

badly needed funding from our public schools and divert it into private and religious schools. Make no mistake about it, this is a direct attack on public schools in America. At a time when school enrollment is soaring and Federal education funding is more and more scarce, Republicans want to undermine the public education system in this country.

Mr. Speaker, the Republican leadership's school voucher plan is part of a grander scheme to privatize K through 12 education, which could shut down neighborhood schools across the country. From California to Missouri to my own State of Massachusetts, voters have spoken loud and clear. Experimenting with school vouchers at the expense of public education is the wrong path to real education reform.

Democrats believe that we need to be improving public education in America by repairing our crumbling schools, reducing overcrowding, training more qualified teachers, wiring classrooms to the Internet, raising standards, and providing a safe and drug-free learning environment. I urge my colleagues to vote against school vouchers and for improving public education in America.

#### BILL LANN LEE'S NOMINATION

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I rise today to encourage the Senate to reject the nomination of Mr. Bill Lann Lee to head the Justice Department Office of Civil Rights.

Mr. Lee's career has shown him to be little more than an ideolog, intent on bending the words and meaning of the law to suit his purposes. In response to last year's California civil rights initiative barring racial preferences by government, Mr. Lee made the preposterous argument that it was unconstitutional to treat all individuals equally before the law. A Federal court swiftly rejected such reasoning on the ground that the 14th amendment does not require what it barely permits.

Similarly, with mind-bending reason, Mr. Lee argued that the decline in minority enrollment establishes that the use of grades and standardized tests as admissions criteria is discriminatory.

Radicals like Mr. Lee are swimming against the tide of court opinions and popular sentiment in standing up for race-based government preferences, and they know it. He must not be furnished with the power of the Federal Government to further pursue his out-of-touch agenda. I urge the Senate to block this nominee.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that they are not to urge actions on confirmation proceedings pending in the other body.

#### SCHOOL VOUCHERS OFFER ILLUSORY PROMISE

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, our Republican friends would have us believe that school vouchers would level the playing field by providing low-income parents the same choice as wealthy parents to send their children to private and religious schools. Unfortunately, that is an illusory promise.

For one thing, the Republican proposals would provide vouchers to only a small proportion of low and moderate income families.

Second, the Republican plans would cover only a fraction of the fees that most private schools charge. Most working families would be unable to make up the difference, making the vouchers useless to them, providing the greatest benefit for the wealthy families who can already afford the cost of tuition.

Mr. Speaker, when we consider what these funds could do if applied to the improvement of public education for all of our children, raising standards, developing magnet schools, putting computers in every classroom, our choice is clear. The Republican voucher plan promises what it cannot deliver, and it would divert us from the challenge of making public education all that it can and must be.

#### GREATER LOCAL CONTROL IN EDUCATION

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, why are the liberals against public schools? Everyone not in the pocket of special interests which protect the status quo knows that for public schools to improve, cosmetic changes will not be enough. No matter how many times we rearrange the chairs of the curriculum, real improvement will be nothing but another empty promise.

Let us just look at the places where public schools have improved. In Cleveland, Milwaukee, the State of Minnesota, truly bold initiatives are what forced change and brought about real improvement. The other side might stop for a moment and look at all three cases. Improvements did not come from Washington, DC. Improvements did not come from another Federal program with more bureaucrats. In every case, the improvement came from greater local control, more school choice and more power to make decisions in the hands of the parents.

Oh, yes, the special interests fought the very same changes that led to real improvement every step of the way. So why are the liberals against public schools?

#### PUBLIC EDUCATION FOR ALL, NOT A PRIVILEGED FEW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, just 2 weeks ago, the Republican leadership brought to this floor a so-called scholarship proposal, an experiment that would drain \$45 million out of public schools in the District of Columbia and give it to just 3 percent of students to attend private and religious schools. But taking money out of schools in the District of Columbia was not enough for them. Now they are coming after all public schools in every city, town and village in the Nation, draining resources from public schools and giving vouchers for a few to attend private and religious schools.

□ 1030

That is the Republican HELP Scholarship scheme. HELP the few, deprive the many, that is the Republican plan.

This voucher scheme will do nothing to rebuild our crumbling public schools, some overcrowded, or train teachers. Our children need our help. This is why Democrats believe in investing in public education. Public education for all, opportunity for all, scholarships for all, not vouchers for a privileged few.

#### FORAGE IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore (Mr. PEASE). The unfinished business is the question of agreeing to the resolution (House Resolution 284) on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 277, nays 139, not voting 16, as follows:

[Roll No. 545]

YEAS—277

Aderholt	Boyd	Crane
Archer	Brady	Crapo
Armey	Brown (FL)	Cunningham
Bachus	Bryant	Danner
Baesler	Bunning	Davis (VA)
Baker	Burr	Deal
Ballenger	Burton	DeLay
Barcia	Buyer	Diaz-Balart
Barr	Callahan	Dickey
Barrett (NE)	Calvert	Dooley
Bartlett	Camp	Doolittle
Barton	Campbell	Dreier
Bass	Canady	Duncan
Bateman	Cannon	Dunn
Bereuter	Castle	Ehlers
Berman	Chabot	Ehrlich
Berry	Chambliss	Emerson
Billbray	Chenoweth	Engel
Billirakis	Christensen	English
Bishop	Clement	Ensign
Bliley	Coble	Everett
Blunt	Coburn	Ewing
Boehlert	Collins	Fazio
Boehner	Combest	Foley
Bonilla	Condit	Forbes
Bono	Cook	Fowler
Borski	Cooksey	Fox
Boswell	Cox	Franks (NJ)
Boucher	Cramer	Frelinghuysen

Frost	Livingston	Roukema
Galleghy	LoBiondo	Royce
Ganske	Lucas	Ryun
Gekas	Manton	Salmon
Gibbons	Manzullo	Sanchez
Gilchrest	Martinez	Sandlin
Gillmor	Mascara	Sanford
Gilman	Matsui	Saxton
Goode	McCarthy (NY)	Scarborough
Goodlatte	McCollum	Schaefer, Dan
Goodling	McCrery	Schaffer, Bob
Goss	McHale	Sensenbrenner
Graham	McHugh	Sessions
Granger	McInnis	Shadegg
Greenwood	McIntosh	Shaw
Gutknecht	McIntyre	Shays
Hall (TX)	McKeon	Shimkus
Hansen	Mica	Shuster
Hastert	Miller (FL)	Sisisky
Hastings (WA)	Minge	Skeen
Hayworth	Mollohan	Skelton
Hefley	Moran (KS)	Smith (MI)
Herger	Morella	Smith (NJ)
Hill	Murtha	Smith (OR)
Hilleary	Myrick	Smith (TX)
Hinojosa	Nethercutt	Smith, Linda
Hobson	Neumann	Snowbarger
Hoekstra	Ney	Solomon
Holden	Northup	Souder
Horn	Norwood	Spence
Hostettler	Nussle	Spratt
Houghton	Ortiz	Stabenow
Hulshof	Oxley	Stearns
Hunter	Packard	Stenholm
Hutchinson	Pappas	Stump
Hyde	Parker	Stupak
Inglis	Pastor	Sununu
Istook	Paul	Talent
Jenkins	Paxon	Tanner
John	Pease	Tauzin
Johnson (CT)	Peterson (MN)	Taylor (NC)
Johnson (WI)	Peterson (PA)	Thomas
Johnson, Sam	Petri	Thornberry
Jones	Pickering	Thune
Kaptur	Pickett	Thurman
Kasich	Pitts	Tiahrt
Kelly	Pombo	Trafficant
Kim	Pomeroy	Turner
King (NY)	Porter	Upton
Kingston	Portman	Visclosky
Klug	Pryce (OH)	Walsh
Knollenberg	Quinn	Wamp
Kolbe	Radanovich	Watkins
LaFalce	Ramstad	Watts (OK)
LaHood	Redmond	Weldon (PA)
Largent	Regula	Weller
Latham	Reyes	White
LaTourette	Riggs	Whitfield
Lazio	Riley	Wicker
Leach	Rivers	Wolf
Lewis (CA)	Rogan	Wynn
Lewis (KY)	Rogers	Young (AK)
Linder	Rohrabacher	
Lipinski	Ros-Lehtinen	

## NAYS—139

Abercrombie	Doyle	Kildee
Ackerman	Eshoo	Kilpatrick
Allen	Etheridge	Kind (WI)
Andrews	Evans	Klecicka
Baldacci	Farr	Klink
Barrett (WI)	Fattah	Kucinich
Becerra	Filner	Lampson
Bentsen	Flake	Lantos
Blagojevich	Ford	Levin
Blumenauer	Frank (MA)	Lewis (GA)
Bonior	Furse	Lofgren
Brown (CA)	Gejdenson	Lowe
Brown (OH)	Gephardt	Luther
Cardin	Gordon	Maloney (CT)
Carson	Green	Maloney (NY)
Clay	Gutierrez	Markey
Clayton	Hamilton	McCarthy (MO)
Clyburn	Harman	McGovern
Conyers	Hastings (FL)	McKinney
Costello	Hefner	McNulty
Coyne	Hilliard	Meehan
Cummings	Hinchey	Meek
Davis (FL)	Hooley	Menendez
Davis (IL)	Hoyer	Millender
DeFazio	Jackson (IL)	McDonald
DeGette	Jackson-Lee	Miller (CA)
Delahunt	(TX)	Mink
DeLauro	Jefferson	Moakley
Dellums	Johnson, E. B.	Moran (VA)
Deutsch	Kanjorski	Nadler
Dicks	Kennedy (MA)	Neal
Dingell	Kennedy (RI)	Oberstar
Doggett	Kennelly	Obey

Olver	Sabo	Taylor (MS)
Owens	Sanders	Thompson
Pallone	Sawyer	Tierney
Pascarell	Schumer	Torres
Payne	Scott	Towns
Poshards	Serrano	Velazquez
Price (NC)	Sherman	Vento
Rahall	Skaggs	Waters
Rangel	Slaughter	Watt (NC)
Rodriguez	Snyder	Waxman
Roemer	Stark	Wexler
Rothman	Stokes	Weygand
Roybal-Allard	Strickland	Woolsey
Rush	Tauscher	Yates

## NOT VOTING—16

Cubin	Hall (OH)	Smith, Adam
Dixon	McDade	Weldon (FL)
Edwards	McDermott	Wise
Fawell	Metcalfe	Young (FL)
Foglietta	Pelosi	
Gonzalez	Schiff	

## □ 1055

Messrs. NEAL of Massachusetts, RODRIGUEZ, SHERMAN, and TIERNEY changed their vote from "yea" to "nay."

Mr. MATSUI changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 284 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2493.

## □ 1056

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG], the gentleman from Minnesota [Mr. VENTO], the gentleman from Oregon [Mr. SMITH], and the gentleman from Texas [Mr. STENHOLM] each will control 15 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. This bill, introduced by my friend and colleague, Congressman BOB SMITH from Oregon, implements needed changes to current grazing laws and regulations. Congressman

SMITH has expended a great deal of effort in trying to address concerns from all sides of the grazing issue and is to be commended for not only tackling an issue which, in the past, has been very heated and controversial, but also for assembling a bill which is balanced and does no environmental harm whatsoever.

H.R. 2493 implements actions that will benefit the rancher dependent on our public lands, benefit the U.S. Treasury, and, most importantly, will greatly improve the rangeland resources over much of the West.

I would like to point out a couple of important areas that this bill addresses. This bill codifies a new grazing fee formula which sets an equitable and fair value on forage for both the rancher and the U.S. Government. In fact, if applying the new fee to the current market, there would be a grazing fee increase of 36 percent from \$1.35 to \$1.84, thus the Government benefits. The rancher benefits by getting a fee formula that is averaged over a longer time period and is easy to figure out and track, thus gaining economic stability for the industry.

Another important part of H.R. 2493 is that it would allow flexible management agreements between the Government and ranchers that will be based on performance instead of prescriptions. These agreements will only be available to those ranchers who have demonstrated good land stewardship for 5 years or more. The agreements lead to innovative approaches to grazing management and help retain good rangeland conditions.

H.R. 2493 also increases the focus of science-based monitoring programs for the rangeland conditions. It is simply impossible to make good land management decisions without knowing the condition of the land. Recently it has become apparent that the Federal Government, for numerous reasons, have not paid enough attention to the monitoring function, thus decisions, sometimes bad ones, have been made because of the lack of good monitoring data. This bill sets up a monitoring program which is based on scientifically proven protocols which will ultimately lead to better decisionmaking and improved rangeland resources.

Congressman SMITH has done an outstanding job in crafting a bill which implements needed grazing reforms while avoiding any negative environmental effects.

I support H.R. 2493, and urge all my colleagues to also add their support.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 2493. As I mentioned, this is a bill that has been worked on very hard by the chairman of the subcommittee. The chairman of the Committee on Agriculture and of course myself have worked through this legislation. I believe it goes far toward the stability of the grazing activity that takes place on public lands, protecting the lands environmentally, providing for the owners of those lands the base allotments, so they can continue their efforts to try to protect the environment through sound management of the

grazing forage areas on our public lands.

Mr. Chairman, H.R. 2493, the Forage Improvement Act, was introduced by my good friend and colleague from Oregon, Congressman BOB SMITH. Congressman SMITH should be applauded for laboring tirelessly on putting together a bill that keeps the controversy out and the common sense in regarding grazing practices on our public lands. Congressman SMITH has worked extremely hard to bring together the many sides of the grazing issue and has assembled a bill that helps the rancher whose livelihood depends on public land grazing without doing any harm to the rangeland resources. In fact, implementing this bill will ultimately improve the rangelands across the west.

Controversy and confrontation on grazing of the public lands have been raging for years. It is clear that changes in current grazing laws and regulations are not only long overdue, but are absolutely necessary in order to resolve many of the grazing issues. H.R. 2493 makes these needed changes.

For example, this bill will bring economic stability to those ranchers who use Federal land for grazing while at the same time generate additional revenue for the Federal Treasury. This will be accomplished by implementing a new grazing fee formula which is easy to understand, simple to track, and which charges a fair price to the rancher who buys access to forage from the Federal Government.

Furthermore, the changes found in H.R. 2493 will improve rangeland conditions by increasing the focus on science-based monitoring. For far too long and for a variety of excuses the Federal Government simply hasn't done its job in assessing rangeland condition through monitoring. Congressman SMITH's bill puts the emphasis back to what actually exists on the ground through a monitoring program that is science-based and which follows established protocols. This program will greatly enhance the decisionmaking process and help establish rangeland goals that are good for the land and achievable.

Moreover, H.R. 2493 will establish a program of management flexibility to those ranchers who have demonstrated good land stewardship. This will help to keep the grazing lands in good and excellent condition.

This is a good bill whose time has come. It does nothing to harm the environment. In fact, it will improve rangelands across the West. It treats the Western land grazer honestly and fairly. And in return, the U.S. Treasury makes more money and gets an improved rangeland resource.

I urge all my colleagues to support and vote for H.R. 2493.

Mr. Chairman, I reserve the balance of my time.

□ 1100

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Chairman, this is a country of laws, not of men. And with respect to the issue of pasturing on public lands by grazers, we have been operating under the rule of men.

It is time, I think, to return to the question of laws, and that is exactly the purpose and the reason that we are here today.

Mr. Chairman, we have been operating in the past under the rule of one pen. Now we must operate, it seems to me, with the consent of Congress, which is the way we do business in this country.

A little historical reference about this bill. It is a very delicate issue; one that we have been discussing for many years since I have been a Member of Congress. But this is a little different this year because we have agreed now among many factions to bring a bill that has wide support and that has been discussed and rehearsed by many, many people in this country, including such divergent areas of environmentalists, of grazers, ranchers, interested people, senators, representatives. For a period of the last 4 months, this may be the widest traveled bill in America because it has been to every corner and every State and it has been examined by every person who has an interest in this whole discussion.

Mr. Chairman, in the past, ranchers who graze more than 270 million acres of public land, primarily in 16 States in the West, have been under great stress. Often there have been contradictory agency regulations that they have had to live with, even different regulations between the Forest Service and the Bureau of Land Management.

The rangeland reform issue brought 2 years ago, and much of it struck down by a judge's decision, was a frightening thing to the people who depend upon public lands. So, Mr. Chairman, here we are with a group of people, very insecure, wanting direction as to how they may proceed to live with their families on public lands in the West.

Many of my colleagues well remember the issue of the last session when a bill was passed by the Senate, came to the House, and, of course, was under great scrutiny by everyone and failed to come to the floor, and so did not pass. So this again has upset people in the West because we have no guidelines, it seems, until we pass this bill.

Mr. Chairman, we have a very moderate list of requests in this bill. We have come back from the idea of wanting everything to pass at one time to a basic idea that we need two things for the stability and the predictability of people in the West who depend upon public lands. Basically this bill is about a fee that is fair to the public grazers, and it is a fee that is fair to the Federal Government.

Mr. Chairman, also there is tenure in this bill; in other words, not extended tenure, but existing rulemaking tenure of some 10 years. If participants follow the guidelines of the Bureau of Land Management and Forest Service every year, they have the opportunity to graze for 10 years with a renewal.

From this bill, we have struck many, many controversial issues. Just to name a few, the resource advisory

councils, which were really a program promoted by Secretary Babbitt, came under great controversy simply because during the resource advisory council programs we wanted a majority vote of the resource council and the Secretary demanded a consensus; in other words, unanimous consent where one person could stop any kind of advisory council to the agencies.

Because it was controversial, we struck it from this bill. So it is existing law. We may have resource advisory councils, but they are certainly up to the various communities and the States. They are not in this bill.

Mr. Chairman, we have a lot of problems identifying allotments and base properties, and because it was controversial, we decided that we would not touch that and we would rely on existing law, which has been following several court cases in this country as far as definition of those two items.

There was a question of public access across private land and, frankly, we decided we would not touch that one either because that raises another argument, and so we dropped it out of this bill.

Now, we have left here, again, a very modest attempt to bring reason and stability to the West. It affects not one environmental law in this country. It produces nothing that would affect the environment at all. Grazing allotments are run and directed by the managers, the range managers. The number of sheep and cattle that are offered on public lands are highly regulated and counted each year.

So if there is a discrepancy, then we ought to arrange to have the public managers correct it. But it is not a part of this bill. It does not give the environmentalists any advantage. It does not give the grazers any advantage. It is a fair and reasonable offer.

Mr. Chairman, I commend this bill to my colleagues, and I ask for their support.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, what remaining time do I have?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 14½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Oregon [Mr. SMITH], chairman of the Committee on Agriculture, to conduct the rest of the debate on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STENHOLM. It is my understanding under the rule that we have unanimous consent 1 hour of debate equally divided between the Committee

on Resources and the Committee on Agriculture and our time is divided and I control 15 minutes?

The CHAIRMAN. The gentleman is correct.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. I would like to thank the gentleman from Oregon [Mr. SMITH], the distinguished chairman of the House Committee on Agriculture, for his hard work on this bill and for his sincere efforts to address the concerns of other Members.

Mr. Chairman, while very narrow in scope, this bill contains positive and necessary improvements to the current system for the management of grazing on Federal lands. I strongly support the requirement to use sound, verifiable science to monitor resource conditions and trends on grazing allotments. This bill allows Federal agencies to coordinate with ranchers to perform the monitoring or to hire a qualified consultant to do it.

Mr. Chairman, I firmly believe that we should base all environmental policy decisions on sound, verifiable science, and this provision is an extremely important step forward in that direction.

Additionally, this bill creates a grazing fee which provides stability and continuity for ranchers while returning a fair sum to the U.S. Treasury. It does this by ensuring the receipt of an equitable price for the product purchased by the rancher from the Government.

This bill raises grazing fees by 36 percent, and there are those who would argue that this is not enough of an increase and is just a government subsidy. But the fact of the matter is it is difficult to compare exactly all the intangibles associated with leasing public or private lands. They both contain their own unique qualities. Critics of this bill would do just as well to compare an apple to an orange.

Mr. Chairman, we must not lose sight of the fact that this bill will return fees to the U.S. Treasury that are an increase of 36 percent. For those who say this bill does not increase fees enough, similar fee increases for other Federal programs would hasten the elimination of the Federal deficit.

Finally, this bill requires the Forest Service and the Bureau of Land Management to administer grazing programs in a coordinated way. This was done to ensure that ranchers would be treated in the same manner by either agency. This just makes good sense.

Mr. Chairman, I strongly support this bill, a reasonable compromise, and I urge my colleagues to do likewise.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong opposition to this bill. I am a

Westerner. I think this legislation is bad for the West.

Mr. Chairman, I have traveled in the West and I have seen firsthand the overgrazed streams whose banks have been trampled and shorn of vegetation. This is one of the reasons that we have endangered salmon in the Pacific Northwest. Our fish have few healthy streams to spawn in. The overgrazing of our public land has an enormous public impact, and that is why this bill is being opposed by taxpayer groups and opposed by environmental groups.

Sports and commercial fishermen in the Northwest once provided \$1 billion of income, but now the fishermen and fisherwomen of my district are out of work and the tackle manufacturers and the people who rely on tourism, they are losing money because there is no fish left to catch. To add insult to injury, those same constituents of mine are being asked to pay taxes to underwrite the below-market grazing fees.

Mr. Chairman, H.R. 2493 masquerades as a grazing reform bill, yet it puts grazing before the environmental health of our public rangelands. It turns grazing privileges on Federal lands into private property rights, and it expands grazing on public lands by including Forest Service lands.

For anyone who doubts the national ramifications of this legislation, this is not just a western issue. I have in my hand two editorials, one written by the Washington Post, "Subsidies for Big Ranchers," and the other written by the Herald Journal of Logan, UT. The Utah Herald Journal points out, and I quote, "The vast majority [of ranchers]—98 percent," and, Mr. Chairman, I repeat, 98 percent of ranchers, "don't even have access to public land and yet somehow they manage to stay in the black."

Now, who does have access? I go off the quote and come back in. "They include at least three Forbes billionaires, four oil and mining companies, and one national brewery," and I end the quote.

These are not small farmers. This bill provides corporate welfare to huge, huge agricultural interests.

The Washington Post, as I say, says it is a subsidy for big ranchers and it urges us to vote the bill down.

So, Mr. Chairman, both Easterners and Westerners agree that this bill is bad for the American taxpayer, bad for commercial and sports fishing groups, and bad, above all, for the environment. If it were not bad for the environment, not bad for our taxpayers, why would the taxpayer groups oppose it? Why would the environmental groups oppose it?

Mr. Chairman, I urge my colleagues, join those groups and vote "no" on this ill-advised legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there is no, I repeat, there is no reference to private property rights in this bill. None. It conveys nothing. It yields nothing. There are eight large corporations that the

gentlewoman from Oregon [Ms. FURSE] mentioned. There are 23,000 medium-sized ranches that depend upon this bill.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I am pleased to rise in strong support of the Forage Improvement Act.

Mr. Chairman, I come at this bill from a little bit different perspective than most folks that will be here speaking today because I am from the Southeast, I am not from the West. But my perspective is to ensure that the rights of hunters and fishermen all across this country are protected in this bill. And I will say to the critics of this bill who believe that it does not protect hunters and fishermen that they are wrong.

As vice chairman of the Congressional Sportsmen's Caucus, I am one of the strongest advocates of multiple use of Federal lands.

□ 1115

I want to make sure that our sportsmen and sportswomen have the opportunity to hunt and fish on Federal lands. The compromise that the gentleman from Oregon [Mr. SMITH], my chairman on the House Committee on Agriculture, has struck ensures that multiple use is protected. By working with the gentleman from Oregon [Mr. SMITH] on this issue, we have made sure that this bill is sound legislation for all of our sportsmen here to support. There is no better evidence of that than the chairman himself, who is an avid sportsman, an avid hunter and fisherman.

I urge my colleagues on the Congressional Sportsmen's Caucus to support this bill. I would say to my other colleagues, if they support farmers and ranchers and they support sportsmen and sportswomen in America, support this bill.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 2493, the Forage Improvement Act of 1997. As the other vice chairmen of the sportsmen's caucus, I want to associate myself with the remarks of my colleague.

Grazing on public lands has been a contentious issue, as we know, for the last 20 years. The laws regulating grazing as administered by the Forest Service and the BLM have evolved to the point where it has become very hard to make a living as a public lands rancher. Our ranchers legitimately need this legislation.

The way fees are currently structured, ranchers simply are not able to plan financially from year to year. It is important to point out that this bill is much more moderate and narrow than past grazing reform proposals. I think the chairman, the gentleman from Oregon [Mr. SMITH], and the ranking

member, the gentleman from Texas [Mr. STENHOLM] should be commended for the way they have reached out to make this bill more acceptable to people.

It is time to support this modest bill which takes us in a small but extremely important step in the right direction. I urge my colleagues to support this bill.

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this bill. Fundamentally, the issue here is in terms of raising beef, raising sheep or goats as the case as this land is being used.

I would point out to my colleagues that this only affects, in essence, a dozen States. They will say 16, but quite candidly, it is only about a dozen States. Even within those States, we would find that the forage that is provided on public lands in California is 10 percent. Other Western States it may range as high as into the 30's.

Even within those States, public lands represent 50 percent of the forage. But the fact is that it takes place on 250 million acres that are under permit in terms of grazing so, indeed, this is important. But what does it mean in terms of production for farmers? It means less percent of the beef. So other farmers, others that are raising beef, they are not doing it in the thousands of animals in Minnesota, they are doing it in the hundreds.

The fact is that many of these operations are very large corporate farmers that have gained control. In fact, if we look at who has the control of this, less than 10 percent of the permittees control over 60 percent of the permits, over 60 percent of the forage, to put it more precisely. So this is a sop.

What is wrong here is that we have a system that is not being properly priced in the market. That leads to two things. First of all, it is unfair to the taxpayer. It is unfair and it leads to abuse and dependency in terms of these lands.

Most of these 250 million acres are ephemeral lands. They are marginal lands. That is why they generally remain in public ownership in many cases, not all. Some have other resources, other qualities that are wonderful. But the fact is they are marginal.

There are places in California where we have 2,500 acres for a single animal. In fact, I think the high there, in testimony that I saw, was like 3,400 acres, which is extreme. These hot desert areas, very fragile lands, we have the cows out there competing with the desert tortoise. I think it is wrong. I think that these cows end up with more miles on them than the old Chevrolet. The fact is that they become, when we put these animals on these lands, they become the dominant species.

What this bill does is to take what are in essence the BLM rules that provide for subleasing, transferring one's

permits to somebody else, with a premium payment. It eliminates the premium payment so BLM can continue to do that without the premium payment and it transfers that which is forbidden by the Forest Service today, to permit them to in fact transfer those permits.

This is an out-of-whack bill. Even with the changes that are being proposed by the gentleman from Oregon [Mr. SMITH] and the gentleman from New York [Mr. BOEHLERT], it still does not get to the essence of what is the problem here. It is not addressing the problem. It is a bad bill. It should be defeated on this floor. It should be amended. I hope we can do so.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

I want to correct the record. Indeed, cows are competing with tortoises. I wonder how much the gentleman would pay if he were grazing tortoises.

The other question and the point I want to make here is simply that according to GAO figures, 47 percent of the permits have 100 animals or less; 38 percent have 100 to 500 animals; 15 percent of the permits have more than 500 animals. This is not exactly a huge corporate stealing program.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I rise in strong support of the Forage Improvement Act.

As my colleagues consider this proposal, I urge them to consider the underlying values that are represented in this bill. What are those values?

Simply speaking, Mr. Chairman, the values are fairness, predictability, and stability. In the West, our Federal Government owns huge blocks of public lands. In my State of Montana it owns about 30 percent of the lands. We expect those lands to be managed in a responsible fashion, responsible to the taxpayers, and responsible to the people who use those lands.

There are some important facts, though, that my colleagues need to understand as they consider this bill. First, our rangelands are in good condition; repeat, our public rangelands are in very good condition. Second, rangelands need to be grazed. Grazing produces healthier grass. It reduces fire hazards and it increases the capacity of the land to sustain wildlife. Interestingly, cooperative grazing management with producers and local managers working together today we have healthier grass and substantially more wildlife on our public lands.

Third, grazing on the public lands is very important in sustaining local economies, local communities and in sustaining family farms and ranches. If the range is healthy and it is sustaining wildlife, why do we need this bill?

Mr. Chairman, the answer is that under this Secretary of Interior, the administration has embarked on a radical new experiment in range manage-

ment. They have thrown out 120 years of range management science. The administration has ignored local communities and it has written off family farms and ranches in the West. This bill is a moderate effort to restore predictability and stability to these communities and to these producers. How? By raising grazing fees in a predictable fashion with a predictable formula based on the price of cattle and interest rates. It creates a good return to the Treasury and it is based upon the ability to pay. It also brings stability by requiring range management to be based on proven science rather than special interests politics and most important, the bill is fair.

I urge my colleagues to do what is right. Vote "yes" on the Forage Improvement Act.

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

To continue my debate with my colleagues, as I said earlier, this affects a dozen or so States. Most of the beef raisers and others raising sheep and goats need to rely upon the marketplace in terms of what is happening. Obviously, it is not my intent or the intent to eliminate grazing from Western lands. That is of course the red flag that is raised, but that is not the purpose. In fact, I think that we want and need a collaborative and cooperative partnership with our Western colleagues in terms of trying to achieve the objectives.

The fact is that as we look at this that the receipts from the BLM are only about half of what the cost is of the grazing programs. In fact, in looking at fiscal year 1995, it is estimated grazing receipts will amount to about \$16.4 million, and the amount that was spent in managing those programs was in fact \$47,400,000. That does not include the range improvements which amounted to about \$10 million trying to take care of this.

What does this bill do to BLM's and to the Forest Service's ability to monitor? We heard about sound science. We heard about objectivity. We heard about doing this on the basis of the facts, not on the basis of politics. But then this bill suggests that if I am a BLM land manager, that I have to provide 48 hours' notice to the permittee to go on and to in fact look at this.

Remember this is public land. We are going to permit for someone to use it and we are suggesting that the manager of that land has to give 48 hours' notice so that we can go and determine whether or not in fact the monitoring of the cattle, if the sheep are properly being controlled in terms of how they are using these various allotments that are out there, this is one of the problems with this bill.

In fact, the way it is designed, and it needs to be modified, it has entirely skewed the program in a different direction with regard to what the impact is. As I said, it provides for subleasing, something that the Forest Service does not provide today. This extends the

subleasing, which I believe leads to the very large permittees where they are transferring these permittees around. Sixty percent of the AUM's are controlled by less than 10 percent of those that hold the permits. It does not deal with number of cows. We are talking about AUM's; we are talking about the amount of forage that is being used.

Mr. Chairman, during this debate there are going to be suggestions that most States, even in the West, charge 2 to 3 times as much as the proposed increase here, which is not 30 percent. It is closer to about 15 percent. But the fact is that we are talking about AUM's here. We are comparing apples to apples in terms of what the States charge. All the States tend to charge a great deal more than the Federal Government, than this bill even proposes to. We hope to rectify that with the Klug and Vento amendments.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I join this debate with my colleague from Minnesota, as one that represents a State that has very little, if any, Federal lands involved in this. I have spent several years analyzing whether or not this is a fair rental as far as the competitiveness with other ranchers. It is not just my judgment that causes me to support the bill today. It is cattlemen from all over the United States that have agreed.

Yes, maybe it is not a perfect formula. I do not know that anyone can devise a perfect formula. But to continue to suggest that the only valid formula for charging rental rates has to be with private lands is an erroneous assumption. That is comparing apples and oranges and it is not relevant to this debate.

Also we need to understand, yes, there are a few large enterprises that are involved. But 81 percent of the Forest Service permittees are part of small- to medium-sized family ranching. The amendment that the gentleman will offer, when we get to the amending process, would make it very difficult for these individuals to make a living in ranching in the real world.

Therefore, I encourage all of our colleagues to listen carefully, particularly when you are concerned about environmental concerns. This bill is very important in this aspect. It is suggesting that we rely on sound science. This bill institutes a program of scientific range monitoring to ensure that land managers make their decision on the basis of current reliable data and not merely one's judgment. What we are debating today is one's judgment.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to correct the Record here again and talk about the facts. The facts are that indeed this is an increase of 36 percent from a \$1.35 to \$1.84 per animal unit month.

Mr. Chairman, do not be fooled by the fact that the gentleman states that we only retrieve half the cost from the grazing fee. That is not true.

□ 1130

If you believe the Government is efficient by adding up all the costs and then saying, well, ranchers ought to pay the cost of administering the grazing fee, then I think you are on the wrong track. The facts are that the grazers pay almost the cost but we are also paying the NEPA cost. So I think that is a public policy, not a rancher's issue.

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the Forage Improvement Act. I want to thank the gentleman from Oregon [Mr. SMITH] for his strong leadership and his good commonsense effort to fix our Nation's grazing laws.

Mr. Chairman, this bill is good for our public lands and for those who depend on public lands for their livelihood. By reinforcing and clarifying the partnership between ranchers and Government, and by emphasizing better science as part of the process, the bill promotes sound grazing practices.

The fact is that America's farmers and ranchers are our best conservationists, and they are committed to working with the Government and other citizens in caring for the land.

This legislation is important to the future of family ranching operations. All of agriculture, including the ranching community, faces great market and weather uncertainties from year to year. Our Government should not add to this natural volatility by forcing confusing and conflicting grazing rules on our ranchers.

H.R. 2493 provides the stability in Federal policy that is long overdue. I urge a yes vote to support responsible public lands policies.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Apparently, my colleague is confused. There is some confusion about what the increase is in this bill. I am just going on the basis of the CBO. I think, for purposes of debate, I would quote and read from the document.

Using ERS's most recent data for the total gross value of production and projecting changes in cattle price and interest rates, CBO estimates that the proposed new formula would result in grazing fee averaging about 20 cents more per AUM over the 1998 to 2000 period in the western States in the grazing fee based on current law.

And I might say, in terms of the cost figures that I used, these are directly from the BLM figures. It indicates consistently, from 1991 to 1995, nearly a threefold cost in terms of the grazing program versus the receipts that come into it. So it is consistently 2-to-1, 3-to-1 more in terms of what we are spending. So there is a subsidy, in essence, here, and that is what we are facing.

No one is saying we are going to go to cost with this. But the fact is that we have got to recognize that in terms of where we are at. If we put this on a

fair market value, if we put it on a cost basis, clearly it would be to the benefit of the environment and to the taxpayer.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do not know where the gentleman from Minnesota [Mr. VENTO] gets his numbers. In the bill, the AUM charges \$1.84, not \$1.55, as he is quoting. It is a \$6 million increase to the Treasury from grazers across this Nation.

Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Oregon [Mr. SMITH] for yielding me the time.

Mr. Chairman, I rise in strong support of the Forage Improvement Act. I think it is a very well-reasoned and responsible bill that will bring some order to the bureaucratic empire of Byzantine complexity that we call Federal land management.

I applaud my colleague, the gentleman from Oregon [Mr. SMITH], chairman of the full Committee on Agriculture, for his leadership on this issue. At a time when the White House, the Congress, and State governments are working to downsize and streamline all of our governmental bureaucracies and delivery systems, this bill goes a long way toward coordinating the administration of Federal land management activities. The current, complicated regulation of Federal lands, by both the Secretary of the Interior and Secretary of Agriculture, leads to a maze of confusing and often conflicting regulations for the administration of livestock grazing.

I have spent a considerable amount of time studying the U.S. Department of Agriculture's field office downsizing and streamlining. I know the conflicts that can arise from the contradictory regulations and the overlaying bureaucracy of this massive delivery system. This is only one department, Mr. Chairman. I can only imagine the conflicting and confusing delivery system of the Federal land management when two departments are involved in this situation. Chairman SMITH is to be commended for even taking on this reform issue.

I was amused over the weekend as the Washington Post, certainly an expert in western land management, tried to explain why Congress should defeat this bill. It is a sad commentary on our time, I think, that this same newspaper that has encouraged reform of our Federal programs comes out against a bill that streamlines bureaucracy, emphasizes sound science practices, and a new grazing fee formula is implemented in the bill.

I think it is important to know that this legislation actually increases grazing fees, as has been suggested, and it does it with a new formula that is easy to understand, easier to track, and charges a fairer price. This bill is reform at its best, Mr. Chairman. I would

encourage all Members to vote for this worthy piece of legislation.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would ask the sponsor of the bill on what page of his bill does it state \$1.86? I look through the bill. I find on page 36 the calculation, but I do not find that. My source of information is not the bill, it is the calculation carried out. I can read the calculation into the RECORD, but I do not want to confuse an already confused issue.

What I am quoting is what the CBO says. In any event, we all agree that there is an increase here. A 20-cent increase is hardly going to begin to make up. That would yield about \$20 million a year. The costs, of course, are closer to \$50 million a year in terms of managing this program.

Furthermore, I point out one of the problems with this bill is that it had no hearings in the Committee on Resources. It had no consideration in the subcommittee. The subcommittee has been very assiduous in terms of hearing most of the measures that come before us, but somehow this bill during this term received no consideration in that subcommittee. No markup. It went directly to the full committee and was marked up without hearings in that instance.

It has just been 6 weeks since this bill has been introduced. So if there is confusion about it in my part or the author's part, I can well understand it. I think it could have benefited from a full hearing of what some of the radical changes are in this bill. Again, we are seeing substantial changes on the floor to accommodate some of the concerns of Members.

In fact, of course, as I look at the list of opposition, I notice that the Trout Unlimited Group remains opposed to this bill. I have heard some allude here that they are members of the sportsmen caucus. I respect them for that. I do a little hunting and fishing myself when my schedule permits it.

But the fact of the matter is that this is opposed by the groups that I have here, Trout Unlimited, it is opposed by the National Wildlife Federation, and most of the environmental groups I think that we would look to, and, of course, it is opposed by some of the taxpayers' groups that are concerned about the constant drain in terms of revenues with respect to this bill.

Mr. Chairman, this bill is neither fair to the American taxpayer nor is there a good sound policy for Federal land management. I urge my colleagues to defeat this bill.

Mr. STENHOLM. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 10 minutes remaining. The gentleman from Minnesota [Mr. VENTO] has 3 minutes remaining. The gentleman from Oregon [Mr. SMITH] has 13½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I appreciate the gentleman from Texas [Mr. STENHOLM] for yielding.

Mr. Chairman, I rise to express my support of H.R. 2493, the Forage Improvement Act of 1997. If you take away all the rhetoric, you will find that this bill has been written in the spirit of compromise and collaboration. There is nothing in it that attempts to roll back any existing laws.

There are so many issues that Western cattlemen will still face after this bill passes that will continue to threaten their businesses. Yet, this bill will try to provide some degree of certainty sorely lacking in public land ranching. One of the most important is a requirement of scientific monitoring of resource conditions and trends on grazing allotments.

This monitoring will allow the agencies to coordinate with ranchers, to perform the monitoring, and, more importantly, it will be based on regional criteria and protocols. This would help guarantee that the ranchers' business will not be vulnerable to regulations that have no basis in science or that were created in Washington without input from professionals in their own State who understand resource issues at the local level.

Currently, all the agriculture across this Nation is having to defend itself against an onslaught of potential restrictions that lack quality data. This bill will help the Western rancher, at least, to defend himself when he is accused of abusing the one thing he is in need of the most on public lands, the forage. It will also provide the cattlemen and agency land managers a valuable management tool to make sound judgments and to better predict the future.

Let us dispense with all the cheap shots that are being levied at this bill and let us move forward. Nobody loses with this and the Western cattlemen can attempt to put a little more certainty into their families' lives.

What we do here in Washington ought to be based on science, it ought to be based on common sense, and it ought to be user-friendly to the people of this country, and in this instance particularly the ranchers who make their living and their lives by using these public lands for grazing their cattle.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the gentleman from Georgia [Mr. BISHOP] personally. I think his statement and many others you will hear are from States that have no public land, no grazers. And I especially want to thank him for stepping up and to refute this idea that this only affects a small number of States. We are here together to represent 50 States. And I thank the gentleman from Georgia [Mr. Bishop] very much.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. COOKSEY], who of course has a lot of public lands.

Mr. COOKSEY. Mr. Chairman, I thank the gentleman from Oregon [Mr. SMITH] for yielding.

I, too, rise in strong support of the Forage Improvement Act, H.R. 2493, by the gentleman from Oregon [Mr. SMITH]. Mr. Chairman, first let me congratulate my good friend, the chairman of the Committee on Agriculture, for his hard work on this bill. This bill is a consensus bill that will benefit everyone involved, from the taxpayer to the livestock producer to the conservationist.

The gentleman from Oregon [Mr. SMITH] has collaborated on this bill with State and national livestock industry groups, individual producers, and environmentalists to bring predictability to our ranchers' plans for forage use.

As a physician, I rely on sound science to prescribe solutions, and I appreciate legislation that follows the same approach. The Forage Improvement Act will institute a program of scientific range monitoring on which land managers can rely. Decisions can be made on the basis of current and reliable data. This is important. Good science will predict not only the livestock producers, but also the public and the environment.

This bill provides incentives to ranchers who demonstrate they are responsible stewards of the land which allows them to enter into cooperative allotment management plans with the Department of the Interior. We all can agree that a renewed commitment to the scientific monitoring and decision-making will benefit everyone.

Another important reason to support this bill is that it streamlines the regulations of the Forest Service and Bureau of Land Management. If the rules are easier to understand, the result is that they will be adhered to. Uniformity and coordination of management is needed to straighten out the current morass of regulation. Less bureaucracy is always better.

Finally, Mr. Chairman, I am supporting this bill because ranchers, just like the farmers in my district, need predictability under Federal rules and regulations. We will always have uncertainty in the weather, but we cannot have uncertainty from the Federal Government when ranchers are deciding on how best to use their land, whether to seek financing or even to sell their ranch.

Let us pass this bill and make it easier for those who are supporting their families with long hours and a noble calling. Let us streamline the bureaucracy that exists and use sound science for the benefit of everyone.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)



Mr. DOOLEY of California. Mr. Chairman, I rise in support of this Forage Improvement Act. I think that the gentleman from Oregon [Mr. SMITH] needs to be complimented in his efforts to reach out to people in the environmental community and stakeholders, as well as Federal Government, in order to try to find a way that we can put to rest an issue that has been very contentious in its consideration in past Congresses.

I think what the gentleman from Oregon [Mr. SMITH] has done is to embody some of the proposals that the Department of the Interior has been trying to utilize to ensure that we have greater cooperation from people throughout the community, as well as environmentalists so that we can ensure that the interests of the taxpayers and interests of the public trust is maintained.

I think he is also moving forward in a responsible manner, too, by asking that we revise the formula in which we calculate the price per AUM and that this bill will result in an increase of almost 36 percent in the price of rangeland. And that means benefits that are going to accrue to the taxpayers.

What is also important is, I think, he is putting it in a place in which we are going to have more of a collaborative effort to ensure that the public lands are used in a manner which is going to benefit all of us.

□ 1145

I am certain that the effort of this legislation is going to ensure that our public lands that are devoted to rangeland are going to be in better condition, that they are going to ensure that there will be a financial return to them. They will also provide benefits in maintaining much of this land in open space.

Once again, I just want to reiterate that I commend the gentleman from Oregon [Mr. SMITH]. I think this legislation is a balanced and responsible approach to dealing with grazing on public lands.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER], a member of the committee.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I rise today in strong support of the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture and the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, and their effort on behalf of responsible use of publicly owned land. The fact that such a bill is necessary is just one of many problems that arise with this issue of Federal ownership of property.

Mr. Chairman, the Federal Government owns more than one-third of the 2.3 billion acres in the United States. It owns 63 percent of the 13 Western States. For a country founded in large

part due to the high regard placed on the private ownership of property, this is a curious thing. One has to wonder how the United States of America assumed all this property given that article 1, section 18, clause 17 tells us Congress has the power:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 square miles) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings.

Does that sound like a mandate to own 725 million acres of land? As with so many other areas of policy in government, we have gotten very, very far away from the intent of the Founding Fathers as expressed in our chief governing document, the U.S. Constitution, which each Member of this body takes an oath to uphold. With Federal ownership, you are bound to get them wanting to manage it this way and us wanting to manage it that way. Private property ownership is clearly the superior route. The Founding Fathers clearly saw Federal ownership of land as the exception rather than the rule.

Having said that, the least that we can do as Federal legislators is to give the taxpayers who use that federally owned land, their federally owned land, some regulatory relief. This bill does that. That is why I support this bill and urge my colleagues to do the same.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise in strong support of the Forage Improvement Act. The gentleman from Oregon [Mr. SMITH] and the gentleman from Alaska [Mr. YOUNG] should be commended by all in this body for bringing this well thought out, bipartisan piece of legislation to the floor of the People's House.

As a Congressman who still tries to earn an honest living as a cow/calf operator in western Oklahoma, or in truth I should point out, because of my responsibilities, whose wife is a cow/calf operator in western Oklahoma, I know firsthand the value that predictability and stability brings to those of us in the livestock industry. The legislation under consideration by the House today provides a uniform and consistent grazing policy that represents great progress toward enabling western ranchers the ability to plan for forage use.

This is a good bill. Yes, it raises grazing fees 36 percent. Yes, it requires coordination between the BLM and the Forest Service. Yes, it mandates scientific monitoring of grazing conditions. And yes, it creates authority for Government and ranchers to enter into cooperative management plans.

Mr. Chairman, this bill is bipartisan, it instills cooperation, increases Federal revenues, and mandates sound

science. It is a good piece of legislation that deserves passage in this House.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD], who is also a member of the committee.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I rise today to encourage my colleagues to support this bipartisan bill. I want to compliment the chairman of the committee, who has tried to work with all parties to fashion a bill that makes sense. It is a little bit comical to see some people come trotting out here with ideas about the fact that this maybe does not meet all of the budget considerations they want or the environmental considerations, when in reality the chairman has worked for 7 months with every group in this town to fashion a bill that makes sense in a bipartisan way, and he deserves credit for that, and he deserves support for it, because the bill gives added stability in being able to plan for the future. With more stability, ranchers will be able to continue to be good stewards of the land, which is what I guess environmental groups want and should want.

This has been a 7-month consultation with many, many groups. It contains new cooperative management authority for agencies and ranchers and will allow more flexibility for ranchers for them to continue achieving rangeland management goals. If there has ever been a bipartisan bill come on this floor that represented all sides, this is it. I encourage the support of all of the Members on both sides of the aisle.

Mr. VENTO. Mr. Chairman, I yield myself 30 seconds. To the gentleman in the well I would say if this is such a wonderful bill which was introduced September 17, why were there not hearings in the Committee on Agriculture? Why were there not hearings in the Committee on Resources? It is not a 7-month bill. It is more like a 7-week bill that never had any hearings. That is why we are concerned. The sound science in this bill puts science in a straitjacket in terms of changing the AUM's, changing the procedure for the Forest Service.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. LAHOOD. The point of fact is that the chairman has worked with a lot of different groups over a long period of time. This is not a 7-week bill. This bill has taken an extended period of time.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds. As usual, the gentleman is misleading the body. We did have hearings in the Committee on Agriculture, as witnessed by the gentleman from Texas [Mr. STENHOLM], the ranking member. So the idea we did not have hearings is wrong. This bill was referred to two committees. We took it to the full committee of the



Committee on Resources. That is all. There were hearings, so let us clear the record.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. BLUNT].

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

Mr. BLUNT. Mr. Chairman, I stand in strong support of this bill and appreciate the chairman's leadership in bringing really a complex set of facts together here. Under this bill, the current complicated system of regulations will become easy to understand and simple to track. Both the Federal Government and the livestock producer will benefit when these regulations are understood. For the first time, ranching families will be able to go to borrow money with some certainty about what their future looks like and it will make a big difference to them. The fee structure is changed and modernized and beneficial to the taxpayer as well. This is really a very family farmer, rancher-oriented bill. We have more cattle in our State than any State except Mr. STENHOLM's State of Texas. We do not have any grazing land in our State. Not a single Missouri farmer will benefit from the grazing land provisions of this bill. But our folks will benefit from stability in the livestock production system that this bill creates. I am strongly in support of it.

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes. I do this for purposes of confirming what the chairman said regarding the hearings that were held in the Committee on Agriculture and the subcommittee on this bill and also to reiterate what I know the gentleman from Minnesota totally agrees with. This is an issue that has been discussed for many, many years.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding. I did not misstate the record with regards to the Committee on Resources. There have been many oversight hearings in grazing but not on this bill. If this bill was introduced after the hearings, I think that the record would be clear with regards to that, but there were not hearings on the specific issue that is before us.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification. Again, I was only speaking of the Committee on Agriculture and also speaking of the fact that I have participated in this debate for years, as the gentleman from Minnesota has.

What the chairman has done this year is attempted, as the gentleman from Georgia earlier spoke to, to reach out to people who are willing to compromise and to find an acceptable middle ground to a question that has proven to be irresolvable over the years. What we have today is the best good-faith compromise to reach an agreement midway between extreme views.

This is what the bill before us today is all about.

We talk about the grazing fees. I think it is important for all Members who may not be as familiar with this, the grazing fee is merely for the forage and represents a small part of the overall cost of Federal lands ranching. Ranchers are responsible for fences, for water, for seeding and other improvements, keeping track of the livestock, along with anything else required by the agencies. That is where the real costs are. That is why ranchers from Texas, Georgia, Missouri, and other States do not have the objection as stated by the gentleman from Minnesota to this because based on the total cost, there is a reasonable certainty or a semblance of fairness as best that can be done in any formula. Also regarding the wildlife question, I find it fascinating when we see from 1960 to 1980 the increases of antelope, elk, and deer on these same lands that are being so misused by the livestock industry.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time. I must say with all due respect to the chairman of the Committee on Agriculture, he has worked tirelessly on this piece of legislation. He has worked night and day to make sure that all factions of concern, all issues of concern have been addressed. I appreciate his efforts in that. We do have some amendments yet to add, but I just really appreciate the chairman, and this demonstrates what leadership really is all about, the ability to work with many different groups of people.

I want my colleagues to picture this. Two thousand miles away from here in southern Idaho and dozens of other rocky and rugged places in this country, ranchers eke out a modest living and put food on our plates. These families like this, this is a picture of Mr. Dick Bass, a rancher in Idaho. This is a face on this whole problem. Mr. Bass is also a county commissioner, a husband, a father, and a good American who pays his taxes and pays fees to the Federal Government for the privilege of being able to graze on the public lands. He has worked tirelessly with other county commissioners and other ranchers to bring California bighorn sheep, in cooperation with the Idaho Fish and Game, to all of southern Idaho. And now that wildlife project has been so successful that we are now exporting California bighorn sheep out to other States.

They care about the land. They have improved the land since it was ravaged at the turn of the century. These cattlemen love the land and love their work. These guys have been out working in the far reaches of their ranches for days. Lately they have come in to send faxes to us to ask in very articulate and well-reasoned letters, citing

many points about their concerns, but all they really ask is just let us keep making a living.

We have got to remember that the West has been ravaged with the shut-down of logging, with the overregulation on our lands. It is driving people from the lands. Do not drive the very shepherds that are keeping our lands healthy and vibrant. This has been the concern of the gentleman from Oregon [Mr. SMITH]. I share that concern with him. The gentleman from Oregon has brought a piece of legislation that brings financial stability into the industry and that has been very needed.

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But he also realizes, as I do, that these people have continued to battle hard weather and all kinds of bad wildlife, but they choose to stay there and be the kinds of shepherds of the land that we need, that America needs, and our industry needs.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 3¼ minutes remaining, the gentleman from Oregon [Mr. SMITH] has 2 minutes remaining and the gentleman from Minnesota [Mr. VENTO] has 2½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Oregon [Mr. SMITH] and that he be allowed to yield it as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Oregon. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in support of the bill with the manager's amendment.

I want to start by thanking the gentleman from Oregon, Chairman SMITH, for his openness and willingness to stand up to people who should be his allies to get a workable bill. The gentleman from Oregon [Mr. SMITH], the chairman, has always been responsible and candid and open minded.

Whenever I or my staff had a discussion with the gentleman from Oregon, Chairman SMITH, negotiations were friendly and productive. I appreciate that, because I know that the gentleman from Oregon [Mr. SMITH] has taken grief he does not deserve for trying to do the right thing: Searching for the sensible middle ground.

As for me, my position has not wavered since negotiations began in June. We made clear from the beginning what our concerns were with this bill, and once those concerns were addressed, we supported it. Our position has not changed.

We have never linked grazing issues to those in other bills, and we have never paid any attention to anyone else who tried to assert such linkage.

Let us turn to this bill. We have come up with a fair agreement, an agreement that helps ranchers while ensuring that the bill does no damage to the environment.

Our goal in negotiations has been to ensure that public land is never treated as if it is owned by private parties. Our goal has been to ensure that Federal officials have the ability to protect the integrity of public lands. Those goals have been met.

The manager's amendment makes changes in every section of this bill. It alters or drops problematic definitions which implied there was a private property right in Federal land. It drops the section on access. It drops the section on resource advisory councils, which are working so well. It clarifies the agency's role in monitoring and subleasing.

The manager's amendment does all that while still providing ranchers with stability, a new fee formula, and the privilege of conveying their grazing permit when they sublease their base property, as long as the Secretary approves.

This is a good deal that should enable us to pass grazing legislation for the first time in many years. But I hope it is just the first step. We have succeeded in ensuring that this legislation allows no damage to be done to the environment. I hope some day we can pass legislation that will be fair to ranchers, while being environmentally positive.

Ranching groups and environmental groups have been working for several years behind the scenes to develop such a grazing regime. That is as surprising as it sounds. In the meantime, I urge my colleagues to support the manager's amendment and its passage. I urge support of the base bill of the gentleman from Oregon, Chairman SMITH.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Illinois, [Mr. EWING].

Mr. EWING. Mr. Chairman, I am glad to rise in support of this legislation, H.R. 2493. I know how hard the gentleman has worked to bring together those in the grazing industry that are very important to their livelihood, those in the environmental community, those Representatives from the West, to fashion a bill that addresses a problem that has gone unaddressed in past Congresses and in this Congress.

It is time that this Congress move to pass meaningful legislation dealing with grazing rights, and do it in a fashion that does not offend the environmentalists in America and does not disadvantage those people in the cattle and the sheep industry in the West.

This bill does not do that. And that is important. It is important to farmers in the Midwest, that we keep our agricultural and our livestock industry healthy and viable in this country.

I congratulate the gentleman from Oregon [Mr. SMITH]. I am glad to support this bill, and I hope my colleagues will also.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time to again reiterate my opposition.

Mr. Chairman, this is an enormously important bill. I appreciate that my colleague, the chairman of the Committee on Agriculture, has worked with various groups, but the fact is at the end of the day, all the environmental groups are against it, some of the sports groups are against it, and some of the taxpayer groups are against it, because balance is not in this bill. This bill is not a balanced bill.

I regret that it did not have the type of hearings after the fact when it was written and introduced and passed so quickly that it is here and has not had the type of debate within committee.

So many questions are still confused with regard to it. There are 250 million acres of land under permit. The fact is that we have 30,000 permittees out there, but over half of them are very large. Half of the forage goes to the largest, less than 10 percent of the group.

There has been a reiteration of sound science. What is the science about increasing the number of sheep and goats per AUM? Where is the science that supports that? That is in the bill. Science is put in a straitjacket in this bill. Where is the science that says you cannot come on the land for 48 hours without notifying the individuals so you can monitor it. That puts a straitjacket on the land managers and the scientists we charge to manage the land.

What is the science that suggests that the fact is you are going to extend subleasing in the Forest Service where it does not exist today? Where is the science that says you eliminate the surcharge in terms of subleasing? Where is the science that suggests you throw out all of the regulations with regard to the Forest Service?

This sets up a whole new scheme in terms of rules and regulations. Where it lands, nobody can say. The fact is, yes, we have problems today, because this 250 million acres today is greatly competed for and has a multiple use in terms of recreation and many uses that did not exist when the basic grazing laws were written in the 1930's.

The fact is, these are important issues, laws like the Endangered Species Act. You can make a joke about the desert tortoise, but most of us would agree some of these ephemeral areas probably should not be grazed or should be closely monitored when they are.

But this bill does nothing to improve the dollars and cents given to the BLM and the Forest Service, but puts substantially new responsibilities on them, and the end consequence is the environment is going to pay, not just in dollars and cents here, in the terms of there is a \$20 million increase here, \$5 million in grazing fees, when we spend maybe twice or three times that much, some say \$400 million more in terms of enforcing grazing permits.

Mr. Chairman, this is a bad bill and should be defeated.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, I do so again to correct the record. The gentleman has expanded beyond the truth here. The point is that 76 percent of the grazers are individuals, 8.5 percent are partnerships, and 10.8 percent are corporations. This is no corporate boondoggle.

Beyond this, this does not turn additional sheep and goats on the range. That is only a billing procedure. This has nothing to do with the number of sheep and goats turned out on the public ranges.

Mr. Chairman, I yield the balance of my time to the gentleman from South Dakota [Mr. THUNE].

The CHAIRMAN. The gentleman from South Dakota is recognized for 1 minute.

Mr. THUNE. Mr. Chairman, I want to thank the Chairman for yielding me this time and credit him and the distinguished ranking minority member here, the gentleman from Texas [Mr. STENHOLM], with putting together a bill that I think does address a lot of the concerns raised.

There have been a great number of hearings over the past several years on this very subject. I come from cattle country in western South Dakota. It is an area where you have to be tough to make a living. Out there, toughness is a prerequisite. I also happen to be an avid bird hunter, an outdoorsman, that appreciates the perspective that sportsmen bring to this particular debate.

I believe the chairman has worked with all of those groups in a balanced way to come up with a commonsense approach that injects science into the equation and addresses the issue of fees in a way that provides stability for the ranchers who use these lands. It is based upon an objective set of indices, which I think yield stability to the people who are trying to make a living in the business of agriculture, particularly in the business of raising cattle and livestock, so they can make a living at this.

Mr. Chairman, this is a bill which I think accommodates a wide range of concerns. It is something that I hope all of us in this Chamber will be able to support.

Mr. FAZIO of California. Mr. Chairman, as a cosponsor of this legislation, I rise today in support of H.R. 2493, the Forage Improvement Act of 1997, sponsored by colleague BOB SMITH.

Congress has tried numerous times over the past several years to enact comprehensive reform of our Nation's rangeland grazing policy on Federal lands administered by the Bureau of Land Management and the Forest Service. The administration and the House of Representatives tried to increase grazing fees on public lands in 1993, and the Senate attempted to address some grazing fees issues in the fiscal year 1994 Interior appropriations bill. Grazing reform resurfaced again in the Senate Interior appropriations bill in 1996, and the Senate did pass a reform bill on March 21, 1996, only to die in the House.

I support the Forage Improvement Act of 1997, because I firmly believe that the Federal grazing permit system is simply too outdated and does not reflect the current needs of ranchers, communities, and the environment. Management of our public lands remains in limbo as the issue has been bounced back and forth from the House to the Senate to the administration. H.R. 2493 is the first step in the direction of a streamlined approach to managing nearly 270 million acres of rangeland in the United States.

I believe that grazing fees should be increased to reflect the value of the land that is being used. The formula provided by H.R. 2493 will result in an increase in grazing fees of between 15 and 30 percent over existing levels. This is a good start in leveling the playing field.

Participation in land use decisions by ranchers, local communities, public officials, and environmental advocates is also essential. That is why I support the manager's amendment offered by Mr. SMITH which deletes any language in the bill which would have altered the current processes of these Resource Advisory Councils, currently in place under an Executive order by Secretary Babbitt.

What we need to be successful in achieving comprehensive grazing reform this Congress is an approach where the viewpoints of all parties are taken into account from the very start. I believe that H.R. 2493 tried to incorporate this comprehensive and cooperative nature, and provides much needed and long-delayed reform of our Nation's rangeland system.

I urge my colleagues' support.

Mr. BARCIA. Mr. Chairman, I rise today in support of H.R. 2493. This is a fair bill that will not only help small to mid-size family ranchers, but end at last the contentious debate that has surrounded this policy since its inception in the early 1900's.

Under current law, the Forest Service and the Bureau of Land Management charge fees for grazing and each agency promulgates their own regulations. H.R. 2493 coordinates the efforts of the two agencies so that our citizens will not have to forage through a multitude of regulations.

This bill increases local involvement in the Resource Advisory Council by modifying the makeup of the council to include representatives from the community. The council would represent broad interests by including those who use the lands for grazing to persons interested in developing the land and from recreational users to state and local elected officials.

H.R. 2493 codifies a new fee formula that, according to the Congressional Budget Office, will not decrease the Federal Government receipts. In fact, this bill will increase the current fee for ranchers by 36 percent which will amount to approximately \$6 million more for the Federal Government over the next 5 years.

This bill will not limit access to public lands and will not change any environmental laws that are so important in protecting the natural habitat and beauty of our public lands. In fact, allowing grazing on these lands has had a positive impact on our environment because ranchers have every incentive to protect and enhance the land and its natural habitat, and they have a proven track record. Moose, deer, and elk populations have increased by over 500 percent since 1960 on these lands.

Maintaining and supporting ranching communities is important for our economy and our environment. Without the protections to the wildlife, urban development would slowly move to devastate these vast rural and environmentally sound areas. The bill will provide security for ranchers and their families and I urge my colleagues to support this measure.

Mr. MORAN of Kansas. Mr. Chairman, nothing better symbolizes the heritage of the Western United States than cattle grazing on the open range, and with over 6.5 million cattle on farms and ranches, the Big First District has more cattle than any other congressional district. The cattle rancher still stands as a picture of the American independence, battling long odds and mother nature and enjoying the rewards of a hard day's work.

This heritage is why the bill before us is so important. To say that the life of the rancher is filled with uncertainties is an understatement. Just this past week in Western Kansas, we had our first blizzard of the season. For some cattlemen, it was devastating. One rancher north of Dodge City lost 200 out of a herd of 242 yearlings. Across the State, cattle losses are estimated at nearly 20,000 head.

As Members of Congress, we cannot change the weather and we cannot control the markets, but we can and should provide stability in the terms and rates for ranchers grazing on Federal land. The bill before this chamber does just that—guarantee that Federal grazing lands are managed in a way that will ensure their healthy existence for generations to come. This legislation will assist the American rancher do what he or she does best, feed the world, and it does so in a way that helps preserve the family farm and ranch.

The Forage Improvement Act is good policy for the rancher, the taxpayer, and important for the long-term health of this Nation's grazing lands. In addition, this bill represents the right way to develop policy through consensus and bipartisan work, not through administrative fiat.

Mr. Chairman, I urge my colleagues to vote in support of this important measure.

Mr. STUMP. Mr. Chairman, the American people want responsible Federal Government and bills that make sense. We should all be pleased with the Forage Improvement Act of 1997, because it improves Federal management responsibilities and will result in a more effective grazing policy.

Currently, management of Federal grazing responsibilities fall under the purview of both the Secretary of Agriculture and the Secretary of the Interior. The bill would allow the Secretaries to work together to provide for uniform management of livestock grazing on Federal lands.

So what is there to fear from this legislation? Nothing. Nothing in the act will affect grazing in any unit of the National Park System, or National Wildlife Refuge System, or on any lands that are not Federal lands, or on any lands that are held by the United States in trust for the benefit of Indians. Nothing in this act shall be construed to limit or preclude the use of, and access to, Federal lands for hunting, fishing, recreational, watershed management, or other appropriate multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use. And, nothing in this act shall be construed to affect valid existing rights, reservations, agreements, or authorizations under Federal or State law.

What the act does do is to require that to the maximum extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall provide for consistent and coordinated administration of livestock grazing and management of Federal lands consistent with the laws governing such lands.

The bill is a common-sense measure that will result in coordinated resource management. By increasing consultation, cooperation, and coordination between the Forest Service, Bureau of Land Management, and affected State or Federal agencies, private land owners, and users of Federal lands, the bill will ensure that focused land management needs can be addressed in an effective and amicable manner. I wholeheartedly support the Forage Improvement Act of 1997, and urge my colleagues to vote for the bill.

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2493, the Forage Improvement Act, which was recently pushed through the Resources Committee without being the subject of hearings.

I have worked on and studied grazing issues for many years. We have had debates often in many different contexts since I've served in Congress. The issues are not simple; they are complex. Congress is charged with determining not just what is best for the local economies of the American West, but also what is best for the ecology of our public rangelands and the taxpayers of this country—in essence, balanced and fair policy, fiscally and environmentally. H.R. 2493 does not fulfill these challenges.

For instance, H.R. 2493 could attach a property right to grazing permits. The 1934 Taylor Grazing Act and the Supreme Court have stated clearly that grazing on public lands is a privilege, not a right. Changing grazing policy in this manner would require the taxpayers to compensate livestock operators when the Federal Government undertakes activities such as wildlife management and watershed restoration. That is not something that I think a majority in this Congress supports. This is a dramatic change which portends a significant impact upon the future of public land with such permits in effect today and tomorrow.

This bill also greatly strengthens the hand of livestock operators at the expense of the ordinary citizen. This bill provides environmental consultants hired by these operators a greater authority in ecological assessments than private citizens who are concerned about the adverse effects of grazing in the specific allotment. This bill also expands the opportunity of ranchers to sublease their permits to include Forest Service as well as BLM lands. Currently, ranchers can sublease their cheap permits to others for much higher rates. This Congress should be eliminating this significant taxpayer ripoff, not expanding it.

The biggest fiscal problem with H.R. 2493, however, is that it doesn't come to grips effectively with the subsidization of grazing fees and the fee structure. This year, it will cost livestock operators on BLM lands \$1.35 per month to feed a single cow and its calf—or \$1.35 per animal unit month [AUM]. But it will cost the taxpayers as much as \$10 in some higher cost areas to provide the services necessary to administer such permits per AUM. In the case of family ranch operators who need Federal permits to survive, in an effort to recognize and preserve a smaller operator's way

of life, this may be justified policy. But in the case of wingtip cowboys like Metropolitan Life and the Anheuser-Busch Co., both of which hold significant Federal grazing permits, I would think we could all agree that taxpayer subsidization is simply not warranted.

The continued grazing policy path of subsidization and distortion of market forces concerning the use of Federal lands for grazing invites environmental problems, short-changes administrative funding, and builds a ranching dependency that leads to the abuses evident in the practices of these corporate cowboy operators.

I will offer an amendment later on that begins the process of fixing this problem. 9 percent of the permittees control 60 percent of the forage on public lands on BLM lands and the number are similar for national forest lands. The other 91 percent are smaller ranchers—all with allotments that allow the grazing of less than 2,000 AUMs. My amendment would not change the current fee structure in H.R. 2493 for those family ranchers, and perhaps help them preserve their ranches. But the privileged few who control most of our public rangelands would have to pay more of their way. My amendment would require that permittees controlling more than 2,000 AUMs on Federal lands pay either the average fee charged by the State in which they operate, or the fee in this bill plus 25 percent. That way, we recognize family ranchers and the wingtip cowboys will pay a greater share, still subsidized but not as much. Additionally, I'm going to offer an amendment to maintain the traditional 5 sheep, 5 goats per AUM. The bill increases this by 33 percent to 7 sheep or goats per AUM, without explanation nor justification. I oppose H.R. 2493, even with the token improvements the chairman of the Agriculture Committee intends to make. I agree with him that we owe it to smaller ranchers and the American people to make our federal grazing program more efficient. We disagree on how to do this. I believe we need to put the reform in this so-called reform measure. My amendment, and others if passed would do just that.

Mr. SKAGGS. Mr. Chairman, we should not pass this bill. In fact, we should not be considering it at all.

Bringing this bill forward is not a step toward better management of the public lands or even toward greater certainty for ranchers who graze livestock on those lands. Instead, it merely revives old quarrels. It threatens to undermine important gains achieved through the hard work of consultation, cooperation, and census-building by suggesting that it may be possible to return to an earlier, less inclusive approach to land management.

For example, to debate this bill means reviving the old quarrel about grazing fees, especially since the bill's fee formula seems to have been developed without very extensive consultations and brought forward with only the sketchiest of explanations or justifications. To take just one example, neither of the two committee reports on this bill explain the basis for redefining the term "animal unit month" with respect to sheep and goats, even though the effect is to dramatically increase the amount of forage that can be purchased for the same fee. I would like to know why we're being asked to decide that sheep and goats actually eat less each month than we used to think.

I'm sure this part of the bill, and the other questions about fees, will be debated at length, as indeed they should be. But what concerns me more is the way the bill would reshape the Resource Advisory Councils and the way in which it would make it harder for the BLM and the Forest Service to do their important and difficult job of managing lands that belong to all the American people.

All of us who took part in past grazing debates remember how heated they were. Those of us from the west also remember that they came to be part of an often-partisan rhetoric about what some of our friends on the other side of the aisle liked to call the "War on the West".

But those of us from the west—and from Colorado in particular—remember something else, as well. We remember that when the debate here in Washington led to stalemate, Secretary of the Interior Bruce Babbitt—a westerner himself—came back to the west. We remember that in Colorado and throughout the west he met with the governors, the local officials, the livestock operators, and the public. We remember the discussions, the negotiations, the give-and-take. And we remember that out of that process has come a chance for a new start, a chance to put aside the old suspicions and to replace the old quarrels with a new structure of cooperation.

The Resource Advisory Councils [RACs] are central to that structure. Already they have achieved some notable successes, not just in Colorado but in other western states as well. The key to those successes has been the fact that they rest on inclusiveness and consultation, and have consensus as their goal.

But this bill originally threatened to deform the councils by replacing a search for consensus with deal-making and bloc voting and by setting the stage for limiting the views and interests to be represented by membership of future councils. This would be exactly wrong. We shouldn't do it.

I'm glad Chairman SMITH has just agreed to strike the bill's provisions regarding RACs. That's an improvement, in that it removes a bad provision, but it's not enough to salvage this legislation.

We also shouldn't make it harder for BLM and the Forest Service to properly manage their lands for multiple uses. But the bill would do that, too—by encouraging subleasing and by restricting proper monitoring of grazing practices, among other things. Again, these are steps backward, as is the bill's redefining of the term "allotment" in a way that suggests an intent to change the legal status of grazing from a permitted use of public lands into a property right—contrary to the clear language of the Taylor Grazing Act and other applicable law, and contrary to well-settled precedent.

So, Mr. Chairman, I regret that this bill is before us. It would be better for everyone—and especially for westerners—to have allowed the new processes of consultation and consensus-building to have continued to work without this distraction. But, since the new majority has chosen instead to bring this bill forward, we should do the right thing. We should reject it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Resources printed in the bill shall be con-

sidered as an original bill for the purpose of amendment under the 5-minute rule for a period not to exceed 3 hours, and shall be considered as read before consideration of any other amendment.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forage Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Rules of construction.
- Sec. 3. Coordinated administration.

#### TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

- Sec. 101. Application of title.
- Sec. 102. Definitions.
- Sec. 103. Prohibited condition regarding grazing permits and leases.
- Sec. 104. Monitoring.
- Sec. 105. Subleasing.
- Sec. 106. Cooperative allotment management plans.
- Sec. 107. Fees and charges.
- Sec. 108. Resource Advisory Councils.

#### TITLE II—MISCELLANEOUS

- Sec. 201. Effective date.
- Sec. 202. Issuance of new regulations.

#### SEC. 2. RULES OF CONSTRUCTION.

(a) LIMITATION ON APPLICATION.—Nothing in this Act shall be construed to affect grazing in any unit of the National Park System, in any unit of the National Wildlife Refuge System, in any unit of the National Forest System managed as a National Grassland by the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), on any lands that are not Federal lands (as defined in section 102), or on any lands that are held by the United States in trust for the benefit of Indians.

(b) MULTIPLE USE ACTIVITIES NOT AFFECTED.—Nothing in this Act shall be construed to limit or preclude the use of Federal lands (as defined in section 102) for hunting, fishing, recreation, or other multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

(c) VALID EXISTING RIGHTS.—Nothing in this Act shall be construed to affect valid existing rights, reservations, agreements, or authorizations under Federal or State law.

(d) ACCESS TO NONFEDERALLY OWNED LANDS.—Section 1323 of Public Law 96-487 (16 U.S.C. 3210) shall continue to apply with regard to access to nonfederally owned lands.

#### SEC. 3. COORDINATED ADMINISTRATION.

To the maximum extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall provide for consistent and coordinated administration of livestock grazing and management of Federal lands (as defined in section 102), consistent with the laws governing such lands.

#### TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

##### SEC. 101. APPLICATION OF TITLE.

(a) FOREST SERVICE LANDS.—This title applies to the management of grazing on National Forest System lands, by the Secretary of Agriculture under the following laws:

(1) The 11th redesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (commonly known as the Organic Administration Act of 1897) (30 Stat.

35, second full paragraph on that page; 16 U.S.C. 551).

(2) Sections 11, 12, and 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 580l).

(3) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(4) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(6) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(7) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(b) BUREAU OF LAND MANAGEMENT LANDS.—This title applies to the management of grazing on Federal lands administered by the Secretary of the Interior under the following laws:

(1) The Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

(2) The Act of August 28, 1937 (commonly known as the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937) (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.).

(3) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(5) The Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(c) CERTAIN OTHER UNITED STATES LANDS.—This title also applies to the management of grazing by the Secretary concerned on behalf of the head of another department or agency of the Federal Government under a memorandum of understanding.

#### SEC. 102. DEFINITIONS.

In this title:

(1) ALLOTMENT.—The term "allotment" means an area of Federal lands subject to an adjudicated or apportioned grazing preference that is appurtenant to a base property.

(2) AUTHORIZED OFFICER.—The term "authorized officer" means a person authorized by the Secretary concerned to administer this title, the laws specified in section 101, and regulations issued under this title and such laws.

(3) BASE PROPERTY.—The term "base property" means private or other non-Federal land, water, or water rights owned or controlled by a permittee or lessee to which a Federal allotment is appurtenant.

(4) CONSULTATION, COOPERATION, AND COORDINATION.—For the purposes of this title (and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d))), the term "consultation, cooperation, and coordination" means to engage in good faith efforts—

(A) to discuss and exchange views; and

(B) to act together toward a common end or purpose.

(5) FEDERAL LANDS.—The term "Federal lands" means lands outside the State of Alaska that are owned by the United States and are—

(A) included in the National Forest System; or

(B) administered by the Secretary of the Interior under the laws specified in section 101(b).

(6) GRAZING PERMIT OR LEASE.—The term "grazing permit or lease" means a document authorizing use of Federal lands for the purpose of grazing livestock—

(A) within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1270, chapter 865; 43 U.S.C. 315b);

(B) outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1275, chapter 865; 43 U.S.C. 315m); or

(C) on National Forest System lands under section 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 88, chapter 97; 16 U.S.C. 580l).

(7) LAND USE PLAN.—The term "land use plan" means—

(A) a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit of the National Forest System; or

(B) a resource management plan (or a management framework plan that is in effect pending completion of a resource management plan) developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for Federal lands administered by the Bureau of Land Management.

(8) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given such term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include any lands managed as a National Grassland under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(9) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands administered by the Secretary of the Interior under the laws specified in section 101(b).

(10) SIXTEEN CONTIGUOUS WESTERN STATES.—The term "sixteen contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

#### SEC. 103. PROHIBITED CONDITION REGARDING GRAZING PERMITS AND LEASES.

The Secretary concerned may not impose as a condition on a grazing permit or lease that the permittee or lessee provide access across private property unless the condition is limited to ingress and egress for Federal personnel engaged in authorized activities regarding grazing administration on Federal in-holdings.

#### SEC. 104. MONITORING.

(a) MONITORING.—The monitoring of conditions and trends of forage and related resources on Federal lands within allotments shall be performed only by qualified persons from the following groups:

(1) Federal, State, and local government personnel.

(2) Grazing permittees and lessees.

(3) Professional consultants retained by the United States or a permittee or lessee.

(b) MONITORING CRITERIA AND PROTOCOLS.—Such monitoring shall be conducted according to regional or state criteria and protocols selected by the Secretary concerned. The monitoring protocols shall be site specific, scientifically valid, and subject to peer review. Monitoring data shall be periodically verified.

(c) TYPES AND USE OF DATA COLLECTED.—The data collected from such monitoring shall include historical data and information, if available, but such data or information must be objective and reliable. The data and information collected from such monitoring shall be used to evaluate—

(1) the effects of ecological changes and management actions on forage and related resources over time;

(2) the effectiveness of actions in meeting management objectives contained in applicable land use plans; and

(3) the appropriateness of resource management objectives.

(d) NOTICE.—In conducting such monitoring, the Secretary concerned shall provide reasonable notice of the monitoring to affected permittees or lessees, including prior notice to the extent practicable of not less than 48 hours.

#### SEC. 105. SUBLEASING.

(a) PROHIBITION ON SUBLEASING GRAZING PERMIT OR LEASE.—A person issued a grazing permit or lease may not enter into an agreement with another person to allow grazing on the Federal lands covered by the grazing permit or lease by livestock that are neither owned nor controlled by the person issued the grazing permit or lease.

(b) TREATMENT OF LEASE OR SUBLEASE OF BASE PROPERTY.—The leasing or subleasing, in whole or in part, of the base property of a person issued a grazing permit or lease shall not be considered a sublease of a grazing permit or lease under subsection (a). The grazing preference associated with such base property shall be transferred to the person controlling the leased or subleased base property.

#### SEC. 106. COOPERATIVE ALLOTMENT MANAGEMENT PLANS.

(a) WRITTEN AGREEMENTS FOR OUTCOME-BASED STANDARDS.—An allotment management plan developed under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) may include a written agreement with a qualified grazing permittee or lessee described in subsection (b) (or a group of qualified grazing permittees or lessees) that provides for outcome-based standards, rather than prescriptive terms and conditions, for managing grazing activities in a specified geographic area. At the request of a qualified grazing permittee or lessee, the Secretary concerned shall consider including such a written agreement in an allotment management plan. An allotment management plan including such a written agreement shall be known as a cooperative allotment management plan.

(b) QUALIFIED GRAZING PERMITTEE OR LESSEE DESCRIBED.—A qualified grazing permittee or lessee referred to in subsection (a) is a person issued a grazing permit or lease who has demonstrated sound stewardship by meeting or exceeding the forage and rangeland goals contained in applicable land use plans for the previous five-year period.

(c) INCLUSION OF PERFORMANCE GOALS.—A written agreement entered into as part of an allotment management plan developed under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) shall contain performance goals that—

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

#### SEC. 107. 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) LIMITATION.—The fee determined under paragraph (1) shall be the only grazing fee applicable to livestock owned or controlled by a person issued a grazing permit or lease.

(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.

#### SEC. 108. RESOURCE ADVISORY COUNCILS.

(a) ESTABLISHMENT.—

(1) JOINT ESTABLISHMENT.—The Secretary of Agriculture and the Secretary of the Interior may jointly establish and operate a Resource Advisory Council on a State, regional, or local level to provide advice on management issues regarding Federal lands in the area to be covered by the Council.

(2) ESTABLISHMENT BY SINGLE SECRETARY.—If the Federal lands in an area for which a Resource Advisory Council is to be established are under the jurisdiction of a single Secretary concerned, that Secretary concerned shall be responsible for the establishment and operation of the Resource Advisory Council.

(3) EXCEPTION.—A Resource Advisory Council shall not be established in any State, region, or local area in which the Secretaries jointly determine that there is insufficient interest in participation on a Resource Advisory Council to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed.

(4) TREATMENT OF EXISTING ADVISORY COUNCILS.—To the extent practicable, the Secretaries shall implement this section by modifying existing advisory councils established under section 309(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(a)) for the purpose of providing advice regarding grazing issues.

(5) CONSULTATION.—The establishment of a Resource Advisory Council for a State, region, or local area shall be made in consultation with the Governor of the affected State.

(b) DUTIES.—Each Resource Advisory Council shall advise the Secretary concerned and appropriate State officials on—

(1) matters regarding the preparation, amendment, and implementation of land use plans within the area covered by the Council; and

(2) major management decisions, while working within the broad management objectives established for such Federal lands in applicable land use plans.

(c) VOTING.—All decisions and recommendations by a Resource Advisory Council shall be on the basis of a majority vote of its members.

(d) DISREGARD OF ADVICE.—If a Resource Advisory Council is concerned that its advice is being arbitrarily disregarded, the Resource Advisory Council may request that the Secretary concerned respond directly to the Resource Advisory Council's concerns. The Secretary concerned shall submit to the Council a written response to the request within 60 days after the Secretary receives the request. The response of the Secretary concerned shall not—

(1) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(2) be subject to appeal.

(e) MEMBERSHIP.—

(1) NUMBERS.—The Secretary of Agriculture and the Secretary of the Interior (or the Secretary concerned in the case of a Resource Advisory Council established by a single Secretary) shall appoint the members of each Resource Advisory Council. Such appointments shall be made in consultation with the Governor of the affected State or States. A Council shall consist of not less than nine members and not more than fifteen members.

(2) REPRESENTATION.—In appointing members to a Resource Advisory Council, the Secretaries or the Secretary concerned (as the case may be) shall provide for balanced and broad representation of permittees and lessees holding a grazing permit or lease and other groups, such as commercial interests, recreational users, representatives of recognized local environmental or conservation organizations, educational, professional, or academic interests, representatives of State and local government or governmental agencies, Indian tribes, and other members of the affected public.

(3) INCLUSION OF ELECTED OFFICIAL.—The Secretaries or the Secretary concerned (as the case may be) shall appoint as a member of each Resource Advisory Council at least one elected official of a general purpose government serving the people of the area covered by the Council.

(4) PROHIBITION ON CONCURRENT SERVICE.—No person may serve concurrently on more than one Resource Advisory Council.

(5) RESIDENCY REQUIREMENT.—Members of a Resource Advisory Council must reside in the geographic area covered by the Council.

(6) GRANDFATHER CLAUSE.—A person serving on the date of the enactment of this Act as a member of an advisory council established under section 309(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(a)) for the purpose of providing advice regarding grazing issues shall serve as a member on the corresponding Resource Advisory Council established under this section for the balance of the person's term as a member on the original advisory council.

(7) SUBGROUPS.—A Resource Advisory Council may establish such subgroups as the Council considers necessary, including working groups, technical review teams, and rangeland resource groups.

(f) TERMS.—Resource Advisory Council members shall be appointed for two-year terms. Members may be appointed to additional terms at the discretion of the Secretaries or the Secretary concerned (as the case may be). The Secretaries or the Secretary concerned (as the case may be), with the concurrence of the Governor of the State in which the Council is located, may terminate the service of a member of that Council, upon written notice, if—

(1) the member no longer meets the requirements under which the member was appointed or fails or is unable to participate regularly in the work of the Council; or

(2) the Secretaries or the Secretary concerned (as the case may be) and the Governor determine that termination is in the public interest.

(g) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—A member of a Resource Advisory Council shall not receive any compensation in connection with the performance of the member's duties, but shall be reimbursed for travel within the geographic area covered by the Council and per diem expenses only while on official business, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL ADVISORY COMMITTEE ACT.—Except to the extent that it is inconsistent with this title, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Resource Advisory Councils.

(i) STATE GRAZING DISTRICTS.—Resource Advisory Councils shall coordinate and cooperate with State Grazing Districts established pursuant to State law.

#### TITLE II—MISCELLANEOUS

##### SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on 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 CHAIRMAN. It shall be in order to consider the amendment printed in House Report 105-355, if offered by the gentleman from Oregon [Mr. SMITH] or his designee. That amendment shall be considered read, be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent, and shall not be subject to a demand for a division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman may accord



priority in recognition to a Member offering an amendment that has been printed in the designated place in the RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer a manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. SMITH of Oregon:

Page 27, line 6, strike "appurtenant to" and insert "associated with".

Page 27, lines 18 and 19, strike "to which a Federal allotment is appurtenant" and insert "with which a Federal allotment is associated".

Page 27, beginning on line 20, strike paragraph (4) (and redesignate subsequent paragraphs accordingly).

Page 31, beginning on line 4, strike section 103.

Page 31, line 15, insert "resource" after "of".

Page 31, beginning on line 16, strike "of forage and related resources".

Page 32, beginning on line 9, strike subsection (c), and insert the following new subsection:

(c) TYPES AND USE OF DATA COLLECTED.—

(1) USE OF PREVIOUSLY COLLECTED DATA AND INFORMATION.—In addition to using data collected from monitoring conducted under the authority of this section, the Secretary concerned shall consider data and information collected before the date of the enactment of this Act, if available, so long as the historical data and information is objective and reliable.

(2) APPLICATION OF CRITERIA AND PROTOCOLS.—The Secretary concerned shall not accept monitoring data that does not meet the requirements of subsection (a) or (b).

(3) USE OF DATA.—The data and information collected from such monitoring shall be used to evaluate—

(A) the effects of ecological changes and management actions on resources over time;

(B) the effectiveness of actions in meeting management objectives contained in applicable land use plans; and

(C) the appropriateness of resource management objectives.

Page 33, beginning on line 14, strike subsection (b) and insert the following new subsection:

(b) TREATMENT OF LEASE OR SUBLEASE OF BASE PROPERTY.—The leasing or subleasing of the entire base property, or lease of a quantity of base property sufficient to meet the base property requirement of the Secretary concerned, of a person issued a grazing permit or lease shall not be considered a sublease of a grazing permit or lease under subsection (a). The grazing preference associated with such base property may be transferred to the person controlling the leased or subleased base property if the transfer is approved by the Secretary concerned. All terms and conditions of the existing grazing permit or lease shall bind the person controlling the leased or subleased base property.

Page 34, line 5, strike "developed" and insert "or a grazing permit or lease".

Page 34, strike lines 18 through 21 and insert the following: "management plan or a grazing permit or lease".

Page 35, line 3, insert after "plans" the following: "and in that person's grazing permit or lease".

Page 35, strike lines 4 through 9, and insert the following:

(c) INCLUSION OF PERFORMANCE GOALS.—A written agreement authorized under subsection (a) shall contain performance goals that—

Page 35, after line 19, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(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).

Page 36, beginning on line 16, strike paragraph (2).

Page 39, beginning on line 9, strike section 108.

Page 46, line 10, insert after "take effect on" the following: "the first day of the first grazing season beginning after".

The CHAIRMAN. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

As has been indicated, Mr. Chairman, this bill has been an accumulation of views over the past months from across this great country, and, as indicated by the speakers you have heard already in general debate, this is widely supported in areas of the country that have no public lands. I am very appreciative of that support, because, again, this indeed is a Western issue, and, as some say, many do not have a dog in this fight. But many have stepped forward, and we have done it on a bipartisan basis.

The gentleman from Texas [Mr. STENHOLM], the ranking member on the Committee on Agriculture, has assembled a group of Democrats who are supporting this bill enthusiastically.

So this is not a question of separating the West from the rest of the America, nor is it a question of separating one party from another, nor is it a question of separating environment from grazing. I think we have here a coordinated effort, as evidenced by those speakers who have eloquently identified this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. VENTO. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a compromise of sorts. I object to it, because I do not

think it is a compromise that embraces the major flaws in the bill. It does eliminate the restructuring of the RAC's, and that is good, but the fact is that some of the underlying problems still persist.

For instance, we had talked about the fact that this bill tended to build a confusion about a property right with regard to an amendment. On page 27, the definition is less than clear than existing BLM definitions. This takes us back. The word associated with this type of compromise, it is going to be decided by a court. You are not clarifying something here; you are, in fact, moving it to the issue where someone will try to establish a property right based on this new language.

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They eliminate some definitions that are confusing. They still have confusion with regard to monitoring, as I said, Mr. Chairman, earlier. The 48-hour provision remains in this bill. This would have prohibited agencies from conditioning grazing permits or leases, or a permittee permitting access against private property, it eliminated that agency, but with monitoring there are still problems. It is only a marginal improvement in terms of what is going on.

It is changing. They say they are for sound science, except they are writing into law the fact that you have to take into consideration some of the history, some of the other factors. This, again, is going to be open to interpretation as to what the rules and regulations are in the actual practice that evolves.

I think it is questionable. If you are trying to clarify something and provide the type of clarity that the proponents suggest or try to embrace here, it is important. Fundamentally, much of what has been discussed here is behind a facade of the venerable cowboy, but the fact is that many of these cowboys today are wearing wing-tipped shoes. Sixty percent of the forage is controlled by 10 percent of the permittees. That is the language we have.

The amendments we plan to offer will, indeed, address that, or provide the opportunity to address that in terms of trying to deal with the corporate cowboys that are, in fact, ripping us off. This amendment simply does not go far enough in terms of what it has done.

The cooperative management agreement that is talked about ties cooperative management agreements to the grazing permit or lease, changes only of marginal improvement. The underlying section continues to be seriously flawed. It goes far beyond what agencies do and it is inconsistent with FLPMA and the Taylor Grazing Act. Agencies do not allow grazing use over and above mandatory terms and conditions of the permit lease, as section 106 would do.

Mr. Chairman, this amendment as a compromise simply does not make it. That is why I am rising in opposition.



There are some things in it that are better than what is in the bill, but this is not a compromise, in my judgment.

Frankly, if this bill had been worked out and worked on for so long, why is this compromise being offered today on the floor? The fact is, this is a last-minute effort to try to put a veneer of compromise and balance on this bill, which remains unbalanced.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Oregon [Mr. SMITH], in attempting to continue the good-faith efforts toward meeting some of the concerns that have been raised by those who oppose this bill.

It is my understanding that this amendment that I offer has been agreed to by all interested parties, and would basically do three things. In section 102 of the bill, it would strike the definition of the term "allotments," in section 102 of the bill it would strike the definition of the terms "base property," and in section 3, or in section 105 of the bill, it would strike subsection (b), which deals with the treatment of lease or sublease of base property.

I offer this, again, in a good-faith effort to meet some of the objections which the chairman has agreed to, and it is my understanding all of the parties have agreed to this language.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

#### PARLIAMENTARY INQUIRIES

Mr. VENTO. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will state his inquiry.

Mr. VENTO. Mr. Chairman, did the gentleman from Texas [Mr. STENHOLM] ask unanimous consent to modify the amendment? Is that what the gentleman had intended to do?

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has not offered an amendment yet. If the gentleman intends to offer an amendment, that may be done at the end of the debate on the amendment offered by Mr. SMITH. That has not yet been done.

Mr. VENTO. Further parliamentary inquiry, Mr. Chairman. Do I misunderstand that the gentleman was offering or attempting to offer the amendment at this time?

The CHAIRMAN. He has not offered the amendment as of yet.

Mr. VENTO. I thank the Chair.

#### PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Chairman, I have a parliamentary inquiry, to clear up any misunderstanding.

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] will state his inquiry.

Mr. SMITH of Oregon. Mr. Chairman, it is my understanding that we are debating my amendment, and when time runs out, there will be opportunity for further amendments to my manager's amendment.

The CHAIRMAN. The gentleman from Oregon is correct.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say again that some of the opposition that the gentleman states to this bill is clarified in this amendment that is about to be presented, which basically is silent on the question of property right. It does not convey a property right nor does it deny a property right, so we go back to existing law, and we go back to court cases. That is all. The same point about monitoring.

Mr. Chairman, if the gentleman does not trust Mr. Glickman, the Secretary of Agriculture, and Mr. Babbitt, the Secretary of the Interior, who have all the responsibility for monitoring, then who should we really trust? So I think the gentleman is a little off base in the question of monitoring, and certainly he is off base on the question of the property right.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just note to the gentleman on page 27 that the amendment the gentleman is offering right now changes the definition of "allotment" and changes the definition of "base property" to include allotment as "associated with." I think is the point.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. The gentleman must read the amendment forthcoming.

Mr. VENTO. I appreciate that. I was about to explain that I was catching up with what is to be offered beyond that. What was in the bill I was accurate about. What was in the amendment right now I am accurate about, right now with regard to "associated with."

These definitions have a great confusion with regard to property right, and it would end up in court. I appreciate the fact that the gentleman is going to further perfect the manager's amendment with the Stenholm amendment, but I want to just point out that I think I was accurate, and tried to be accurate. The fact is we have enough differences of opinion that we do not have to argue about that which is factually correct.

Mr. SMITH of Oregon. Mr. Chairman, I am sure the gentleman will support the bill, in that case.

Mr. VENTO. I do not think so.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just point out to the gentleman that I understand that the amendment to be offered also will eliminate subleasing on Forest Service lands. In my time during general debate, I tried to structure my arguments based on the fact of what was in the initial manager's amendment, and now I understand the gentleman is going to change it and take some of those provisions out. I must say that they represent improvements. I commend the gentleman for that.

But there are still significant differences that we have with regard to monitoring. I still have significant differences with regard to where we need to go in terms of how we manage this 250 million acres of land. We intend to pursue those during the time of offering the amendments.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. STENHOLM TO THE AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. STENHOLM. Mr. Chairman, I offer the perfecting amendment to the amendment that I discussed and explained in the general debate on the chairman's part.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM to the amendment offered by Mr. SMITH of Oregon:

In lieu of the amendments relating to page 27, line 6, page 27, lines 18 and 19, and page 33, beginning on line 14, insert the following amendments:

Page 27, beginning on line 3, strike paragraph (1).

Page 27, beginning on line 14, strike paragraph (3).

Page 33, beginning on line 14, strike subsection (b).

Mr. STENHOLM. Mr. Chairman, I will not take any additional time. I explained the amendment during general debate on the previous amendment. I do believe it is agreed to by all of the parties, that it is a perfecting amendment. I would urge its adoption.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to check through this. This strikes both the definitions on section 102 on allotment on base property, and then further strikes the new (b), the new (b) that was in the amendment, is that correct, under section 105?

Mr. STENHOLM. That is correct.

Mr. VENTO. So there will be no subleasing of Forest Service allotments, and there will be no new definition of "allotment" or "base property"; is that correct?

Mr. STENHOLM. That is my understanding, but I would ask the chairman to confirm it.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding.

It is exactly as identified. The problem here has been all along that there

are some who believe that this language conveys a property right, some who believe it does not. In an effort to reach agreement on this bill, we did not feel that this was the time to settle the question of the property right, so we dropped the definition so that the debate can continue through the courts, if necessary, and will be, about the issue of property right. This is no longer an issue in this bill. We do not go back, we just rely upon court decisions and interpretation as we know it today.

The other part of this bill, indeed, we drop the question of the subleasing, not that subleasing is still illegal when you sublease a priority right. However, interpretation will be continued, as it has been, by the Bureau of Land Management and by the Forest Service as they have existed before this bill arrived.

Mr. VENTO. If the gentleman will yield further, I would just point out that this does not change this, that currently when there is a sublease there is a surcharge by BLM in terms of that sublease. They put a surcharge on it in terms of their activities. This bill eliminates that surcharge. These amendments do not modify that surcharge. That still remains. Is that correct? He said this vitiates the surcharge.

Mr. SMITH of Oregon. If the gentleman will continue to yield, Mr. Chairman, it is current law. We go back to current law. It is just not addressed in this bill.

Mr. STENHOLM. Mr. Chairman, I urge the adoption of my perfecting amendment.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand going back to current law means BLM will be able to continue to charge the surcharge in terms of subleasing. That is my understanding. There will not be subleasing on the Forest Service, there will be, of course, current law with regard to BLM.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Subleasing of a permit is against the law. You cannot sublease a permit. You can sublease base property with the permit, and that is what we are talking about. We go back to current law.

Mr. VENTO. I appreciate the gentleman's clarification.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM] to the amendment offered by the gentleman from Oregon [Mr. SMITH].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SMITH], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendment No. 10 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows.

Amendment No. 10 offered by Mr. VENTO:

In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal units months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) 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.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

Mr. VENTO. Mr. Chairman, this amendment was described in a Dear Colleague. What it attempts to do is to differentiate between the family rancher, providing that the existing fee formula that is in this measure would prevail, which is, as I pointed out, a substantially subsidized operation with regard to the amount that BLM or Forest Service spends or expends, and the amount of fees that are retained.

Of course, much of those fees go back to the grazing councils and back to the States. So the fact is that the Federal Government, if we look at the scoring of this, has actually even a greater cost that is associated with it. As I pointed out, many attribute nearly \$400 million to the cost of managing the 28,000 grazing permits on the various allotments.

□ 1230

The 250 million acres of land that we have grazed. And I would say to my colleagues that this affects the National Forests, it affects the Bureau of Land Management lands, it affects almost all the lands within the National Forests, whether they be wilderness, whether they be areas of special environmental concern in terms of the BLM. All of these lands are grazed. And as a matter of fact, some of the most outrageous consequences of that are viewed in some of these hot desert areas in some of the Southwest States where, of course, much of the land retained in Government ownership does not have the water, is land of quality that is not desirable for other purposes,

and the consequences when overgrazing and abuses have occurred in the past, but do not always occur but they have in the past, these lands take a long, long time to heal.

Mr. Chairman, the tragedy, I think, of this issue is not just the money, the dollars lost to the taxpayers, but it is the consequence to these ecosystems which are so important for both recreation, for the maintenance of biodiversity, and other purposes.

Today this amendment I am offering will continue the type of assistance in this bill for those that have less than 2,000 animal unit months, 2,000 AUM's. This will take care of the family farms. This gives them that opportunity to have this lower subsidized fee, but for those above that size, and that only constitutes about 9 or 10 percent of the permittees that control 60 percent, 60 percent of the forage, 60 percent of the forage or the AUM's are controlled by that group.

In numbers we can look at that. With the 28,000, we realize that we are only talking about less than 3,000 of those and these are the corporate cowboys. Many times in a competitive marketplace it can be argued that family ranchers who are struggling ought to benefit. I think that argument can be made. But under this bill the way it is structured, the same benefits go to giant corporations, to oil companies, to insurance corporations who run operations five times the size of family farm ranches and pay the same low subsidized rate.

Mr. Chairman, this is not fair to the family ranchers or the American taxpayer. This Vento amendment will make these corporate cowboys pay their fair share. The megaoperators, those with the 2,000-plus animal unit months or cow-calf groups, will pay either the State permit fee which is charged in the various States, and we are comparing apples and apples because we are talking about AUM's. So no matter what the other services, we are talking about the animal unit months. They pay that fee that is paid in that State.

Mr. Chairman, I would say that many times the Federal lands only comprise about 10 percent in the case of California, 30 percent in some other States that are public lands States. And they would either pay that rate or 25 percent above the subsidized rate that goes to these family farmers.

These corporate cowboys are hiding behind, as I said, the sod of that revered cowboy and those ranch families. I think that we ought to strip that away and actually cause them to pay a little more. They would still get a subsidized rate, but not as great.

My amendment preserves the fee formula for the small and middle operation ranchers and families. For large scale livestock operators the days of taxpayer subsidized grazing would be over. These large operators comprise less than 10 percent of the permittees, but control over 60 percent of the forage.

Mr. Chairman, the abuses of the Federal grazing program are numerous, but there are a few notorious examples. One is a Japanese company, a foreign company, operating in Montana, raising over 6,000 cows for the purpose of selling specialized beef for a foreign market. In reading articles about this, Mr. Chairman, it was pointed out that they will be willing to pay a higher fee; these Japanese operated companies; they would not object to paying that higher fee.

A national oil company grazed over 10,000 cows on Federal rangelands in 1990, and a national life insurance company grazed over 12,000 cows on Federal lands in 1990.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, by passing the Vento amendment, we can still guarantee equitable treatment for small ranchers and taxpayers who it is estimated pay as much as \$400 million a year to continue the total Federal grazing program. The numbers that we see, of course, come in at about \$60 million or \$70 million to manage the program, and the receipts are somewhere less than \$25 million, even under this bill. So it is a three-to-one ratio, according to the BLM and the Forest Service.

A vote for the Vento amendment will take the corporate cowboys off the grazing haywagon, off the taxpayers' back, and put some real reform into this forage bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this whole question of fees is always controversial and charges are made back and forth, and I maintain that this fee is not a subsidy to anybody. The livestock industry in this country has never asked this Congress or the American people for one dime and I doubt if they ever will.

However, we do plan a new formula, and I oppose the Vento amendment because it destroys the idea that this formula will be in place and people can be confident in it.

The formula, by the way, was developed by a professor at New Mexico State University, and it changes the manner in which we measure the amount of money that the Federal Government should receive from an asset, a capital asset, like its lands.

The way it is done, and I think very effectively, is to measure the production of an animal on public lands. The way that is done is to determine the value of production of a cow, calf, a bull, and replacement heifers, which by the way is published every year by the Agricultural Economic Program. The value then is divided by the 6-month Treasury note.

The 6-month Treasury note is a measurement in the United States as

to how much and at what cost the Federal Government would pay for money. We use the 6-month because it is the highest of most of the Treasury bills.

Mr. Chairman, we then apply this formula over a 12-year period so we take the hills and valleys out of the production of animals on public lands and the hills and valleys out of the 6-month Treasury note.

Therefore, this capital asset now is treated like every other asset of the United States. It is treated like every other capital asset that it returns to the Treasury, the equivalent of a 6-month Treasury bill.

That is the formula that we are trying to place. The result of that formula will require an additional \$6 million of money from those people who graze on public lands. That will increase the AUM cost from currently \$1.35 per animal unit month to \$1.84 per animal unit month. And that, then, of course, that fee will be adjusted each year according to the figures amassed.

It is a simple way to place the formula. It is a fair return to the Government, and I want to ask the people in this room, and those listening, how many industries in America would come to the Congress and ask for a 36-percent increase in their cost of doing business? The livestock industry is doing that.

AMENDMENT OFFERED BY MR. KLUG TO THE  
AMENDMENT OFFERED BY MR. VENTO

Mr. KLUG. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG to the amendment offered by Mr. VENTO:

Insert at the end of the amendment the following new amendments:

Strike line 25 on page 35 and all that follows through line 15 on page 36, and insert the following:

(a) BASIC FEE.—The basic fee for each animal unit month in a grazing fee year shall be equal to the rate charged for grazing on State lands in the State in which the Federal lands covered by the grazing permit or lease are located.

Page 37, beginning on line 22, strike subsection (d).

Mr. KLUG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KLUG. Mr. Chairman, we are going to pick up on the argument that just went on between the gentleman from Oregon [Mr. SMITH] and the gentleman from Minnesota [Mr. VENTO], and that is whether there is a subsidy involved to Western ranchers.

Let me point out that in a 1991 General Accounting Office report done on the subject, quote, and this is talking about the grazing program, "It does not achieve an objective of recovering reasonable program costs because it does not produce a fee that covers the Government's cost to manage the grazing program."

In other words, Mr. Chairman, it costs us a lot more money to run this program than we take in because of it. And I would argue that on the face of it, Mr. Chairman, that that therefore represents a subsidy.

I can remember when I was a freshman in Congress, about the time that the GAO report was done, when the Government Operations Subcommittee I was involved in took a look at ski programs across the United States and looked at the amount of money the Federal Government got where it leased lands to ski companies versus the amount of money that State governments got where it leased land to ski companies. Consistently across the board we negotiated poorer deals than the States did on land that was adjacent to one another. The same kind of ski lifts, the same kind of companies. We got shortchanged.

Mr. Chairman, this amendment today simply piggybacks off the apparent ability of States to do a better job negotiating than we can by saying that we are going to tie Federal fees to State fees.

Now, what the gentleman from Oregon [Mr. SMITH] wants to accomplish and what the cattle industry wants to accomplish is certainty. I understand that because it is tough to do business when prices go up and prices go down, when costs go up and costs go down.

Frankly, it is the kind of problem, Mr. Chairman, that my dairy farmers in Wisconsin have. They are not sure from month to month what production costs are going to be.

In this case we will do two things. We will deliver certainty because they already know what the fees are that are established at the State level, and we will return a higher value to U.S. taxpayers.

Mr. Chairman, again I hate to keep beating the same drum over and over. It costs us \$42 million to run this program. We now collect \$5.5 million. And under the best scenario under the language offered by the gentleman from Oregon [Mr. SMITH], we will collect only \$2 million more, which means we are still losing \$35 million on the deal.

Mr. Chairman, if instead we substitute language which says we are going to charge the State fees, we make more money. For example, under the bill we are debating right now the current fee that will be established will be \$1.60. The lowest State fee is Arizona, which is \$2.18. Remember, this Federal legislation now says \$1.60, which is only a slight increase.

Mr. Chairman, in the State of Nebraska it is more than \$22. If we sum those all up across all the places where grazing is allowed on BLM land or State land, the Congressional Budget Office says that gross revenues under this formula would increase \$30 million annually; \$24 million would be the Treasury's net revenues.

We do not completely break even and a number of my colleagues from the West would make the argument that

the one reason we can never break even on BLM land, just like on Forest Service land, is because those operations are run so much more inefficiently than they are run in the private sector. I would grant that that is true.

But I would also suggest that while I may not have a dog in this fight from Wisconsin, I do have a dollar invested in this fight and every single one of my taxpayers does, and it makes a lot more sense to me that rather than making \$7.5 million on the program, we make \$30 million on the program, which means we still do not break even but we get a lot closer to our goal.

The Federal Land Policy Management Act mandates a reasonable return on the dollar for Federal taxpayers. Now, we have managed to accomplish that in the oil industry and the coal industry and the gas industry, but we have not done it in grazing.

Mr. Chairman, let me also point out a couple of other dynamics in the industry. Ninety-eight percent of cattle-men in this country and 97 percent of sheep farmers in this country do not have access to Federal land. They can still stay in the business regardless of when these fees are. And of the 23,000 permit holders, the gentleman from Minnesota is absolutely right, there are some extraordinarily egregious cases. There are three Forbes billionaires who get subsidies from the Federal Government in order to graze on federally owned land. There are four oil and mining companies, and there is, intriguingly, one brewery which also gets subsidies as a result of this.

The bottom line, Mr. Chairman, is we need to return a fair price to the U.S. taxpayer. Obviously, the cattle industry and the sheep industry manage to flourish and prosper on State lands all across the West. I am convinced they will continue to flourish because they will have new certainty on Federal lands in the West. But I can also tell my colleagues that it is time we ask them to pay a fair price for the services we provide.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, both of these amendments, the amendment offered by the gentleman from Minnesota [Mr. VENTO] and the amendment offered by the gentleman from Wisconsin [Mr. KLUG] make an awful lot of sense.

Clearly this legislation in the last half-hour has been improved by the amendments offered by the gentleman from Texas [Mr. STENHOLM]. But now we are down to the crux of the program, which is whether or not the taxpayers of this country are entitled to have the costs of this program covered by those who benefit from it.

□ 1245

The problem we have in the existing program is that, in effect, the benefits or the formula, the new formula offered in this legislation is simply arbitrary. It does not reflect what the real cost of

doing business is or what the real potential for profit is or the qualities of the lands, which are related to those across the Federal grazing program. The fact of the matter is, as pointed out by the gentleman from Wisconsin [Mr. KLUG], it appears that the States for comparable lands are able to much better negotiate with the ranchers, with the grazers on the basis of the value of those lands. Those are the people who are competing right alongside of the people who have Federal allotments that have a much lower cost in terms of the AUM for those lands.

When the Federal grazer goes to sell their cattle, they do not sell it at a lower price because they had a lower price of production. They all go to the same auction. They all go to the same purchaser, to the slaughterhouse, however the purchaser is decided, and a price is published or bid and they do not ask whether you are a Federal cow, a State cow, or a private sector cow. And therefore, what we see is a subsidy that flows to the Federal cow, the Federal grazer, in this case, as opposed to that which goes to the person farming or grazing on private sector land and/or grazing on State lands that are in the same area, same vicinity and comparable for that production.

This has historically been a problem in the West. It certainly happens in my State of California where we have Federal water and we have State water. Federal water or State water will grow tomatoes; one is a Federal tomato and one is a State tomato. But when you go to Hunt Foods or Libby-McNeil, they do not ask if you are a Federal tomato or a State tomato. They say, this is what we are paying per ton of tomatoes. There is, in fact, a subsidy.

I think that for the moment, just as we had to finally make a decision that we were going to let the States start collecting royalties on some oil and gas because they were more efficient than the Federal Government, I think here we ought to think about and the gentleman from Wisconsin [Mr. KLUG] suggests we should be pegging the Federal return to the taxpayer based upon what the States charge because they seem to be much more efficient in getting that return to their taxpayers for this land.

Again, the formula that is presented by the gentleman from Oregon [Mr. SMITH] does not take into account the differences in the quality of the land, the land in Nebraska, the land in Colorado or up in the northern corner of California or the land in Arizona. Some cows eat creosote and have to go 40 miles an hour just to stay alive. Other cows are standing around in high clover. And there is no distinction. But there is a distinction when we get to the State leasing of these lands.

I think this is a fair, nonprejudicial way to allocate these resources. As the gentleman from Wisconsin [Mr. KLUG] points out, even this will not recover to us the full cost of doing business. But we can work on that. We can continue to work on the efficiencies and

the costs of this program by the agencies that are running it.

First of all, we have got to stop the hemorrhaging of subsidies that flow out of this program and deprive the taxpayer of that return. This Congress over the last several years, in efforts to balance the budget, has assessed fees on multiple users, even in the granddaddies of all the water projects out in California. We now every year update the cost of doing business. We charge more and more as the cost goes up. No longer do we just pass that on to the taxpayer and those irrigators have to absorb that.

That is a decision we made a number of years ago, 3 or 4 years ago, as we decided to try and reduce this Federal deficit. We should be doing the same with respect to the Federal grazing program and, with the inclusion of this amendment, we have a very substantially improved bill beyond those improvements provided by the Stenholm amendment and the recent changes by the chairman of the committee. Without it, without this amendment or the Vento amendment, this is clearly a seriously flawed program with respect to the interest of the national taxpayers.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I totally agree with the gentleman from California's statement that says when a rancher brings a calf to the market, the market does not differentiate whether it is grazed on State land, Federal land or private land. As I stated during the earlier debate, the general debate, if I were convinced that this was a subsidy for Western ranchers that accrued an unfavorable advantage to them over my Texas constituency, I would not be standing here today arguing, as I am, because it would be rather foolish politically or economically.

I have spent years trying to ascertain what a fair grazing rate is. I have listened to those that make the argument today on behalf of the taxpayer that it should be much, much higher. But then I have also spent the time analyzing that many times those who have not taken all of that time really are trying to compare apples and oranges. Because as I stated before, there are other costs of a rancher doing business on Federal lands that do not accrue to a private owner. For example, the owner of the land usually furnishes the fences and fencing is a very, very expensive endeavor. I rise in opposition to the Klug amendment.

I come at it, and I do not question sincerity of the gentleman from Wisconsin [Mr. KLUG] at all. He believes there is a subsidy. I believe there is not. I believe the facts are on my side. This is for colleagues to make that determination.

One of the things that I do in the base bill, the Vento amendment, though, the 2,000 animal unit divided by 12 months, that is 167 cows per year. Now, there are very few if any real

working ranchers that can survive on this low threshold of gross receipts. So the intent of the amendment that is being amended is one of which I really ask our colleagues to take a look at it, because it displays a lack of true knowledge of the cattle industry today.

Also in the Klug amendment, having these grazing fees based upon State land rates, I think, would be an administrative nightmare. If we think the Tax Code is complex, currently let us take a look at the administrative cost. Imagine, two Federal agencies trying to implement a minimum of 11 different fee structures depending on location. I know the intent is good. At first blemish, it makes some sense. But then when you get down to the administrative cost, I find it interesting that some of the objections are dealing with the cost already of the BLM and the Forest Service in administering the program.

If we go back and study the reams of studies and papers that have gone into this, it gets into what we all commonly call an accounting gimmick, how we allocate costs. We have a BLM and we have a Forest Service in order to manage Federal lands, one use of which is grazing. But there are other uses. Wildlife, public use and the rancher only gets the use of the grazing and in return he puts an investment back into that land and it is a considerable amount of investment that they have to put into Federal land.

So I think when we look at the administrative nightmare of the Klug amendment, charging different State-based fees is going to be unfair, unless we come at the conclusion that somehow these Western ranchers are receiving a subsidy. I do not believe that the facts will bear that out. I encourage opposition to both the Klug and the Vento amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman pointed out in my underlying amendment that 2,000 was not enough, 2,000 AUM's was not enough for a family ranch to make a living. I would point out that 91 percent of the permittees have less than 2,000 AUM's so 91 percent of them cannot be wrong, can they? Does the gentleman want to tell them that they should not be in business? Is that the point?

Mr. STENHOLM. Mr. Chairman, no, that is not the point that I was making in the debate. What I am saying, when we start picking arbitrary numbers, we begin to get into all kinds of problems with the industry which we are discussing today. That is my only point.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, my point is that I am trying to differentiate in terms of a family ranch in terms of, the gentleman disagrees and we disagree about the subsidy. That is fine. But in terms of the fact that they are in fact in business and furthermore,

of course, on the gentleman's time, I would point out that this formula in the bill is completely arbitrary.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, the formula is completely arbitrary in terms of what the costs are with regard to BLM. It looks at what the revenue is raised by beef over a 12-year average and then what the 12-year average is for a 6-month T bill and then multiplies it out and says that is our return. But that does not have anything to do with what the cost is to the BLM or to the management side of this at all.

Mr. STENHOLM. Mr. Chairman, I do not disagree with that. My concern or my opposition to what the gentleman, both gentlemen are attempting to do, lies in the fact that nearly 50 percent of Western lands are owned by the Federal Government. Fully 50 percent of the Nation's marketable lands, 20 percent of the calves go to feed lots or are raised in Western public States. My concern is that we do not disrupt normal marketing arrangements, normal business practices in something as significant to the cattle industry as these areas are.

If I were convinced, as the gentleman is convinced, and the gentleman from Wisconsin [Mr. KLUG] is convinced and others are convinced, that there is an unfair subsidy, I would not be standing here arguing that. I am of the opinion there is not an unfair subsidy. I disagree with those that have come to different conclusions. That is my concern and why I am participating in opposing the gentleman's amendment and the Klug amendment.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I will accept the premise that we could disagree on whether there is a subsidy involved here or not. But if I can, let me respectfully disagree on what essentially is simpler for the Federal Government to administer.

Here is what happens. We find out what the State rate is, and on Federal lands in those States the Federal Government charges it, versus this share is equal, this is the committee report language, the share is equal to the average rate of return on 6-month Treasury bills. The averages are calculated over a 12-year period corresponding to the normal cattle market cycle, thus stabilizing prospective annual rates of change in the calculated grazing fee.

You are essentially setting up a very convoluted formula that is based on a rolling price of beef which has nothing to do with the costs of running the program on Federal lands.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has again expired.

(On request of Mr. KLUG, and by unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. KLUG. Mr. Chairman, if the gentleman will continue to yield, he may have a lot of objections to the amendment, but I think simplicity simply says we charge on the Federal lands what we charge on the State lands. We do not have to have a program that is going to put us through all kinds of calculated relationships based on beef prices in the future, beef prices in the past and T bill prices 12 years ago. For simplicity's sake and for administrative costs, I think it is simpler to charge on Federal lands what we charge on the State land, period, and here is the bill.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I would point out to our colleagues that the State fees that we are discussing are set based on the Federal charges and are as tainted by the current law that we are implementing. So therefore it is not nearly as simple because we are talking about changing something of which we are already basing on the Federal structure.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Klug amendment. I believe the changes made to the grazing fee formula in this bill will not really change things at all.

Under this bill the Federal Government will still be using the taxpayers' hard-earned money to subsidize grazing for giant companies who do not need a government handout. This is corporate welfare and it is just plain wrong.

It cost the Federal Government, which means the taxpayers an average of nearly \$6 per animal unit month just to administer the grazing program. The Government currently charges a grazing fee at the rock-bottom price of \$1.35 per AUM. And if the Government had utilized the new formula proposed in this bill for this grazing year, that fee would have increased to only \$1.84 per AUM. That is far short of the \$5.81 per AUM it costs the taxpayers to run this program.

Even worse, the Congressional Budget Office estimates that this new formula would increase grazing fees an average of only 20 cents per AUM during the next 4 years. This is not change, and it is not fair to the American taxpayers.

Who benefits most from the grazing program? A small number of large-scale ranchers who comprise less than 10 percent of these holding grazing permits, but yet they control more than 60 percent of the land.

To help this, to help end this Government handout, my good friend from Wisconsin has offered an amendment that would make Federal grazing fees comparable to those charged by the State. State grazing fees are consistently higher than Federal grazing fees and closer to the rates charged by the private sector. As a result, the Klug

amendment would allow the Government to generate an additional \$30 million a year in revenues to help offset the cost of administering this program.

□ 1300

This is a step in the right direction. I do not think anyone can argue with the fact that the Government's grazing policies need to be reformed. There does need to be more uniformity in how Federal agencies administer grazing programs on public land. But if we are really to reform the program, we should not be leaving grazing fees essentially unchanged.

This Congress has made significant progress toward reducing waste and spending money more wisely. But the new grazing fee formula contained in this bill misses the mark.

I urge my colleagues to support the Klug amendment. A vote for this amendment will show America that Congress has committed to taking a big bite out of corporate welfare, not the taxpayers' wallets.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. Chairman, I think we ought to again look at this question of fees with respect to State lands and with respect to the Vento amendment. First of all, I chased the tail of that baby for a while. In fact, I offered at one time to the livestock industry an opportunity to hold harmless the Federal Government in the management of its grazing practices, which would have meant that the fee would be determined by the cost of managing the grazing program on the Department of the Interior and Forest Service lands. I withdrew that effort simply because I would never catch up.

Now, anybody who thinks that the Federal Government is an efficient operator would please step forward. I see none. The point is that if they load up the cost, as they have in the Department of the Interior and the Forest Service, if they load up the cost in managing the fee, they can argue they will never have a fee that will compensate for the cost of the Government doing business.

Therefore, we come now to the question of what is proper and what is a fair return to the Government? I insist that this new formula is much fairer and returns an additional \$6 million to the Treasury for the purposes of grazers grazing public lands. The State land idea is wrong. We are comparing apples and oranges here. The State lands in every State are in much better condition and much higher quality than the Federal lands. They are, in many cases, pulled together in an operating unit so that there is less cost of operating from State lands. We cannot compare State lands and Federal lands in the same breath, and we should not have a fee on the State lands the same as Federal lands.

The question is many times argued about private lands here. And I ask, where is the subsidy? And I submit to my colleagues, there are four studies that I have outlined here on the board within the last 5 years that indicate that it costs more to do business on public lands if you have a public grazing permit than it does on private lands.

I would much prefer and any livestock person would much prefer to spend \$10 on AUM in a good private pasture than I would a \$1.84 in the rocks and the brush. Why? Because you get a fully equipped department with the private land. Many times the management, we get the water provided, we get the fences provided, and it costs much less money.

And then you say, why, then, do not people who graze on public lands rent private pasture? Simply is, it is not available. The answer is, it is not available. Ninety percent of the lands owned by the Federal Government in the State of Nevada, 50 percent in the State of Oregon, go down the line, there is not the availability of private land or that is where we would be. I would much prefer to turn my cattle out in Virginia at \$10 or \$15 in AUM than to graze them in my part of the State of Oregon, where you are right, we do have problems, the cows need wheels to go from water hole to water hole. So this idea that we are comparing State and private pasture to the public lands by the Federal Government is a dead wrong idea.

Now, the fair share is this. And let us again address the corporate demons. These people are talking about 8, 8 permittees out of 23,000. And when they say that great corporate pork, well, there are eight of them. But 23,000 families are out there depending on us and depending upon a fair bill. Let us keep them paying their bills. Let us keep them on the public lands. And for goodness sake, let us get a fair return by turning down the Klug amendment and the Vento amendment and adopting this very fair new proposal and program, which returns an additional amount of money to the Treasury.

Mr. VENTO. Mr. Chairman, I rise in support of the Klug amendment.

Mr. Chairman, this amendment looks familiar. It is one I offered in full committee when we marked up the bill. And fundamentally I support what the gentleman from Wisconsin [Mr. KLUG] is doing. I think if we cannot do this, it would be good to do what I am proposing at least. But this is a better amendment, frankly, in terms of trying to deal with the cost of grazing on our public lands.

As has been pointed out by the gentleman from Florida [Mr. MILLER] and the gentleman from California [Mr. MILLER], we have got the Millers agreeing, and the gentleman from Wisconsin [Mr. KLUG], the fact is that we spend nearly \$6 an AUM and receive under this bill, under CBO's suggestion, that over the next 5 years it will be about 20

cents, in fact, 20 cents more than what the fee is, \$1.55 per AUM. But if we had had this fee in effect over the last 20 years, in 15 of those years we would have gotten less back per AUM, according to the Congressional Budget Office and there is no base fee or floor in the formula so it could sink very low.

So, in fact, if we took this formula, this is not an improvement in a formula, this is a change without benefit in terms of what it does and in fact may lower the AUM fee on public lands. It certainly continues the existing type of below-market type of fees in the West. And the fact is, as the gentleman from Wisconsin [Mr. KLUG] is pointing out, that many of these States have similar lands, and, of course, such States are charging on the basis of an animal unit month, the amount of forage that it takes to raise an animal, calf-cow combination, for 1 month, the same measurement and definition in this bill.

So we are comparing apples and apples. The bill's proponents can go through all the machinations that they want, those who are advocates for this, but we are comparing the exact type of value that is being conveyed by the State and Federal AUM. No one has demonstrated that it is any different. I think it is ridiculous in some cases to raise cows and to put land to this particular use when, in fact, it takes 2,000, 3,000, 3,700 acres to raise a cow. Those cows do end up with more miles than your old Chevrolet. But the fact is that is what ranchers chose to do. And the fact is that the way this formula works, it gives them that AUM for \$1.55 a month according to CBO under this new formula.

As I said, in the last 20 years, 15 of the years they would have got lower fees. This proposal that the gentleman from Wisconsin [Mr. KLUG] has made that I proposed gives you some options. It says, let us try to get closer to what the cost of management of the program is.

The fact is that the formula of this bill is a completely arbitrary formula. It suggests, if you have the cows out there, this is the price of beef. Then the Federal Government is entitled to whatever the average beef price is for 12 years, a 6-month T-bill rate for 12 years. So it just returns a certain amount of money to us. The fact is it costs us three times that amount to run the program, three times that amount just to manage the 28,000 grazing permittees.

We can argue the Federal Government is inefficient, but the fact is that this type of discrepancy, the answer is not to continue to charge below-market prices. We need the resources so that we can, in fact, run the programs in an efficient and effective way. But the land managers are being denied that today.

In fact, if we look at the dollars spent in terms of the BLM programs, we find that they have not substantially increased for this purpose and

that I think, frankly, those public land managers do a pretty good job considering the limited resource in the area that they have. We are talking of over 250 million acres of Federal land that are given over to this particular purpose.

The Klug amendment will say that a State land, State-leased allotment right along the side of a Federal allotment would be paying, in essence, the same. In other words, when they go to market, there is no difference. And we are talking about animal unit months, the amount of forage. So the parity here is nearly absolute, as absolute as lands can be. But we look specifically at the lands to see what their productive capacity is. That is what is involved in terms of this management.

As for complexity, there is no complexity. Those that were shaming the gentleman from Wisconsin [Mr. KLUG] for complexity here have not really looked at the complexity in this entire program in terms of measuring AUM's and the ephemeral nature of some of these areas and the weather and seasonal changes. There is a lot of management responsibility that is conveyed to the BLM in terms of managing these lands properly.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to say again the suggestion that somehow the State grazing fees only apply to superior land is just a misnomer.

The fact is, in Arizona, in California, in Colorado, the State lands very often are right next to the Federal lands. They are carved out of the same lands. They were put there in an arbitrary fashion. And the quality is very much the same. But in Arizona are we going to pay \$2.18, and under this formula we are going to pay \$1.55? In California, we are going to pay \$500 a year minimum. Under this we do not know what we are going to pay. In Colorado, we pay \$6.50 to \$7.17. And under this we pay \$1.55.

The point is this: It is sort of like new math. Joe and Moe are both ranchers. Joe farms on Federal land, and Moe farms on State land. Joe and Moe send their cows to market. They get the same price. Joe on Federal land gets more money back than Moe on State land. What is that called? That is called a subsidy. We have to end it right now.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, I think the Klug amendment is an improved amendment to mine. I would urge the Members to vote for it and then to vote my amendment up, as amended, or as it is. It gives us some options in terms of looking at family and ranchers. And I think that ultimately the end result

is that when you subsidize and create this kind of dependency with these types of reduced or suppressed prices, that do not reflect what the costs are to the Government, we call it a subsidy.

I think we ought to stop the subsidy for all. If we cannot do it for all, we ought to at least do it for the 9 percent of the permittees, the corporate cowboys, that control 63 percent of the forage, 63 percent of the forage by 9 percent, and try to retain it then for the family ranchers that some may feel deserve a subsidy. Frankly, I have my view on that. But I would hope we can support the Klug amendment. But if we cannot, at least let us cut it out for the corporate cowboys.

Mr. Chairman, the Klug amendment only addresses the fee issue because that is the only thing Congress needs to address at this time. The current grazing fee is \$1.35. Mr. Smith's bill would raise that by 20 cents.

This amendment would set the Federal grazing fee at the level each State charges for grazing on State lands. Every Western State charges more than the Federal Government, with several charging six times as much. Many of these State lands are of the same character as the Federal lands and the services provided are similar or identical.

The amendment is consistent and equitable, certainly more so than the fee formula contained in H.R. 2493. The bill's fee formula Members may recall is similar but even more egregious than the one that some Members tried to get enacted in the 104th Congress. It is a formula that is not based on fair market value or sound scientific principles. Terms are imprecise and confusing. Perhaps the proponents of the bill could explain exactly how they arrived at a formula that provides that the grazing fee shall equal 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 U.S. Treasury securities 6-month bill "new issue" rate, divided by 12.

More importantly, the bill's fee formula is flawed in its application. If the formula had been in place the past 20 years, the grazing fee would have been less than the flawed PRIA formula fee for 15 of those years. Under the bill, ranchers would pay less in fees than they did in 1980.

Public land ranchers presently pay from 4 to 7 times less than ranchers who graze cows on private and State lands. The free market is allowed to work on private lands, yet on public lands a confusing Federal formula keeps public land grazing fees artificially low. The result? Public land ranchers, who produce just 2 percent of the beef consumed in the United States, have a decided economic advantage over ranchers who use private or State lands.

I am not aware of ranchers packing it up based on the grazing fees States charge. This amendment is a simple, direct way to address the grazing fee issue and I urge its adoption.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Ranching on lands that are managed by the Federal Government is very different than ranching on lands that are managed by the State government. In fact, I would like to remind the gen-

tleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] that, indeed, ranching on State land, you deal with primarily one agency. When we are ranching on Federal lands, we are dealing with the U.S. Army Corps of Engineers, the Forest Service, the Bureau of Land Management, the National Marine Fisheries Service, the Fish and Wildlife Service, the Department of Energy, Parks from time to time, and now the tribes have more say in the governing of public lands. It goes on and on and on.

The fact is that ranchers are responsible for their own fences on public lands, watering, seeding, keeping up wildlife, improvement of wildlife ponds, keeping track of all the livestock when there are visitors on the land, recreationists who leave gates open, keeping track of what people are doing on the allotment. It is a whole different ball game.

This is a very thoughtful formula. And, in fact, people like me, who represent people from the West, as does the gentleman from Oregon [Mr. SMITH], I personally feel like the good chairman has been far too generous with the Federal Government. But this is what we have agreed to. And I appreciate his concern. But a 36-percent increase in the animal-unit per month for every single animal? That is a huge cost of doing business.

Let me tell my colleagues some of the other things that are different about managing on Federal lands and grazing on Federal lands instead of State lands. Let me give my colleagues an example.

In Idaho, and some of the Western States, we understand that sagebrush competes with grass. Out there on the arid western lands, this is 20-mile-an-hour cow country, at best. A cow has to graze at 20 miles an hour all day long just to get enough to eat. Now we have our Federal land managers out there planting more sagebrush, which competes with the grasslands.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am sorry to interrupt the thought of the gentleman from Idaho [Mrs. CHENOWETH], but at this moment she just brought to mind the reality that just a few years ago we had a serious debate on this floor regarding desert lands in the West and some people were suggesting that maybe those lands would not be bad for grazing. There was an amendment on the floor which opposed grazing, which eventually passed.

The same two gentlemen on the other side of the aisle, the gentleman from California [Mr. MILLER] and the gentleman from Minnesota [Mr. VENTO] strongly opposed the grazing on that land, when it was obvious that not only would it be difficult land for grazing in terms of 20-mile-an-hour grazing, nonetheless, logical use of that land. It was



imposed by exactly the same people, who, from what I can tell, want no grazing anywhere, and especially they are ready and willing to hurt the small farmer who is hurt most by the adjustments they are discussing here.

□ 1315

Mrs. CHENOWETH. I thank the gentleman from California. I do want to say that with this fee increase, we really will be succeeding in running our cattlemen off the land. We have got to remember, this is the part of America's heritage and culture they write songs about, they copy their styles of dress back here in the East, they run their same kind of rigs back here, they make movies about them, they sing songs about them, and yet this body is willing to cut that part of America's heritage and culture loose. I say no. America is great because America is different. We are different than Madison, WI, or in Mr. VENTO's district in St. Paul. It is very, very beautiful, but even the gentleman from Minnesota said these public lands are different. They are arid. He understands that. Why is that debate different now than it was then?

Mr. HILL. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Montana.

Mr. HILL. I thank the gentlewoman for yielding. I am sure the gentlewoman is aware of the fact that there was a study in Montana, as a matter of fact, on this very subject, about the difference between State lands and Federal lands and management. One of the things that this study looked at is why is it that State lands are more productive and why is it that State lands cost less to administer than the Federal lands. They found that the State of Montana did a better job of managing its lands for lower cost. In addition to that, the lands were more productive because the objective of the management of State lands in Montana was to maximize the economic return. That is not, as I think the gentlewoman knows, the objective of management to Federal lands. It also discovered that the State provided fencing, it provided water, it provided a lot of additional amenities that the Federal Government does not provide.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chair, my colleague from Iowa who is presiding over the debate this afternoon, and I thank my colleagues from the West under the leadership of the chairman of the Committee on Agriculture, my good friend from Oregon. I appreciate the spirit of the overall legislation. I rise in strong support of that, but take issue quite frankly with the amendments offered by my colleagues from Minnesota and Wisconsin.

It is important to remember a couple of things when we talk about so-called public lands, Mr. Chairman. Public

lands are not public parks. They are not public libraries. They are not public museums. Indeed, Mr. Chairman, a better definition is federally controlled land. Indeed, I would direct the attention of all my colleagues, Mr. Chairman, to Gila County, AZ, where less than 5 percent of the land in that county is owned by any private entity.

I listened with great interest to my colleague from California talk about the State of Arizona, the youngest of the 48 contiguous States, admitted to this Union on Valentine's Day, 1912. Something to remember is that one of the conditions for statehood was that Arizona had to surrender vast amounts of its territorial lands to the Federal Government as a condition for statehood. When we talk about the territorial lands, the lands surrendered to the Federal Government, we are talking about the most choice land. Indeed, if I had a dispute with my colleague on the other side from California, as he tried to lump together Arizona and other States in dealing with this and the appeal I would make to my colleague from Wisconsin, is that we are not talking about the same land. We are not saying that it is the same property, even if it is property adjacent, because the Federal Government had the right to select the acreage that it took from the territory that became the State. And it changed the whole situation there.

So indeed my colleague from Oregon is quite correct. When the Federal Government was given the pick of the land, there is a fundamental difference in that property. But I would also appeal to those in think tanks who love to talk about socialist cowboys or to those who would claim that somehow these are evil subsidies or corporate welfare, remember the history, Mr. Chairman. Do you not believe that if the ranchers of the West had the opportunity to buy private property as exists east of the Mississippi River, that they would gladly surrender the current situation for a portion of land?

Mr. Chairman, knowing that sadly sometimes policy debates are displaced by political consideration and a deliberate misunderstanding of what I am saying, let me be very clear on this point. I am not asking that all federally controlled land be put up for sale. I am not saying that. But I am saying that with the vast amount of land owned by the Federal Government, you better believe that ranchers and farmers would love to have the opportunity to have that land in private ownership. And we are forced into this situation because of the history of our Nation, because of the fact that the Federal Government insisted in territories like Arizona that became States that a majority of that land, or a significant portion of that land, be under the control of the Federal Government.

That brings us here to this debate today. That is why we need to reject the proposed amendments and embrace the overall legislation brought to the

floor by my colleague from Oregon, because we have worked to fashion a reasonable compromise. Indeed, the gentlewoman from Idaho had it right when not everything in the legislation is exactly to the liking of our constituents. But we have hammered out in the spirit of compromise to go the second mile with those east of the Mississippi River who are suburbanites, with those who believe that they can capture the issue and so misframe it as to perpetuate the myth that those who make their livings off the land are not good stewards of the land. Quite the contrary is true, Mr. Chairman. And because of conditions that exist today, because of the presence of the Federal Government, because of the history of the settlement of the West and the long and rocky road to statehood for many of the territories west of the Mississippi River, we are brought to this situation here today.

For all those who talk about subsidies, for all those who call this a form of corporate welfare, Mr. Chairman, they are dead wrong. Support the underlying legislation. Reject the proposed amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] to the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the underlying amendment offered by the gentleman from Minnesota [Mr. VENTO] without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 8, as follows:

[Roll No. 546]

#### AYES—205

Abercrombie	Conyers	Foglietta
Ackerman	Cook	Forbes
Allen	Costello	Ford
Andrews	Cox	Fox
Baldacci	Coyne	Frank (MA)
Barrett (WI)	Cummings	Franks (NJ)
Bass	Davis (FL)	Frelinghuysen
Becerra	Davis (IL)	Furse
Berman	Davis (VA)	Gejdenson
Bilirakis	DeFazio	Gephardt
Blagojevich	DeGette	Gilman
Blumenauer	Delahunt	Goss
Bonior	DeLauro	Green
Borski	Dellums	Greenwood
Boucher	Dickey	Gutierrez
Brown (CA)	Dicks	Hamilton
Brown (FL)	Dingell	Harman
Brown (OH)	Dixon	Hastings (FL)
Campbell	Doggett	Hilliard
Cardin	Doyle	Hinchey
Carson	Engel	Hoekstra
Castle	Eshoo	Hooley
Chabot	Evans	Horn
Clay	Farr	Hoyer
Clayton	Fattah	Inglis
Clement	Fawell	Jackson (IL)
Clyburn	Filner	Jefferson
Coble	Flake	Johnson (CT)

Kanjorski  
Kaptur  
Kasich  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kind (WI)  
Kingston  
Klecza  
Klink  
Klug  
Kucinich  
LaFalce  
Lampson  
Lantos  
Leach  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McDade  
McDermott  
McGovern  
McHale  
McKinney  
McNulty  
Meehan  
Menendez

Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moran (VA)  
Morella  
Nadler  
Neal  
Neumann  
Obey  
Olver  
Owens  
Pallone  
Pappas  
Pascrell  
Pastor  
Payne  
Pease  
Pelosi  
Petri  
Porter  
Portman  
Poshard  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Rivers  
Rodriguez  
Roemer  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders

Sanford  
Sawyer  
Scarborough  
Schumer  
Scott  
Sensenbrenner  
Serrano  
Shays  
Sherman  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith, Adam  
Snyder  
Spratt  
Stabenow  
Stark  
Stokes  
Strickland  
Stupak  
Tauscher  
Thompson  
Tierney  
Torres  
Towns  
Upton  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Wexler  
Weygand  
Whitfield  
Wise  
Woolsey  
Wynn  
Yates

## NOES—219

Aderholt  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bateman  
Bentsen  
Bereuter  
Berry  
Bilbray  
Bishop  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boswell  
Boyd  
Brady  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Chambliss  
Chenoweth  
Christensen  
Coburn  
Collins  
Combest  
Condit  
Cooksey  
Cramer  
Crane  
Crapo  
Cunningham  
Danner  
Deal  
DeLay  
Diaz-Balart  
Dooley  
Doolittle  
Dreier

Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Etheridge  
Everett  
Ewing  
Fazio  
Foley  
Fowler  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Goode  
Goodlatte  
Goodling  
Gordon  
Graham  
Granger  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hinojosa  
Hobson  
Holden  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Istook  
Jenkins  
John  
Johnson (WI)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kelly

Kim  
King (NY)  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Lewis (CA)  
Lewis (KY)  
Linder  
Livingston  
Lucas  
Manzullo  
Martinez  
McCollum  
McCrery  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
Meek  
Metcalf  
Mica  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Ortiz  
Oxley  
Packard  
Packer  
Paul  
Paxon  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Pryce (OH)  
Quinn  
Radanovich  
Redmond  
Regula  
Reyes  
Riggs

Riley  
Rogan  
Rogers  
Royce  
Ryun  
Salmon  
Sandlin  
Saxton  
Schaefer, Dan  
Schaffer, Bob  
Sessions  
Shadegg  
Shaw  
Shimkus  
Shuster  
Sisisky  
Skaggs

Skeen  
Smith (OR)  
Smith (TX)  
Smith, Linda  
Snowbarger  
Solomon  
Souder  
Spence  
Stearns  
Stenholm  
Stump  
Sununu  
Talent  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)

Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Traficant  
Turner  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weller  
White  
Wicker  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—8

Cubin  
Deutsch  
Gonzalez

Jackson-Lee  
(TX)  
Moakley

Schiff  
Weldon (FL)  
Weldon (PA)

## □ 1344

Messrs. RIGGS, CRANE, ADERHOLT and SKAGGS and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from “aye” to “no.”

Messrs. WEXLER, DAVIS of Florida, COX of California and ANDREWS and Ms. MCKINNEY changed their vote from “no” to “aye.”

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, on rollcall vote 546, the Klug amendment to H.R. 2493, I was unavoidably detained in meetings. Had I been present, I would have voted “aye.”

## □ 1345

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce this vote to not less than 5 minutes.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 12, as follows:

[Roll No. 547]

## AYES—208

Abercrombie  
Ackerman  
Allen  
Andrews  
Baldacci  
Barcia  
Barrett (WI)  
Becerra  
Berman  
Bilirakis  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boucher  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Campbell  
Cardin  
Carson  
Castle  
Chabot

Clay  
Clayton  
Clement  
Clyburn  
Conyers  
Cook  
Costello  
Coyne  
Cummings  
Davis (FL)  
Davis (IL)  
Davis (VA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dellums  
Dicks  
Dingell  
Dixon  
Doggett  
Doyle  
Duncan

Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fawell  
Filner  
Flake  
Foglietta  
Forbes  
Ford  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Furse  
Gejdenson  
Gephardt  
Gillmor  
Gordon  
Green  
Greenwood  
Gutierrez

Hamilton  
Harman  
Hastings (FL)  
Hilliard  
Hinchey  
Hoekstra  
Hooley  
Horn  
Hoyer  
Inglis  
Jackson (IL)  
Jefferson  
Johnson (CT)  
Johnson (WI)  
Kanjorski  
Kaptur  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kind (WI)  
Kingston  
Klecza  
Klink  
Klug  
Kucinich  
LaFalce  
Lampson  
Lantos  
Lazio  
Leach  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Mascara  
Matsui  
McCarthy (MO)

McCarthy (NY)  
McDade  
McDermott  
McGovern  
McHale  
McKinney  
McNulty  
Meehan  
Meek  
Menendez  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Mink  
Moakley  
Moran (VA)  
Morella  
Nadler  
Neal  
Neumann  
Oberstar  
Obey  
Olver  
Owens  
Pallone  
Pappas  
Pascrell  
Pastor  
Paul  
Payne  
Pease  
Pelosi  
Petri  
Porter  
Portman  
Poshard  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Rivers  
Rodriguez  
Roemer  
Rohrabacher  
Rothman  
Roukema

## NOES—212

Aderholt  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Berry  
Bilbray  
Bishop  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Boswell  
Boyd  
Brady  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Chambliss  
Chenoweth  
Christensen  
Coble  
Coburn  
Collins  
Combest  
Condit  
Cooksey  
Cox  
Cramer  
Crane  
Crapo  
Cunningham

DeLay  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dreier  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Etheridge  
Everett  
Ewing  
Fazio  
Foley  
Fowler  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gilman  
Goode  
Goodlatte  
Goodling  
Goss  
Graham  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hinojosa  
Hobson  
Holden  
Hostettler  
Houghton  
Hulshof  
Hunter

Hutchinson  
Hyde  
Istook  
Jenkins  
John  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kasich  
Kim  
King (NY)  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
Livingston  
Lucas  
Manzullo  
Martinez  
McCollum  
McCrery  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
Metcalf  
Mica  
Minge  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Ortiz  
Oxley  
Packard  
Packer  
Paxon  
Peterson (MN)  
Peterson (PA)

Pickering	Schaefer, Dan	Tanner
Pickett	Schaffer, Bob	Tauzin
Pitts	Sessions	Taylor (NC)
Pombo	Shadegg	Thomas
Pomeroy	Shaw	Thornberry
Pryce (OH)	Shimkus	Thune
Quinn	Shuster	Thurman
Radanovich	Sisisky	Tiahrt
Redmond	Skeen	Trafficant
Regula	Smith (OR)	Turner
Reyes	Smith (TX)	Walsh
Riggs	Smith, Linda	Watkins
Riley	Snowbarger	Watts (OK)
Rogan	Solomon	Weller
Rogers	Souder	White
Ros-Lehtinen	Spence	Whitfield
Royce	Stearns	Wicker
Ryun	Stenholm	Wolf
Salmon	Stump	Young (AK)
Sandlin	Sununu	Young (FL)
Saxton	Talent	

## NOT VOTING—12

Bono	Gonzalez	Scott
Cubin	Granger	Weldon (FL)
Danner	Jackson-Lee	Weldon (PA)
Deal	(TX)	
Deutsch	Schiff	

□ 1353

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, on rollcall vote 547 to H.R. 2493, I was unavoidably detained in meetings. Had I been present, I would have voted "aye."

## PARLIAMENTARY INQUIRY

Mr. DELAY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry in asking how long we hold the votes open, again.

The CHAIRMAN. This was a 5-minute vote. Five minutes is the length of time that this vote was supposed to be held open.

Mr. DELAY. In order to accommodate Members' schedules, should Members try to make the votes as quickly as possible?

The CHAIRMAN. The Speaker has made various statements on many occasions regarding this policy. I think Members are well aware of the policy.

AMENDMENT NO. 13 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer amendment No. 13 as printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MILLER of California:

In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(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.

Mr. MILLER of California. Mr. Chairman, as Members are now aware, we have just experienced two very close votes on whether or not the Federal Government ought to continue to subsidize grazing on Federal lands that are owned by the public, and continue that subsidy in a completely arbitrary fashion.

The question in the two previous amendments, first of all, was whether or not the Federal land grazers ought to pay at least those prices that are charged for rental of that land and the grazing of that land that the States charged for comparable lands within their borders, and in a very, very narrow margin, apparently the House decided that was not the case.

In the second amendment, the decision was whether or not, if we are going to subsidize these people in an arbitrary fashion to the tune of some \$30 million a year that this program loses, should we subsidize also some of the largest corporations in this country, and should we also subsidize some of the richest people in this country.

On a much narrower vote the decision was somehow, unbelievably so, that yes, we could continue to pour taxpayer dollars to the richest corporations and the richest individuals. I do not think that is how we got to a reduced deficit, but somehow we are going to continue it.

In this amendment, Mr. Chairman, the question is this for us: Do we think we ought to continue to pour Federal subsidies to those corporations that are foreign-owned, to those corporations that are grazing on Federal lands but are foreign-owned and operated here.

□ 1400

Should we continue to subsidize grazing operations that are 11,000 acres in size, 6,000 acres, 4,000 acres owned by the E.M. Remy Co. out of Switzerland, the Zenchiku Livestock Co. of 7,000 acres from Japan, Two Dot Ranch out of France and Switzerland, and it goes on and on. Should we be using taxpayers' dollars to subsidize these foreign operations?

Mr. Chairman, if that does not give my colleagues reason to pause as they cast their two previous votes to end these subsidies, we might want to understand that in some instances we are subsidizing foreign mining operations that are mining on their base properties, have gotten Federal allotments, are taking hundreds of millions of dollars off of Federal lands for which they pay no royalties to the taxpayers, and then the taxpayers are giving them additional subsidies for the grazing of the cattle.

Mr. Chairman, when will my colleagues stop insulting the American

taxpayer with this kind of program? They could not do it, they could not bring it upon themselves to say we ought to just charge what the States apparently are able to charge in a much more efficient fashion. So they could not stop the taxpayers' subsidy there.

They could not bring it upon themselves when we just singled out the top 7, 8, 9 percent of the users of this land who are among the largest and richest corporations and individuals in this country. They could not stop it there. Can they stop it here?

Mr. Chairman, they are using these taxpayer dollars to subsidize foreign corporations, some of whom are, in fact, double-dippers. They are dipping into the Federal Treasury because they are mining on Federal lands, but they do not provide any royalties for the billions of dollars that they take off in silver and gold, and then they get to dip to graze the cattle, which is incidental to their mining operation.

Mr. Chairman, at some point, at some point this body has got to understand that they are insulting the intelligence of the American people if they believe that they accept this or they think this is acceptable, because it is not and that is what we have to do.

Mr. Chairman, these foreign firms that I am asking to end the subsidy for are in the top 4 percent of the size of these cattle operations. These are not the "Mom and Pops" that some people said that they wanted to save in the last amendment from an increase in cost. This is not the family farmer; these are the big fellows who are owned by foreign corporations, who have decided they can come here and raise cattle with subsidized dollars.

Mr. Chairman, I think we ought to put an end to that. I think we ought to understand that this is a subsidy to which they are entitled, with no limits under the current law. My amendment would end that subsidy. They would simply have to pay the State rates or the private rates. We are not gouging them. We just ask that they pay what the State charges for comparable lands within their boundaries.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, without getting into the question of trade with foreign countries, let me read for the record a quote from the Taylor Grazing Act, and I am quoting: "Grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declaration of intention to become such, or required by naturalization laws, and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located."

Well, Mr. Chairman, obviously if there are operations, foreign operations, they have to follow the law of this country and of the Taylor Grazing Act, so they have to be citizens.

If this is a direct assault at, let us say, the Japanese, then maybe we

ought to remind ourselves that Japan takes about \$1 billion of beef every year, maybe it is a \$2 billion market. I would suggest that if we are going to close the borders of America around this issue, then we indeed are going to cause international concerns.

Foreign countries, whomever they may be, the people must be citizens to have this permit. But if they are targeted, they will obviously retaliate. So I see no reason for this amendment. It has no place in this discussion. We have had the discussion about fee increases. This is mischief. There is no purpose in it, and I suggest we oppose it.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I could not help but react to the remarks of the gentleman from California [Mr. MILLER] regarding the earlier two amendments that were just referenced. Indeed, in that case there was a very strong bipartisan vote in opposition to those amendments. I would hope that the same kind of logic and sense would apply to this amendment and we would get the same kind of bipartisan support.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in favor of the amendment that the gentleman from California [Mr. MILLER] has just outlined. I want to make an appeal to Members of the House.

Mr. Chairman, I am a Member of the House of Representatives, proud to serve here and I think, Mr. Chairman, you know that I have said on more than one occasion that respect for the House includes being able to win and also understand what losing is all about, being defeated.

The last two amendments did not come out the way I voted. I understand that and I accept that. But, Mr. Chairman, what I am hoping is a basic sense of fairness can prevail. Those votes were close. People were paying strict attention to what it was they were voting on. And I think we have to give the best possible motivation and express goodwill toward one another with respect to our votes.

So my appeal on asking Members to vote for this amendment is one based on fairness. With all due respect to the previous speakers, this is not a question of closing borders; this is a question of whether we are going to extend the same privileges explicit, I would say, Mr. Chairman, in the last two amendments to foreign-controlled corporations.

Mr. Chairman, I do not think that this can be reduced to an argument about whether or not we are treating our western brothers and sisters fairly or those in the majority of areas where the grazing takes place. It is one thing

for us to involve ourselves in a discussion as to what is the appropriate legislative approach on grazing land. It is another thing to subsidize foreign-controlled permittees. I do not see how we can make an argument based on fairness, based on fairness to the American taxpayer, that would allow us to do this.

All the amendment of the gentleman from California [Mr. MILLER] is saying is that if businesses come in and make these investments as a foreign-controlled permittee, that they should not be allowed to have the benefit of the American taxpayer dollar. This is not an assault on anyone overseas.

Mr. Chairman, I would be very interested to see what kind of argument would be made when we look at the kind of laws that apply against Americans being involved with owning land and being able to extract minerals or to engage in other kinds of agricultural business in other countries.

Mr. Chairman, we are always the ones that are expected to do the producing for others in terms of fairness. What we are asking for is fairness for the American taxpayer here. Surely those who in good conscience made their votes on the other two measures can look to that same conscience to see, is this really the intent of those who favored the law as it is presently applied? Is it really the intent that these foreign-controlled permittees should be involved in this way?

Mr. Chairman, this is far from mischief. I do not think it is fair to characterize it that way. This is a fundamental question about what we have as a legislative foundation for the application of these laws. We have had our arguments, we have had our discussions as to whether the existing law and how it is applied, Mr. Chairman, is fair and appropriate. Surely it is a legitimate question. Far from being capricious or mischievous, it is a legitimate question as to whether the law ever intended this.

I ask, Mr. Chairman, that as Members come to vote on this particular amendment, can they in good conscience say that it was the intent and is the intent of this legislation to subsidize the foreign-controlled permittees? I think an honest evaluation, a fair evaluation would come to the conclusion it is not. And therefore I ask that we vote favorably on the amendment offered by the gentleman from California [Mr. MILLER] in the spirit of what has been accomplished here today in terms of the legislative process.

#### PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, we were allotted 3 hours of general debate under the 5-minute rule. Can the Chairman inform me as to the time remaining?

The CHAIRMAN. There is 1 hour and 30 minutes remaining in overall consideration of amendments under the rule.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that no matter, the Taylor Grazing Act, as the gentleman from Oregon [Mr. SMITH], our chairman and friend, related to us, obviously did not anticipate that foreign nationals would indeed be awarded the Federal grazing permits and allotments.

Here it is not just a matter of a son of an immigrant as an example that was not naturalized and had not achieved citizenship yet having that particular option, but what is assumed here is that these are actually corporations and entities that are being treated as a person but are really, in essence, subsidiaries or actually the basic holding company of an international organization registered abroad. And, of course, when we go through the laundry list of who this is, and the system of these operations, we readily recognize that we are looking at vertical integration. They want to raise the beef themselves on U.S. public lands at low rates, subsidized rates, and in fact then process it and remove it to their home market.

So it is, I believe; and I think the numbers indicate that the cost of managing the grazing program on our Federal lands is nearly three times the cost, at least three times the cost of what is actually received by virtue of these fees.

Lost in all of this debate, of course, is the question of whether or not on a multiple use pattern that these 250 million acres of land, wilderness, forests, BLM lands, whatever the designation that they have on them, what is left behind is their use and what the conflicts and problems are with such use. Whether this is the highest and best use.

Mr. Chairman, we could or should be able to agree that, at least in terms of this benefit, that those who control these lands ought not to be in the hands of foreign nationals and if such entities control such lands they ought not to receive the subsidized rates but rather pay the higher State rates.

A month ago, Mr. Chairman, on this floor there was a debate about the voluntary conservation designations that went on with regards to some of our parks and some of the other areas, like the biological reserves that were discussed which were used for research, and all of this was voluntary. Here today we have actually the control of Federal lands in a sense through this allotment and permit process, which represents a direct seasonal control by a foreign entity in terms of these lands. That is really what this is about. They are controlling the grazing allotments and fees, are basically controlling and regulating these lands, given the same responsibilities, the same stewardship responsibilities and other responsibilities that are accorded to U.S. citizens and U.S. entities and receiving the same bargain basement subsidized rate.

Mr. Chairman, we have our disagreement about the subsidy going to them. We have our disagreement about the subsidy going to the corporations, corporate cowboys, the welfare cowboys. We have our disagreements, but I would think that there would be more consensus about whether or not this ought to extend beyond the borders to other countries and to other non-nationals that are under this bill and under the law, the way it is practiced, actually have that benefit. We should stop passing on this benefit, the subsidy at least at the United States of America border.

I think if we go back to 1937, I think the intention of Congress, the intention, was that this would be a benefit, that these lands would be available to the general public, to U.S. citizens, not to foreign national corporations or foreign nationals for their benefit, to be part of an integrated conglomerate.

Mr. Chairman, I submit to the Members that this is a good amendment. I do not know that it is going to correct everything in this bill, but at least it would make a statement about what I think is one of the most egregious problems of foreign nationals exploiting these lands for their benefit.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say a few words in favor of the amendment that has been offered to this bill by the gentleman from California [Mr. MILLER].

The purpose of the gentleman's amendment is very simple. It is not to restrict grazing on Federal lands at all. What the gentleman from California would do is simply ensure that foreign corporations who are using Federal lands and grazing on those Federal lands, grazing cattle and other animals on those Federal lands, pay the market price for those grazing rights, either the highest of the State or the private fee, or grazing on either State or private land.

□ 1415

This is a very reasonable amendment. It is something that should be supported by every Member of the House. Let us make it clear. We do not object to grazing on Federal lands that are suitable for grazing. We are in favor of that. Often grazing is compatible with most Federal lands. It can be in fact beneficial to some Federal lands. So we are not opposed to grazing on Federal lands.

We simply want to ensure that the American taxpayer is not taken to the cleaners by foreign corporations that are grazing their animals on Federal land at bargain basement prices, often one-third or one-fourth of the market value to graze on either private or State lands. That is what the Miller amendment would do.

This amendment simply recognizes that there are major foreign corporations from Switzerland, from France,

from Japan, that are using vast acreage in the West, thousands of acres to graze their cattle and their animals and that grazing is being subsidized by the American taxpayer.

It is high time that this practice be put to an end. What is the reason for it? There is no good reason for it whatsoever.

When Members talk about the thousands of small ranchers on Federal lands, they are not talking about major corporations such as Zenchiku, which runs a huge cattle operation on Federal lands in Montana and the Interior Department inspector general noted in a recent report that there was no limit on the grazing privileges and benefits provided to foreign corporations.

Why would the Members of this House, whether they come from the West or the East or the South or wherever they come from, why would the Members of this House want to go back to their districts and say, I just voted to ensure that foreign corporations can come here and graze their animals on Federal land and you all are going to have to pay for it, you all meaning the American citizens, the American taxpayers? That does not make any sense. I do not think anybody wants to do that. So the Miller amendment, again, does not restrict grazing on Federal land, not at all.

What it does is this, it says that if you are a foreign corporation, you want to come here and graze cattle on Federal land, you have to pay the market price. You have to pay the fair market price. It is a very capitalist amendment, as a matter of fact. It says, no subsidizing by the American taxpayer of grazing privileges for foreign companies.

Let us put these subsidies to an end. Let us make sure that the American taxpayer is not asked once again to bear the cost of grazing by major foreign corporations who are wealthy beyond the dreams of most Americans. Let us make sure that they pay the fair market value to graze their animals on Government land that is owned by all the people of this country. Let us all support the Miller amendment.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

I just want to say that this, I can understand the emotional appeal of this argument, but the fact is that America has always had her borders open to those people who would be willing to work their trade, whether they are a corporation or not. A corporation can be two people. But being a corporation is not a bad thing in America. People who have come to this land have been encouraged to work and that is what we need to encourage them to do, Mr. Chairman.

We need to encourage them to work their trade, whether their trade be running cattle or repairing shoes or being an accountant, whatever, that is part of reaching the American dream. I just

do not believe that we should start cutting people out of their trade simply because they want a part of the American dream, they wanted to come to America and they wanted to work.

The visionaries who wrote the Taylor Grazing Act, which all of us rely on so much, clearly state in that act, and this is existing law, that grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such as required by the naturalization laws and to groups, associations or corporations authorized to conduct business under the laws of the State in which the grazing district is located.

That is very clear, Mr. Chairman. Why and how have we become a country that allows a lot of immigration into the State and then puts them in a category where we support them and they do not work? I think that this should be a nation that continues to hollow out the abilities and the visions and the opportunities for people to come to America and work their trade.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I just want to respond to the previous speaker. This amendment is not about whether or not people or corporations get to come to the United States to work their trades, which sounds very noble. This is an amendment about whether or not those corporations, when they come to America to work their trade, ought to continue to receive a Federal subsidy. It is just that simple. This is about whether or not on the Federal lands that are owned by all of the people of the United States in which people lease those lands for the purposes of engaging in grazing, whether or not those Federal, those foreign corporations ought to pay their way. This is simply about whether they should pay their way.

The notion that somehow this is not done because of the Taylor Grazing Act, the fact of the matter is, the IG's report points out that, specifically with respect to the Japanese corporation, that it is a Japanese-owned company that is operated in Montana. So this is being done. They ought to just pay their way. That is all we are asking. Just pay what grazers pay the State of California, the State of Colorado, the State of Idaho for the use of those lands and end the Federal subsidies to those people who are among the very largest of the grazers within this program.

This is not about being against people who come here and work hard. It is about large corporations that have their own wherewithal coming here and being entitled to a Federal subsidy. That is what has got to stop. There is no showing, there is no showing that these corporations need this subsidy in terms of viability.

In Idaho, we would just say that this foreign corporation should pay \$4.88 instead of \$1.55. We would say that in Montana they should pay \$4.05 instead of \$1.55. That is the purpose of this amendment.

I think clearly the American people understand it. I hope that their representatives in Congress understand it. This is just one subsidy too far for the American public.

I thank the gentlewoman for yielding to me.

Ms. PELOSI. Mr. Chairman, I rise in support of the gentleman's amendment. It is bad enough that foreign mining companies get public lands for \$5 an acre. The grazing program allows them now to graze their cattle on Federal lands at bargain basement rates.

Why should the American public subsidize the grazing activities of such foreign mining corporations as Australia's Newmont Gold and Canada's Barrick Goldstrike. When they talk about the thousands of small ranchers on Federal lands, they are not talking about the Japanese land and livestock company Zenchiku, which runs a huge cattle operation in Federal lands in Montana. Low Federal grazing fees are being used to prop up the cattle operations of such foreign firms as E. M. Remy of Switzerland and Two Dot Ranch Inc. of France and Switzerland. All the foreign firms cited range in the top 4 percent of the size of the cattle operations grazing on Federal lands.

The Interior Department Inspector General noted in a 1992 report that there was no limit on the grazing privileges and benefits provided to foreign operators. We have the opportunity to change these policies now. It is time to end the exploitation of public resources and the rip-off of the American taxpayer.

The Miller amendment makes foreign grazing operators pay the higher of either the State or private lease rates in the State in which the Federal permit or lease is located. Let us end this piece of corporate welfare for foreign firms and adopt the Miller amendment.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentlewoman for yielding to me because in excoriating the problems with foreign operations, I did not point out, we do not intend to exclude them with the Miller amendment. What the purpose here is, is just the option that they would pay the same rate as is paid at the States. This would treat them differently than domestic corporations. Domestic individuals are treated in a favorable way by this formula and by this bill.

We do not believe that benefit should be extended to these foreign operations which really represent an integrated control in terms of coming into this country, setting up. Next they will have the timber leases. I mean if we carried this out, we could basically

have all of our natural resources controlled by foreign entities at these bargain basement prices. Whatever we feel about the type of corporate welfare we provide, we want to limit it apparently to American companies and American individuals.

Ms. PELOSI. Mr. Chairman, I thank the gentleman. I urge our colleagues to vote "aye" on the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. VENTO:

Page 37, line 2, strike "seven" both places it appears and insert "five".

Mr. VENTO. Mr. Chairman, this amendment would change what is in the bill. In other words, an AUM, an animal unit month, which is defined as a cow-calf unit in terms of providing feed for a month, historically under the law has provided for the equivalent of five sheep or five goats to be the equivalent of a cow-calf combination for an animal unit month. This measure changes the AUM's from five to seven. In other words, it would be seven sheep or seven goats for an AUM.

Of course, by increasing the number of sheep or goats per AUM from five to seven, that change would effectively decrease the cost of grazing sheep and goats by almost one-third, by almost 33 percent. This is a taxpayer giveaway basically, yet another reduction in revenue terms of the bill. As I said, there is disagreement.

My view is that this bill will take the AUM's to \$1.55 based. That is not my estimate. That is the Congressional Budget Office. Some Members have said they disagree with that, which would be more like a 15-percent increase, not the 36-percent increase that the proponents of this have advanced as to what the bill would accomplish.

I could talk about that later. But the fee per AUM established under the bill, regardless of the type of livestock grazed in the forage area, needs to sustain a fixed number of sheep and goats, and would be unchanged by the definition, but owners of sheep and goats could purchase fewer AUM's to support the same number of animals under the new definition in the bill.

□ 1430

Some producers might increase the size of their sheep and goat herds in response to lower effective costs for grazing on public land because the grazing fees are only a fraction of the total cost for grazing on public land, or to raise sheep and goats. However, the CBO expects a net drop in the number of AUM's associated in a decrease in offsetting receipts. They are saying this will lose over half a million dol-

lars. This particular change, this definition, CBO says, will lose \$600,000 per year.

But more importantly is that besides having an arbitrary formula for establishing what the cost is for cow-calf combinations on the 250 million acres of public range that are managed under this law, besides that, this is another arbitrary change in terms of what is taking place. This is simply a gift pack to those that are raising sheep and goats on the public range.

I would suggest, as I said, that most of these grazing species, whether they be cows, burrows, or horses, on public lands that are being grazed end up being the dominant animal in terms of that particular ecosystem. In fact, very often predators have been destroyed historically to, in fact, make it safe for those cows, those goats, and those sheep. So they do become the dominant species. And they completely, shape the range by the grazing behavior.

In some cases, these grasslands and other areas can absorb that type of abuse as to what is the carrying capacity. But other areas are very fragile. In terms of extending this, I think we end up doing great harm in terms of many of those fragile ecosystems, those ephemeral types of lands that are used for grazing. And in that 250 million acres I might say, Mr. Chairman, a goodly part of it is very fragile land. And while it was looked upon as wasteland in the past, today we recognize that those ecosystems and the biodiversity that occurs there is enormously important. Some are the habitat to our spectacular types of species, some of which, unfortunately, today remain threatened or endangered. All of those are potential conflicts that need to be resolved.

I know of no basis for the change that is provided here. As I implied earlier in my comments with regard to the formula in this bill, it is a completely arbitrary formula, it has nothing to do with what the costs of managing the program, of monitoring the program. It has nothing to do with the cost of the BLM or Forest Service, who spend nearly three times as much as they take in fees in terms of trying to manage and to monitor this program.

This definition simply is a gift to those who have the permits for such allotments. We would probably have a tendency to emphasize more sheep and goat AUM's on public lands based simply on the fact that we are reducing the cost by one-third and actually having a preference for goat or sheep by virtue of the definitional change of that. That may well have a profound effect on the public range as there grazing pattern and impact is different.

I know of no analysis of this. Unfortunately, since we did not have hearings on this proposed change, we could not discuss this in the committee and raised these types of questions or heard answers from the administration or the land managers.

I urge the adoption of my amendment, Mr. Chairman, to stop this AUM definition change.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as usual, the gentleman from Minnesota [Mr. VENTO], recognizing his lack of background in livestock and sheep, has misquoted and mistaken this argument. The facts are, Mr. Chairman, that the U.S. Department of Agriculture has been overcharging sheep and goat producers who graze on public lands for these many years. And why is that?

It is simply because that in 1950 the comparison between a cow and a sheep was 920 to 140 pounds. Today, the comparison is 1,120 to 147 pounds. That means, Mr. Chairman, that an animal can only consume forage equivalent to its weight.

Now, this does not affect in any way the stocking rate of sheep and goats to the ranch. If this amendment stays in the bill, it means that the stocking rate is continually organized and orchestrated and managed by the BLM and Forest Service if there are those permits available. Therefore, it only affects the billing rate. And the billing rate, to be fair to sheep producers, ought to be 7 to 1 and not 5 to 1.

Therefore, the Economic Research Service of the U.S. Department of Agriculture, in 1994, pointed out and argued the point that we should change the formula since the weight differential has changed. The bill does change the formula in fairness to the sheep and goat producers. And I point out again that the bill, when it passes, will increase to the Federal Treasury \$6 million a year. It will increase sheep and goat producers who graze on public lands by 15 cents or more per animal-unit month.

Therefore, Mr. Chairman, I suggest that we oppose the Vento amendment and exact fairness for the sheep and goat producers of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 244, not voting 12, as follows:

[Roll No. 548]

#### AYES—176

Abercrombie	Borski	Clyburn
Ackerman	Boucher	Coyne
Allen	Brown (CA)	Cummings
Andrews	Brown (FL)	Davis (FL)
Baldacci	Brown (OH)	Davis (IL)
Barrett (WI)	Campbell	DeFazio
Becerra	Cardin	DeGette
Bereuter	Carson	Delahunt
Berman	Chabot	DeLauro
Blagojevich	Clay	Dellums
Blumenauer	Clayton	Deutsch
Bonior	Clement	Dicks

Dingell	Lantos	Ramstad
Dixon	Leach	Rangel
Doggett	Levin	Regula
Doyle	Lewis (GA)	Rivers
Duncan	Lipinski	Roemer
Engel	LoBiondo	Rothman
Eshoo	Lofgren	Roukema
Evans	Lowe	Roybal-Allard
Fattah	Luther	Rush
Filner	Maloney (CT)	Sabo
Foglietta	Maloney (NY)	Sanchez
Forbes	Manton	Sanders
Ford	Markey	Sanford
Fox	Mascara	Sawyer
Frank (MA)	Matsui	Schumer
Franks (NJ)	McCarthy (MO)	Serrano
Frelinghuysen	McCarthy (NY)	Shays
Furse	McDermott	Skaggs
Ganske	McGovern	Skelton
Gephardt	McHale	Slaughter
Gordon	McKinney	Smith, Adam
Green	McNulty	Snyder
Gutierrez	Meehan	Spratt
Hamilton	Meek	Stabenow
Harman	Menendez	Stark
Hilliard	Millender-McDonald	Strickland
Hinchey	Miller (CA)	Stupak
Hoolley	Mink	Tauscher
Horn	Moakley	Thurman
Hoyer	Moolohan	Tierney
Jackson (IL)	Moran (VA)	Torres
Jackson-Lee	Morella	Towns
(TX)	Nadler	Upton
Jefferson	Neal	Velazquez
Johnson (CT)	Neumann	Vento
Kanjorski	Oberstar	Visclosky
Kaptur	Obey	Wamp
Kennedy (MA)	Oliver	Waters
Kennedy (RI)	Owens	Watt (NC)
Kennelly	Pallone	Waxman
Kildee	Pappas	Wexler
Kilpatrick	Pascroll	Weygand
Kind (WI)	Payne	Wise
Klecicka	Pease	Woolsey
Klink	Pelosi	Wynn
Kucinich	Price (NC)	Yates
LaFalce	Rahall	
Lampson		

#### NOES—244

Aderholt	Cox	Hayworth
Archer	Cramer	Hefley
Armey	Crane	Hefner
Bachus	Crapo	Henger
Baessler	Cunningham	Hill
Baker	Davis (VA)	Hilleary
Ballenger	Deal	Hinojosa
Barcia	DeLay	Hobson
Barr	Diaz-Balart	Hoekstra
Barrett (NE)	Dickey	Holden
Bartlett	Dooley	Hostettler
Barton	Doolittle	Houghton
Bass	Dreier	Hulshof
Bateman	Dunn	Hunter
Bentsen	Edwards	Hutchinson
Berry	Ehlers	Hyde
Bilbray	Ehrlich	Inglis
Bilirakis	Emerson	Istook
Bishop	English	Jenkins
Bliley	Ensign	John
Blunt	Etheridge	Johnson (WI)
Boehlert	Everett	Johnson, E. B.
Boehner	Ewing	Johnson, Sam
Bonilla	Farr	Jones
Bono	Fawell	Kasich
Boswell	Fazio	Kelly
Boyd	Flake	Kim
Brady	Foley	King (NY)
Bryant	Frost	Kingston
Bunning	Gallegly	Klug
Burr	Gejdenson	Knollenberg
Burton	Gekas	Kolbe
Buyer	Gibbons	LaHood
Callahan	Gilchrest	Largent
Calvert	Gillmor	Latham
Camp	Gilman	LaTourette
Canady	Goode	Lazio
Cannon	Goodlatte	Lewis (CA)
Castle	Goodling	Lewis (KY)
Chambliss	Goss	Livingston
Chenoweth	Graham	Lucas
Christensen	Greenwood	Manzullo
Coble	Gutknecht	Martinez
Collins	Hall (OH)	McCollum
Combest	Hall (TX)	McCrery
Condit	Hansen	McDade
Cook	Hastert	McHugh
Cooksey	Hastings (FL)	McInnis
Costello	Hastings (WA)	McIntosh

McIntyre	Quinn	Smith, Linda
McKeon	Radanovich	Snowbarger
Metcalf	Redmond	Solomon
Mica	Reyes	Souder
Miller (FL)	Riggs	Spence
Minge	Riley	Stearns
Moran (KS)	Rodriguez	Stenholm
Murtha	Rogan	Stump
Myrick	Rogers	Sununu
Nethercutt	Rohrabacher	Talent
Ney	Ros-Lehtinen	Tanner
Northup	Royce	Tauzin
Norwood	Ryun	Taylor (MS)
Nussle	Salmon	Taylor (NC)
Ortiz	Sandlin	Thomas
Oxley	Saxton	Thompson
Packard	Scarborough	Thornberry
Parker	Schaefer, Dan	Thune
Pastor	Schaffer, Bob	Tiahrt
Paul	Scott	Trafigant
Paxon	Sensenbrenner	Turner
Peterson (MN)	Sessions	Walsh
Peterson (PA)	Shadegg	Watkins
Petri	Shaw	Watts (OK)
Pickering	Sherman	Weller
Pickett	Shimkus	White
Pitts	Shuster	Whitfield
Pombo	Sisisky	Wicker
Pomeroy	Skeen	Wolf
Porter	Smith (MI)	Young (AK)
Portman	Smith (NJ)	Young (FL)
Poshard	Smith (OR)	
Pryce (OH)	Smith (TX)	

#### NOT VOTING—12

Coburn	Fowler	Schiff
Conyers	Gonzalez	Stokes
Cubin	Granger	Weldon (FL)
Danner	Linder	Weldon (PA)

□ 1455

Messrs. BILIRAKIS, PETRI, BONO and RODRIGUEZ changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word. Let me say first that I want to commend the chairman of the committee and his ranking member and the entire team on the Committee on Agriculture that did such a good job with producing a bipartisan bill. They worked together with Members across this House. I want to also thank the gentleman from New York [Mr. BOEHLERT], who worked on this bill. I believe we have here a very broadly based bill that does a number of very important things.

I feel particularly good about this because this summer we had a western States tour that went through Utah and Idaho and Montana and Wyoming that met with ranchers, that looked at problems of the Bureau of Land Management, that looked at challenges that we face in making sure that family ranches and family farms can survive. I want to recommend to Members from all over America that we need to work on that kind of tour here at home. We talk about trips overseas, but I think frankly sometimes to get our rural Members to go to urban areas, to get our urban Members to go to rural areas, to get Easterners to visit the West and Westerners to visit the coast, this kind of educating ourselves about our own country and talking with people in a practical way about the realities of their life changes Members' understanding of issues that may just be theoretical here in Washington, DC.



□ 1500

This bill, the Forage Improvement Act, first of all, from the taxpayers' standpoint, raises the fee on public land footage by 36 percent and has been scored by the Congressional Budget Office as something which gains revenue for the American people, but it does so in a way that actually helps the ranchers.

It makes sense for the rancher to pay the higher fee, because it also creates greater flexibility and cooperation by allowing the Secretary to enter into cooperative allotment plans with those ranchers who prove they are responsible stewards of the land, so we begin to eliminate some of the red tape and eliminate some of the more, frankly, Mickey Mouse regulations.

It streamlines an entire set of regulations between the Forest Service and the Bureau of Land Management, trying to give the American people one set of rules and regulations, rather than what are often not only overlapping, but conflicting sets of rules and regulations.

It provides for the application of sound science. Again, those who have been looking at our public lands know that we have had a tremendous increase in populations of species. We have actually had, in some areas, an explosion of population. We need to base our environmental policies and our conservation policies on an approach that starts with sound science, with finding out from biologists and botanists what is really happening, and then basing it not on theories, not on ideologies, but on what we learn from the scientists directly involved.

I believe this bill is a significant step in the right direction, and I believe it offers the hope of greater stability and greater sound economic management for family ranches across the West.

So I again want to commend the gentleman. I think this is a very important building block toward a healthy agricultural base for the United States. I think it streamlines the government, improves the yield to the taxpayer, increases the opportunity for the farmer, and does so in a way that is environmentally sound and is based on sound science.

I urge every Member to vote "yes" on this bill.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 1270, the Nuclear Waste Policy Act.

The United States' 109 nuclear power plants, located in 34 states including my home state of Illinois, are running out of storage space for spent nuclear fuel. By early 1998, a quarter of our reactor sites will have exhausted their storage capacity.

The passage of the Nuclear Waste Policy Act will result in long-awaited changes to our Nation's used fuel management policy. This bill will finally begin to utilize the financial contributions of millions of Americans who have paid over \$12 billion into the Nuclear Waste Fund for the specific purpose of creating a national repository for spent fuel. Illinois has the most spent fuel of any other state—4300 met-

ric tons located in seven spent storage facilities throughout the state. Residents of Illinois have paid more than those from any other state into the Nuclear Waste Policy Fund by contributing \$1.4 billion. They deserve to have their money used for the purpose it was intended—a permanent and safe national repository. The Nuclear Waste Policy Act allows for such a removal.

The bill replaces the mandatory flat fee of one tenth of a cent per kilowatt hour with a discretionary annually adjusted fee. While the bill permits a maximum of 1.5 tenths of a cent per kilowatt hour in peak disposal site construction years, it also requires the annual fee average no more than one tenth of a cent per kilowatt hour between 1999 and 2010. Further, under this bill user fees cannot be diverted to unrelated federal programs.

Mr. Speaker, while I support this bill I, like many of my constituents, continue to be concerned about the transportation of nuclear waste. I am pleased this bill directs the Department of Energy to take all steps necessary to ensure that it is able to safely transport spent nuclear fuel to the repository. The Department of Energy also will be required to notify states through which waste will be transported and to provide those states with technical assistance and funding to train public safety officials. I support the Schaefer Manager's amendment which includes important provisions designed to minimize transportation through populated areas. The Manager's amendment also provides for the establishment of preferred rail routes for waste transportation.

Mr. Speaker, I support this bill and I am pleased spent nuclear fuel will finally be removed from the temporary storage facilities in my state and into a safe national repository where it belongs.

Mr. ACKERMAN. Mr. Chairman, I rise today in strong opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997. Few policy decisions will have a more significant impact on our environment and the safety of our communities than this bill before us today. High-level waste is a daunting responsibility which must be afforded the most stringent and thorough deliberation. The determination to transport nuclear waste through 43 States, affecting 52 million people, should not be mandated by political motivations. The potential cost, in terms of the loss of life and the impact on our environment is too great to dictate arbitrary deadlines. If the scientific community is not yet prepared to support the political rhetoric coming from this floor, how can we feel qualified to preempt their authority and expertise?

When we in Congress fail to meet our deadlines on appropriations bills, we pass a continuing resolution, and extend the time afforded us to pass informed legislation. With the passage of H.R. 1270, we will be directing the Department of Energy to abide by a deadline which they are not adequately prepared to implement. By doing so, we will endanger our environment and the constituents of almost every Member in this House. As conscientious legislators, we must grant the Department of Energy the same latitude to make informed decisions that we allow ourselves. To do anything less would be the ultimate form of hypocrisy.

The scientific feasibility of the Yucca Mountain site has not yet been determined, and when every significant environmental and citi-

zen organization is in opposition to this bill, we must at least acknowledge that there are serious concerns which have not been adequately addressed. In good conscience there is simply no way we can place this deadly material in untested canisters and ship it on poorly maintained railways, through ill prepared and unaware communities, until every issue is resolved and every precaution is taken. If we pass this legislation we have failed our community, we have failed our Nation, and we have failed ourselves. I strongly urge all my colleagues to vote against this dangerously flawed bill.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, pursuant to House Resolution 284, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 182, not voting 9, as follows:

[Roll No. 549]

YEAS—242

Aderholt	Bartlett	Blunt
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baesler	Bereuter	Bono
Baker	Berry	Boswell
Ballenger	Bilbray	Boyd
Barcia	Bilirakis	Brady
Barr	Bishop	Bryant
Barrett (NE)	Biley	Bunning

Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cannon  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Coble  
Coburn  
Collins  
Combest  
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  
Gilchrest  
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  
Ingilis  
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  
Pickering  
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

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  
DeLaunt  
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)  
Hinche  
Hooley  
Hoyer  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (MA)

Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Klink  
Klug  
Kucinich  
Quinn  
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  
Miller (CA)  
Mink  
Moakley  
Mollohan  
Moran (VA)  
Morella  
Nadler  
Neal  
Obey  
Olver  
Owens  
Pallone  
Pappas  
Pascarella  
Paul  
Payne  
Pease  
Pelosi  
Poshard  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Redmond  
Rivers  
Roemer  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sanford  
Sawyer

Scarborough  
Schumer  
Scott  
Serrano  
Shays  
Sherman  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (NJ)  
Smith, Adam  
Snyder  
Spratt  
Stabenow  
Stark  
Strickland  
Stupak  
Tauscher  
Taylor (MS)  
Tierney  
Torres  
Towns  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Wexler  
Weyand  
Wise  
Woolsey  
Wynn  
Yates

## NOT VOTING—9

Cubin  
Danner  
Gonzalez

Granger  
Schiff  
Stokes

Watkins  
Weldon (FL)  
Weldon (PA)

□ 1524

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. DANNER. Mr. Speaker, on rollcall vote 549 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "yes."

On rollcall vote 548 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "no."

On rollcall vote 547 I was unavoidably detained. I would like the RECORD to show that had I been present, I would have voted "no."

## GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include extraneous matter in the RECORD on the bill, H.R. 2493.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2493, FOR-AGE IMPROVEMENT ACT OF 1997

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2493, the Clerk be authorized to correct the table of contents, section numbers,

punctuation, citations, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Oregon?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2459

Mr. PAXON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 2459.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1270.

□ 1526

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself 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, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 29, 1997, the demand for a recorded vote on amendment No. 9 printed in House Report 105-354 offered by the gentleman from Ohio [Mr. TRAFICANT] had been postponed.

It is now in order to consider amendment No. 10 printed in that report.

The Chair has been advised that the amendment will not be offered.

## SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 283, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Nevada [Mr. ENSIGN]; amendment No. 5 offered by the gentleman from Nevada [Mr. GIBBONS]; amendment No. 6 offered by the gentleman from Nevada [Mr. ENSIGN]; amendment No. 7 offered by the gentleman from Massachusetts [Mr. MARKEY]; amendment No. 8 offered by the gentleman from Nevada [Mr. GIBBONS]; and amendment No. 9 offered by the gentleman from Ohio [Mr. TRAFICANT].

## AMENDMENT NO. 4 OFFERED BY MR. ENSIGN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Nevada [Mr. ENSIGN] on which further proceedings