

(1) are expressed in objective, quantifiable, and measurable terms;

(2) establish performance indicators to be used in measuring or assessing the relevant outcomes;

(3) provide a basis for comparing management results with the established performance goals; and

(4) describe the means to be used to verify and validate measured values.

(d) APPLICATION OF OTHER LAWS.—All requirements of law applicable to an allotment management plan and a grazing permit or lease under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), including the prohibition against extending the term of an existing grazing permit or lease, shall apply to a written agreement entered into under subsection (a).

(e) FEDERAL ADVISORY COMMITTEE ACT.—Activities under this section shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 106. FEES AND CHARGES.

(a) GRAZING FEES.—

(1) CALCULATION.—The fee for each animal unit month in a grazing fee year for livestock grazing on Federal lands in the sixteen contiguous western States shall be equal to the 12-year average of the total gross value of production for beef cattle for the 12 years preceding the grazing fee year, multiplied by the 12-year average of the United States Treasury Securities six-month bill "new issue" rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (d)(1).

(2) FEE FOR FOREIGN-OWNED OR CONTROLLED GRAZING PERMITS OR LEASES.—In the case of a grazing permit or lease held or otherwise controlled in whole or in part by a foreign corporation or a foreign individual, the fee shall be equal to the higher of the following:

(A) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(B) The average grazing fee (weighted by animal unit months) charged for grazing on private lands in the State in which the lands covered by the grazing permit or lease are located.

(b) DEFINITION OF ANIMAL UNIT MONTH.—For the purposes of billing only, the term "animal unit month" means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six months of age or older on the date on which the animal begins grazing on Federal lands;

(2) any such animal regardless of age if the animal is weaned on the date on which the animal begins grazing on Federal lands; and

(3) any such animal that will become 12 months of age during the period of use authorized under a grazing permit.

(c) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal lands for grazing by an animal that is less than six months of age on the date on which the animal begins grazing on such lands and is the progeny of an animal on which a grazing fee is paid if the animal is removed from such lands before becoming 12 months of age.

(d) CRITERIA FOR ECONOMIC RESEARCH SERVICE.—

(1) GROSS VALUE OF PRODUCTION OF BEEF CATTLE.—The Economic Research Service of the Department of Agriculture shall continue to compile and report the gross value of production of beef cattle, on a dollars-per-

bred-cow basis for the United States, as is currently published by the Service in: "Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops and Livestock and Dairy" (Cow-calf production cash costs and returns).

(2) AVAILABILITY.—For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary concerned, and published in the Federal Register, on or before February 15 of each year.

(e) TREATMENT OF OTHER FEES AND CHARGES.—

(1) AMOUNT OF FLPMA FEES AND CHARGES.—The fees and charges under section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a)) shall reflect processing costs and shall be adjusted periodically as such costs change, but in no case shall such fees and charges exceed the actual administrative and processing costs incurred by the Secretary concerned.

(2) NOTICE OF CHANGES.—Notice of a change in a service charge shall be published in the Federal Register.

TITLE II—MISCELLANEOUS

SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the first day of the first grazing season beginning after the date of the enactment of this Act.

SEC. 202. ISSUANCE OF NEW REGULATIONS.

The Secretary of Agriculture and the Secretary of the Interior shall—

(1) coordinate the promulgation of new regulations to carry out this Act; and

(2) publish such regulations simultaneously not later than 180 days after the date of the enactment of this Act.

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. NEY, announced that the yeas had it.

Mr. MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 242 affirmative } Nays 182

¶123.14

[Roll No. 549]

YEAS—242

Table listing names of members voting YEAS, including Aderholt, Archer, Armey, Bachus, Baesler, Baker, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Berry, Bilbray, Billrakis, Bishop, Bilely, Blunt, Boehlert, Boehner, Bonilla, Bono, Boswell, Boyd, Brady, Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cannon, Bartlett, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combust, Condit, Cook, Cooksey, Cox, Cramer, Crane, Crapo, Cunningham, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Dooley, Doolittle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Ensign, Etheridge, Everett, Ewing, Fawell, Fazio, Foley, Fowler, Frost, Gallegly, Ganske, Gekas, Gibbons, Gilchrist, Gillmor, Gilman, Gingrich, Goode, Goodlatte, Goodling, Goss, Graham, Gutknecht, Hall (TX), Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Hefner, Herger, Hill, Hilleary, Hilliard, Hinojosa, Hobson, Hoekstra, Holden, Horn, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, John, Johnson (WI), Johnson, Sam, Jones, Kasich, Kelly, Kim, King (NY), Kingston, Knollenberg, Kolbe, LaHood, Largent, Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, Livingston, Lucas, Manton, Manzullo, Martinez, McCollum, McCery, McDade, McHugh, McInnis, McIntosh, McIntyre, McKeon, Metcalf, Mica, Miller (FL), Minge, Moran (KS), Murtha, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oberstar, Ortiz, Oxley, Packard, Parker, Pastor, Paxon, Peterson (MN), Peterson (PA), Petri, Picketing, Pickett, Pitts, Pombo, Pomeroy, Porter, Portman, Pryce (OH), Quinn, Radanovich, Regula, Reyes, Riggs, Riley, Rodriguez, Rogan, Rogers, Fattah, Filner, Flake, Foglietta, Forbes, Ford, Fox, Frank (MA), Franks (NJ), Frelinghuysen, Furse, Gejdenson, Gephardt, Gordon, Green, Greenwood, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hinchey, Hooley, Hoyer, Jackson (IL), Jackson-Lee, Coyne, Jefferson, Johnson (CT), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Dixon, Doggett, Doyle, Engel, Eshoo, Evans, Farr, LaTourette, Lazio, Levin, Lewis (GA), LoBiondo, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Markey, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McKinney, McNulty, Meehan, Meek, Menendez, Millender-McDonald, Miller (CA), Mink, Moakley, Mollohan, Moran (VA), Morella, Nadler, Neal, Obey, Olver, Owens, Pallone, Pappas, Pascarell, Paul, Payne, Pease, Pelosi, Poshard, Price (NC)

Table listing names of members voting NAYS, including Livingston, Lucas, Manton, Manzullo, Martinez, McCollum, McCery, McDade, McHugh, McInnis, McIntosh, McIntyre, McKeon, Metcalf, Mica, Miller (FL), Minge, Moran (KS), Murtha, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oberstar, Ortiz, Oxley, Packard, Parker, Pastor, Paxon, Peterson (MN), Peterson (PA), Petri, Picketing, Pickett, Pitts, Pombo, Pomeroy, Porter, Portman, Pryce (OH), Quinn, Radanovich, Regula, Reyes, Riggs, Riley, Rodriguez, Rogan, Rogers, Fattah, Filner, Flake, Foglietta, Forbes, Ford, Fox, Frank (MA), Franks (NJ), Frelinghuysen, Furse, Gejdenson, Gephardt, Gordon, Green, Greenwood, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hinchey, Hooley, Hoyer, Jackson (IL), Jackson-Lee, Coyne, Jefferson, Johnson (CT), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Dixon, Doggett, Doyle, Engel, Eshoo, Evans, Farr, LaTourette, Lazio, Levin, Lewis (GA), LoBiondo, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Markey, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McKinney, McNulty, Meehan, Meek, Menendez, Millender-McDonald, Miller (CA), Mink, Moakley, Mollohan, Moran (VA), Morella, Nadler, Neal, Obey, Olver, Owens, Pallone, Pappas, Pascarell, Paul, Payne, Pease, Pelosi, Poshard, Price (NC)

NAYS—182

Table listing names of members voting NAYS, including Livingston, Lucas, Manton, Manzullo, Martinez, McCollum, McCery, McDade, McHugh, McInnis, McIntosh, McIntyre, McKeon, Metcalf, Mica, Miller (FL), Minge, Moran (KS), Murtha, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oberstar, Ortiz, Oxley, Packard, Parker, Pastor, Paxon, Peterson (MN), Peterson (PA), Petri, Picketing, Pickett, Pitts, Pombo, Pomeroy, Porter, Portman, Pryce (OH), Quinn, Radanovich, Regula, Reyes, Riggs, Riley, Rodriguez, Rogan, Rogers, Fattah, Filner, Flake, Foglietta, Forbes, Ford, Fox, Frank (MA), Franks (NJ), Frelinghuysen, Furse, Gejdenson, Gephardt, Gordon, Green, Greenwood, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hinchey, Hooley, Hoyer, Jackson (IL), Jackson-Lee, Coyne, Jefferson, Johnson (CT), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Dixon, Doggett, Doyle, Engel, Eshoo, Evans, Farr, LaTourette, Lazio, Levin, Lewis (GA), LoBiondo, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Markey, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McKinney, McNulty, Meehan, Meek, Menendez, Millender-McDonald, Miller (CA), Mink, Moakley, Mollohan, Moran (VA), Morella, Nadler, Neal, Obey, Olver, Owens, Pallone, Pappas, Pascarell, Paul, Payne, Pease, Pelosi, Poshard, Price (NC)