held a Federal grazing permit or lease, either directly or indirectly, must be determined by the authorized officer to have a satisfactory record of performance.

“(3) The applicant and any affiliate must at the time of permit or lease issuance be determined by the authorized officer to be in substantial compliance with the terms and conditions of any Federal or State grazing permit or lease presently held and with the rules and regulations applicable to those permits and leases. The authorized officer may take into consideration circumstances beyond the control of the applicant or affiliate in determining whether the applicant and affiliate, if any, are in compliance with existing permit or lease terms and conditions and applicable rules and regulations.

“(4) Any applicant or affiliate who has had any Federal or State grazing permit or lease canceled for violation of the permit or lease within the 36 calendar months immediately preceding the date of application shall be deemed to have an unsatisfactory performance record.

“(5) In determining whether affiliation exists, the authorized officer shall consider all

appropriate factors, including, but not limited to, common ownership, common management, identity of interests among family members, and contractual relationships.

(6) Applicants shall submit an application and any other information requested by the authorized officer in order to determine that all qualifications have been met.

(k) SUSPENDED NONUSE.—The Secretary shall promulgate regulations to remove references in existing regulations to long-term suspended nonuse.

(l) PROHIBITED ACTS.—The Secretary shall promulgate regulations which would make violations of the Wild Horse and Burro Act, Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other Federal or State laws concerning conservation, protection of natural or cultural resources, and protection of environmental quality prohibited acts. Upon the expiration of appeal or review periods following a conviction for violation or an administrative finding of violation of these laws the authorized officer may consider cancellation or suspension of permits and leases when the violation occurred on public land or is found to be related to authorized grazing of public land.

(m) RANGE IMPROVEMENTS.—Subject to valid rights existing on the date of enactment of this section, all rights to permanent improvements contained on or in public lands are vested in the United States.

(n) CONSERVATION NONUSE.—The Secretary shall promulgate regulations to authorize persons or entities owning or controlling base property which is capable of serving as a base for livestock use of public lands to apply for up to 10 consecutive years of conservation use of a permit or lease, and up to 3 consecutive years of temporary nonuse.

(o) STANDARDS.—The Secretary of the Interior shall develop standards and guidelines that establish minimum conditions for the protection of rangeland ecological health. These standards and guidelines shall be promulgated pursuant to the National Environmental Policy Act of 1969, and chapter 5 of title 5, United States Code, to the extent each is applicable. Permits and leases shall incorporate applicable standards and guidelines to ensure the proper management of public rangelands. These standards shall provide for—

(1) the restoration and protection of riparian values, such as healthy wildlife and fish habitat and diverse vegetation;

(2) compliance with the Clean Water Act (33 U.S.C. 1251 et seq.);

(3) compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) restoration, maintenance, and improvement of ecosystem health, such as diversity, resilience, and sustainability.”

SEC. 318. USE OF FUNDS.

Except as provided by this Act, none of the funds made available to the Secretary of the Interior by this Act may be used to implement any grazing reform program, including a grazing fee increase, unless Congress has approved such program or fee increase. Nothing in this section shall prohibit the Secretary from promulgating regulations, modifying existing regulations, or taking other actions, as necessary, to implement the provisions of sections 405 and 406 of the Federal Land Policy and Management Act of 1976 as added by this Act.

SEC. 319. REPEAL.

Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

Pending consideration of said motion,

On demand of Mr. PACKARD, pursuant to clause 2, rule XXVIII,

Ordered, That time for debate be equally divided among Messrs. YATES, REGULA, and PACKARD.

After debate, By unanimous consent, the previous question was ordered.

The question being put, viva voce, Will the House agree to said motion?

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

Mr. KOLBE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 317 Nays ..... 106

120.18 [Roll No. 525] YEAS—317

- Abercrombie Durbin Kennelly
Ackerman Edwards (CA) Kildee
Andrews (ME) Engel Kim
Andrews (NJ) English (OK) King
Andrews (TX) Eshoo Kleczka
Applegate Evans Klein
Archer Ewing Klink
Bacchus (FL) Farr Klug
Baesler Fawell Knollenberg
Barca Fazio Kreidler
Barlow Fields (LA) LaFalce
Barrett (WI) Filner Lambert
Becerra Fingerhut Lancaster
Beilenson Fish Lantos
Bereuter Flake Laughlin
Berman Foglietta Lazio
Bevill Ford (MI) Leach
Bilbray Fowler Levin
Bilirakis Frank (MA) Levy
Bishop Franks (CT) Lewis (GA)
Blackwell Franks (NJ) Lipinski
Bileyle Frost Lloyd
Blute Furse Long
Boehlert Gallo Lowey
Bonior Gejdenson Machtley
Borski Gekas Maloney
Boucher Gephardt Mann
Brooks Gibbons Manton
Browder Gillmor Margolies-
Brown (CA) Gilman Mezvinsky
Brown (FL) Glickman Markey
Brown (OH) Gonzalez Martinez
Bryant Goodlatte Matsui
Byrne Gordon Mazzoli
Canady Goss McCloskey
Cantwell Grandy McCrery
Cardin Green McCurdy
Carr Greenwood McDermott
Castle Gunderson McHale
Chapman Gutierrez McHugh
Clay Hamburg McKinney
Clayton Hamilton McMillan
Clement Harman McNulty
Clinger Hastings Meehan
Clyburn Hefner Meek
Coble Hilliard Menendez
Coleman Hinchey Meyers
Collins (IL) Hoagland Mfume
Collins (MI) Hobson Miller (CA)
Condit Hochbrueckner Miller (FL)
Conyers Hoekstra Mineta
Cooper Hoke Minge
Coppersmith Holden Mink
Costello Horn Moakley
Coyne Hoyer Molinari
Cramer Hughes Mollohan
Danner Hutto Montgomery
Darden Hyde Moran
de la Garza Inglis Morella
Deal Inslee Murtha
DeFazio Istook Nadler
DeLauro Jacobs Natcher
Dellums Jefferson Neal (MA)
Derrick Johnson (CT) Neal (NC)
Deutsch Johnson (GA) Nussle
Diaz-Balart Johnson, E. B. Oberstar
Dickey Johnston Obey
Dicks Kanjorski Olver
Dingell Kaptur Ortiz
Dixon Kasich Owens
Duncan Kennedy Pallone

- Parker RUSH Swett
Paxon Sabo Swift
Payne (NJ) Sanders Synar
Payne (VA) Sangmeister Tanner
Pelosi Santorum Taylor (MS)
Penny Sawyer Tejada
Peterson (FL) Saxton Thompson
Petri Schenk Thornton
Pickett Schroeder Thurman
Pickle Schumer Torkildsen
Porter Scott Torres
Portman Sensenbrenner Torricelli
Poshard Serrano Towns
Price (NC) Sharp Trafficant
Pryce (OH) Shaw Tucker
Quinn Shays Unsoeld
Rahall Shepherd Upton
Ramstad Shuster Valentine
Rangel Sisisky Velazquez
Ravenel Skaggs Vento
Reed Skelton Visclosky
Regula Slattery Volkmer
Reynolds Slaughter Walsh
Richardson Smith (IA) Waters
Ridge Smith (NJ) Watt
Roemer Snowe Waxman
Rohrabacher Solomon Weldon
Ros-Lehtinen Spence Wheat
Rose Spratt Wise
Rostenkowski Stark Woolsey
Roth Stearns Wyden
Roukema Stokes Wynn
Rowland Strickland Yates
Roybal-Allard Studds Young (FL)
Royce Stupak Zimmer

NAYS—106

- Allard Fields (TX) Mica
Army Gallegly Michel
Bachus (AL) Geren Moorhead
Baker (CA) Gilchrest Myers
Baker (LA) Gingrich Orton
Ballenger Goodling Packard
Barcia Grams Pastor
Barrett (NE) Hall (TX) Peterson (MN)
Bartlett Hancock Pombo
Barton Hansen Pomeroy
Bentley Hayes Quillen
Boehner Hefley Roberts
Bonilla Herger Rogers
Brewster Houghton Sarpalis
Bunning Huffington Schaefer
Burner Hunter Schiff
Buyer Hutchinson Skeen
Callahan Inhofe Smith (MI)
Calvert Johnson (SD) Smith (OR)
Camp Johnson, Sam Smith (TX)
Collins (GA) Kingston Stenholm
Combest Kolbe Stump
Cox Kopetski Sundquist
Crane Kyl Talent
Crapo LaRocco Tauzin
Cunningham Lehman Taylor (NC)
DeLay Lewis (CA) Thomas (CA)
Dooley Lewis (FL) Thomas (WY)
Doolittle Lightfoot Vucanovich
Dornan Linder Walker
Dreier Livingston Williams
Dunn Manzullo Wolf
Edwards (TX) McCandless Young (AK)
Emerson McCollum Zeliff
English (AZ) McInnis
Everett McKeon

NOT VOTING—10

- Bateman McDade Whitten
Ford (TN) Murphy Wilson
Hall (OH) Oxley
Hastert Washington

So the motion to recede from the disagreement of the House to the amendment of the Senate numbered 123 and concur therein with an amendment was agreed to.

Mr. YATES moved that the House recede from its disagreement to the amendment of the Senate numbered 124 and concur therein with the following amendment:

In lieu of the matter inserted by said amendment, insert:

“SEC. 320. FOREST SERVICE SEPARATION PAY.—(a) In order to avoid or minimize the need for involuntary separations, effective for the period beginning upon the date of enactment of this Act through and including