

(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 with 3 columns: Name, Name, Name. Includes Aderholt, Archer, Arme, 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.

Table with 3 columns: Name, Name, Name. Includes 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, McCrery, 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, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sandlin, Saxton, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Shadegg, Shaw, Shimkus, Shuster, Sisisky, Smith (MI), Smith (OR), Smith (TX), Smith, Linda, Snowbarger, Solomon, Souder, Spence, Stearns, Stenholm, Stump, Sununu, Talent, Tanner, Tauzin, Taylor (NC), Thomas, Thompson, Thornberry, Thune, Thurman, Tiahrt, Traficant, Turner, Upton, Walsh, Wamp, Watts (OK), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL).

NAYS—182

Table with 3 columns: Name, Name, Name. Includes Abercrombie, Ackerman, Allen, Andrews, Baldacci, Barrett (WI), Becerra, Bentsen, Berman, Blagojevich, Blumenauer, Bonior, Borski, Boucher, Brown (CA), Brown (FL), Brown (OH), Campbell, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Conyers, Costello, Coyne, Cummings, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Doyle, Engel, Eshoo, Evans, Farr, 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, Jefferson, Johnson (CT), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Klug, Kucinich, LaFalce, Lampson, Lantos, 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, Mink, Moakley, Mollohan, Moran (VA), Morella, Nadler, Neal, Obey, Olver, Owens, Pallone, Pappas, Pascarell, Paul, Payne, Pease, Pelosi, Poshard, Price (NC).

Rahall Serrano Tierney
Ramstad Shays Torres
Rangel Sherman Towns
Redmond Skaggs Velazquez
Rivers Skeen Vento
Roemer Skelton Visclosky
Rothman Slaughter Waters
Roybal-Allard Smith (NJ) Watt (NC)
Rush Smith, Adam Waxman
Sabo Snyder Wexler
Sanchez Spratt Weygand
Sanders Stabenow Wise
Sanford Stark Woolsey
Sawyer Strickland Wynn
Scarborough Stupak Yates
Schumer Tauscher
Scott Taylor (MS)

NOT VOTING—9

Cubin Granger Watkins
Danner Schiff Weldon (FL)
Gonzalez Stokes Weldon (PA)

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.

¶123.15 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SMITH of Oregon, by unanimous consent,

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

¶123.16 NUCLEAR WASTE POLICY

The SPEAKER pro tempore, Mr. NEY, pursuant to House Resolution 283 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982.

Mr. MCINNIS, Chairman of the Committee of the Whole, resumed the chair.

¶123.17 RECORDED VOTE

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

Page 15, insert after line 8 the following:
“(e) RISK ASSESSMENT AND COST BENEFIT.—The Secretary shall not take any action under this Act unless the Secretary has with respect to such action conducted a risk assessment which is scientifically objective, unbiased, and inclusive of all relevant data and relies, to the extent available and practicable, on scientific findings and which is grounded in cost-benefit principles.

It was decided in the { Yeas ..... 135
negative ..... } Nays ..... 290

¶123.18 [Roll No. 550] AYES—135

Abercrombie Bishop Christensen
Ackerman Blagojevich Clay
Andrews Blumenauer Condit
Baesler Bonilla Conyers
Baldacci Boswell Cooksey
Barr Brown (CA) Coyne
Barratt (WI) Bryant Cunningham
Becerra Cannon Davis (IL)
Berman Carson DeFazio

DeGette Kucinich Paul
Delahunt LaFalce Payne
DeLauro Lampson Pease
Dellums Lantos Pelosi
Lewis (GA) Peterson (MN)
Lofgren Rambo
Loweey Rahall
Lucas Rangel
Luther Reyes
Maloney (CT) Rivers
Maloney (NY) Roemer
Markey Rothman
Mascara Roybal-Allard
Matsui Sanchez
Foglietta Schumer
Ford McCarthy (MO)
Furse McDermott
Gibbons McGovern
Goodling McHale
Gutierrez McIntosh
Hamilton McKeon
Hansen McKinney
Hill McNulty
Hilleary Meehan
Hinchev Millender-
Hooley McDonald
Hulshof Miller (CA)
Istook Mink
Jackson (IL) Moakley
Jackson-Lee Moran (KS)
(TX) Nadler
Kasich Neal
Kelly Neumann
Kennedy (RI) Oberstar
Kennelly Obey
Kingston Olver
Klecza Owens
Klug Pascrell

NOES—290

Aderholt Deal
Allen DeLay
Archer Deutsch
Army Diaz-Balart
Bachus Dickey
Baker Dicks
Ballenger Dingell
Barcia Dixon
Barrett (NE) Dooley
Bartlett Doolittle
Barton Dreier
Bass Duncan
Bateman Dunn
Bentsen Edwards
Bereuter Ehlers
Berry Ehrlich
Bilbray Emerson
Bilirakis Etheridge
Bliley Everett
Blunt Ewing
Boehlert Farr
Boehner Fattah
Bonior Fawell
Bono Fazio
Borski Foley
Boucher Forbes
Boyd Fowler
Brady Fox
Brown (FL) Frank (MA)
Brown (OH) Franks (NJ)
Bunning Frelinghuysen
Burr Frost
Burton Gallegly
Buyer Ganske
Callahan Gejdenson
Calvert Gekas
Camp Gephardt
Campbell Gilchrist
Canady Gillmor
Cardin Gilman
Castle Goode
Chabot Goodlatte
Chambliss Gordon
Chenoweth Goss
Clayton Graham
Clement Granger
Clyburn Green
Coble Greenwood
Coburn Gutknecht
Collins Hall (OH)
Combust Hall (TX)
Cook Harman
Costello Hastert
Cox Hastings (FL)
Cramer Hastings (WA)
Crane Hayworth
Crapo Hefley
Cummings Hefner
Danner Hergert
Davis (FL) Hilliard
Davis (VA) Hinojosa

Morella Murtha
Myrick Ros-Lehtinen
Nethercutt Roukema
Ney Royce
Northup Rush
Norwood Ryun
Nussle Sabo
Ortiz Salmon
Oxley Sanders
Packard Sandlin
Pallone Sanford
Pappas Sawyer
Parker Saxton
Pastor Scarborough
Paxon Schaefer, Dan
Peterson (PA) Schaffer, Bob
Petri Scott
Pickering Sensenbrenner
Pickett Sessions
Pitts Shadegg
Pomeroy Shaw
Porter Shimkus
Portman Shuster
Poshard Sisisky
Price (NC) Skaggs
Pryce (OH) Skeen
Quinn Skelton
Radanovich Slaughter
Ramstad Smith (MI)
Redmond Smith (OR)
Regula Smith (TX)
Riggs Smith, Adam
Riley Smith, Linda
Rodriguez Snowbarger
Rogan Snyder

NOT VOTING—7

Cubin Tauzin Weldon (PA)
Gonzalez Watkins
Schiff Weldon (FL)

So the amendment was not agreed to.

¶123.19 RECORDED VOTE

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

Page 19, insert after line 16 the following:
“(e) EMERGENCY RESPONSE TEAM.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste through any State unless the Governor of such State can certify that an adequate emergency response team exists in such State to appropriate manage any nuclear accident that may occur in such transportation.

It was decided in the { Yeas ..... 112
negative ..... } Nays ..... 312

¶123.20 [Roll No. 551] AYES—112

Abercrombie Furse McKeon
Ackerman Gephardt McKinney
Baesler Gibbons McNulty
Barr Gilchrist Meehan
Becerra Hansen Millender-
Blagojevich Hergert McDonald
Blumenauer Hill Miller (CA)
Brown (FL) Hinchey Mink
Bryant Hooley Moakley
Cannon Hostettler Moran (KS)
Carson Hutchinson Nadler
Clay Jackson (IL) Ney
Collins Kasich Obey
Cooksey Kelly Owens
Cummings Kennedy (MA) Pallone
Davis (IL) Kingston Pappas
Deal Klecza Pascrell
DeFazio Kucinich Payne
Delahunt LaFalce Payne
Dellums McDade Lampson
Ehlers Lantos Pelosi
English Lewis (GA) Pombo
Ensign Linder Pryce (OH)
Eshoo LoBiondo Quinn
Evans Lowey Rahall
Farr Lucas Rangel
Filner Maloney (NY) Reyes
Flake Markey Roemer
Forbes McDermott Rothman
Ford McGovern Roybal-Allard
Franks (NJ) McInnis Saxton