

Wasserman
Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch
Wexler
Whitfield

Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry

NOT VOTING—13

Ackerman
Barrett (SC)
Braley (IA)
Ellison
Gohmert
Graves
Lucas
Miller, Gary
Nadler (NY)
Rangel
Taylor
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1053

So the previous question was ordered.
The result of the vote was announced as above recorded.
Stated for:

Mr. ELLISON. Madam Speaker, on July 17, 2009, I inadvertently failed to vote on rollcall No. 574. Had I voted, I would have voted “yea.”

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 574, had I been present, I would have voted “yea.”

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 186, not voting 11, as follows:

[Roll No. 575]

YEAS—236

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bowdell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Clever
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebbeck
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeke (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Kosmas
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Wexler
Whitfield

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Woolsey

Wu
Yarmuth

NAYS—186

Aderholt
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Bonner
Bono Mack
Boozman
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Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Ryan (WI)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Barrett (SC)
Brady (TX)
Gohmert
Gonzalez
Graves
LaTourette
Lucas
Miller, Gary
Taylor
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes left in the vote.

□ 1100

Mr. NADLER 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.

RESTORE OUR AMERICAN MUSTANGS ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 653, I call up the bill (H.R. 1018) to amend the Wild Free-

Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to House Resolution 653, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered as read.

The text of the bill, as amended, is as follows:

H.R. 1018

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restore Our American Mustangs Act”.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of December 15, 1971 (commonly known as the “Wild Free-Roaming Horses and Burros Act”; 16 U.S.C. 1331 et seq.).

SEC. 3. POLICY.

The first section is amended by striking “in the area where presently found, as”.

SEC. 4. DEFINITIONS.

Section 2 (16 U.S.C. 1332) is amended—

(1) in paragraph (b), by inserting “born or present” after “unclaimed horses and burros”;

(2) in paragraph (c), by striking “which does not exceed their known territorial limits.”;

(3) in paragraph (d)—

(A) by inserting “and any associated foals” after “his mares”; and

(B) by striking “and” after the semicolon;

(4) in paragraph (e), by striking the period and inserting a semicolon;

(5) in paragraph (f)—

(A) by striking “(1) which” and all that follows through “(2)”;

(B) by inserting “and”, in accordance with section 3(d),” after “from an area”; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(g) ‘thriving natural ecological balance’ means a condition that protects ecosystem health, the ecological processes that sustain ecosystem function and a diversity of life forms, including those species listed under the Endangered Species Act of 1973, and further ensures that wild horses and burros, livestock and wildlife species are given fair consideration in the allocation of resources on those lands where said species are authorized or managed consistent with the requirements of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) and other applicable law; and

“(h) ‘fatally injured or terminally ill’ means an animal exhibiting one or more of the following:

“(1) A hopeless prognosis for life.

“(2) A chronic or incurable disease, injury, lameness, or serious physical defect (including severe tooth loss or wear, club foot, and other severe congenital abnormalities).

“(3) A condition requiring continuous treatment for the relief of pain and suffering in a domestic setting.

“(4) An acute or chronic illness, injury, physical condition or lameness that would preclude an acceptable quality of life for the foreseeable future.”.

SEC. 5. INVENTORY AND DETERMINATIONS.

(a) Section 3(a) (16 U.S.C. 1333(a)) is amended as follows:

(1) By striking “is authorized and directed to” and inserting “shall—

“(1)”.

(2) By striking “, and he may” and inserting a semicolon.

(3) By inserting before “designate” the following:

“(2)”.

(4) In paragraph (2) (as so designated)—

(A) by striking “their” and inserting “the”;

(B) by inserting “of wild free-roaming horses and burros” after “preservation”;

(C) by striking “wherein” and inserting “where”;

(D) by striking “deems” and inserting “, considers”;

(E) by striking “desirable. The Secretary shall” and inserting “desirable;

“(3)”.

(5) In paragraph (3) (as so designated), by striking the period after “public lands” and inserting a semicolon.

(6) By striking “He shall” and inserting the following:

“(4)”.

(7) In paragraph (4) (as so designated), by striking “of this Act.” and inserting “of this Act.”.

(8) By striking “All” and inserting the following:

“(5) ensure that”.

(9) In paragraph (5) (as so designated)—

(A) by inserting “related to wild free-roaming horses and burros are” after “activities”;

(B) by striking “shall be” both places it appears;

(C) by inserting “relevant State” after “in consultation with the”;

(D) by striking “of the State wherein such lands are located”;

(E) by striking “which inhabit such lands”;

(F) by striking the period after “endangered wildlife species” and inserting a semicolon.

(10) By striking “Any” and inserting the following:

“(6) ensure that any”.

(11) In paragraph (6) (as so designated)—

(A) by striking “on any such lands shall take” and inserting “are made after taking”;

and

(B) by striking “which inhabit such lands.” and inserting “; and”.

(12) At the end of such subsection, add the following:

“(7) ensure that the acreage available for wild and free-roaming horses and burros shall never be less than the acreage where wild and free-roaming horses and burros were found in 1971.”.

(b) Subsection (b)(1) of section 3 is amended as follows:

(1) By striking “(b)(1) The Secretary shall” and inserting the following:

“(b) In order to determine if a thriving natural ecological balance exists with regards to wild free-roaming horses and burros, the Secretary shall—

“(1)”.

(2) In paragraph (1) (as so designated)—

(A) by striking “a current” and inserting “an”;

(B) by striking the period after “public lands” and inserting a semicolon and the following:

“(2) update the inventory every two years; and

“(3) make the inventory available to the public on the Website of the Bureau of Land Management.”.

(3) By striking “The purpose” and all that follows through “the Secretary” and inserting the following:

“(c) In order to better manage and protect wild free-roaming horses and burros, and to achieve and maintain a thriving natural ecological balance, the Secretary, not later than one year after the date of the enactment of this section, shall take the following actions:

“(1) Adopt and employ the best scientific, peer-reviewed methods to accurately estimate

wild free-roaming horse and burro populations on public lands for purposes of the inventory required in subsection (b).

“(2) Develop a policy and standards, with public involvement, for setting consistent, appropriate management levels on public lands, based on scientifically sound methodologies.

“(3) Provide a public process, including a period for notice and comment, for finalizing appropriate management level standards.

“(4) Publish and distribute these standards to each field office so that the methodology for estimating population and determining appropriate management levels is consistent across public lands.

“(5) Train Federal personnel on the use of these standard techniques to estimate population and determine appropriate management levels.”.

(4) By striking “shall consult with” and inserting the following:

“(6) Develop and finalize the standards in consultation with—”.

(5)(A) By inserting “(A)” before “the United States Fish”.

(B) By inserting “(B)” before “wildlife agencies”.

(C) By striking “wherein” and inserting “where”.

(D) By striking “such individuals” and inserting “(C) individuals”.

(E) By striking “such other individuals” and inserting “(D) individuals”.

(F) By striking “he” and inserting “the Secretary”.

(G) By inserting “to” after “determines”.

(6) In subparagraphs (A) through (C) of paragraph (6) (as so designated), by striking each comma and inserting a semicolon.

(7) In subparagraphs (A) through (D) of paragraph (6) (as so designated), by moving the margins of such subparagraphs 4 ems to the right.

(8) After paragraph (6) (as so designated), by inserting the following:

“(7) Identify new, appropriate rangeland for wild free-roaming horses and burros, including use of land acquisitions, exchanges, conservation easements, voluntary grazing buyouts, and agreements with private landowners to allow for the federally supervised protection of wild horses and burros on private lands, except that the Secretary shall assess the effects of new range for wild free-roaming horses and burros on rangeland health, riparian zones, water quality, soil compaction, seed bed disturbance, native wildlife, and endangered or threatened species and transmit the results of the assessment to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(8) Establish sanctuaries or exclusive use areas, except that the Secretary shall assess the effects of sanctuaries or exclusive use areas for wild free-roaming horses and burros on rangeland health, riparian zones, water quality, soil compaction, seed bed disturbance, native wildlife and endangered or threatened species and transmit the results of the assessment to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(9) In identifying or designating any new rangeland, or establishing any sanctuary or exclusive use area for wild free-roaming horses and burros, the Secretary of the Interior and the Secretary of Agriculture shall take into account and avoid any potential conflicts with wind, solar, geothermal, oil, natural gas, energy transmission, and mineral resources potential of the lands affected by the identification, designation, or establishment.

“(10) Research, develop, and implement enhanced surgical or immunocontraception sterilization or other safe methods of fertility control.”.

(c) In subsection (b) of section 3, by striking “(2) Where” and inserting “(d) If”.

(d) In subsection (d) (as so designated) of section 3—

(1) by striking “determines” and all that follows through “horses and burros to be” in subparagraph (B) and inserting “has exhausted all practicable options for maintaining a thriving natural ecological balance on the range, the Secretary may provide that wild free-roaming horses and burros are”;

(2) by striking “for which he determines” the first place it appears and inserting “so long as the Secretary has determined”;

(3) by striking “and for which he determines he can assure” and inserting “and the Secretary can ensure”;

(4) by striking “(including” and all that follows through “That, not” and inserting the following: “by requiring that—

“(1) no”;

(5) in paragraph (1) (as so designated)—

(A) by striking “animals” the first two places it appears and inserting “wild free-roaming horses and burros”;

(B) by striking “such” the first place it appears and inserting “the”; and

(C) by striking “and” after the semicolon and adding the following:

“(2) each individual adopter shall execute an appropriate attestation, pursuant to section 1001 of title 18, United States Code, affirming that adopted animals and their remains shall not be used for commercial purposes; and

“(3) wild free-roaming horses and burros may not be contained in corrals or short-term holding facilities for more than 6 months while awaiting disposition.”; and

(6) by striking subparagraph (C) and paragraph (3).

(e) Redesignate subsection (c) of section 3 as subsection (e) and in such subsection—

(1) by striking “Where excess animals have” and inserting “When a wild free-roaming horse or burro has”;

(2) by striking “a period of”;

(3) by striking “is authorized” and inserting “shall.”;

(4) by inserting a comma after “transferee”;

(5) by striking “to” before “grant”;

(6) by striking “title to not more than four animals to”; and

(7) by striking “at the end of the one-year period” and inserting “title to that animal”.

(f) Redesignate subsection (d) of section 3 as subsection (f) and in such subsection—

(1) by striking “Wild” and inserting “(1) Except as provided for in paragraph (2), wild”;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) in subparagraph (A) (as so redesignated), by striking “(c) except for the limitation of subsection (c)(1)” and inserting “(e)”;

(4) in subparagraph (C) (as so redesignated), by striking “(b)” and inserting “(h)”;

(5) in subparagraph (D) (as so redesignated), by striking “; or” and inserting a period; and

(6) in paragraph (5), by striking “(5)” and all that follows through “burro” and inserting the following:

“(2) No animal ever covered under this Act”.

(g) By inserting after section 3(f) (as so redesignated) the following:

“(g) Not later than one year after the date of enactment of this subsection, for the purposes of carrying out a successful wild free-roaming horse and burro adoption program the Secretary shall—

“(1) implement creative and more aggressive marketing strategies for the adoption program, including the use of the internet or other media to showcase horses and the adoption program;

“(2) explore public outreach opportunities, including agreements with local and State organizations that are using horses for rehabilitation, therapy, or prisoner programs;

“(3) provide resources to properly screen and train potential adopters;

“(4) conduct tours of Bureau of Land Management facilities for interested parties;

“(5) develop volunteer mentor and compliance check programs for assisting the agency in facilitating successful adoptions;

“(6) develop a program through which potential adopters may be offered an economic incentive for successful completion of the adoption process; and

“(7) take any and all other actions that the Secretary determines to be necessary and useful towards expanding the wild horse and burro adoption program.

“(h) The Secretary may not destroy or authorize the destruction of wild free-roaming horses or burros unless the Secretary—

“(1) determines that the wild free-roaming horse or burro is terminally ill or fatally injured; and

“(2) ensures that the terminally ill or fatally injured wild free-roaming horse or burro will be destroyed in the most humane manner.

“(i) If the immediate health or safety of wild free-roaming horses or burros is threatened, such as in severe drought conditions, the Secretary may temporarily remove animals from the range.

“(j) The Secretary may remove from the range wild free-roaming horses and burros determined to be a threat to the health and well being of native plant or wildlife species.

“(k) Except in cases of removal under subsection (d), (i), or (j), if the Secretary removes wild free-roaming horses or burros from an area, the Secretary shall provide a public notice on the Website of the Bureau of Land Management 30 days prior to the planned removal.

“(l) The Secretary shall—

“(1) track the number of wild free-roaming horses and burros injured or killed during gathering or holding in a centralized database system;

“(2) determine what information on the treatment of gathered wild free-roaming horses and burros in holding and adopted wild free-roaming horses and burros could be provided to the public to help inform the public about the treatment of wild free-roaming horses and burros; and

“(3) ensure that such information is easily accessible on the Website of the Bureau of Land Management.”.

(h) By striking subsection (e) (relating to sale of excess animals).

SEC. 6. PRIVATE MAINTENANCE.

Section 4 (16 U.S.C. 1334) is amended—

(1) by striking “animals removed” and inserting “animals returned to public land”; and

(2) by inserting “pursuant to section 3(h)” after “agents of the Secretary”.

SEC. 7. COOPERATIVE AGREEMENTS.

Section 6 (16 U.S.C. 1336) is amended by inserting “and other private entities” after “landowners”.

SEC. 8. JOINT ADVISORY BOARD.

Section 7 (16 U.S.C. 1337) is amended—

(1) by striking “nine” and inserting “12”;

(2) by striking “Governments” and all that follows “management.” and inserting “Governments and shall include at a minimum three representatives of the livestock industry; three representatives of the environmental community; three representatives of the animal protection community; and three scientists with expertise in wildlife management, animal husbandry, or natural resource management.”; and

(3) by adding at the end the following new sentence: “Nomination of members of the board shall be conducted by public notice and comment in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix) and shall be for a term of four years. No individual shall serve more than two consecutive terms.”.

SEC. 9. CRIMINAL PROVISIONS.

Section 8 (16 U.S.C. 1338) is amended—

(1) by striking “Any person who” and inserting “(a) Any person who”; and

(2) in paragraph (4) of subsection (a) (as so designated)—

(A) by striking “except as provided in section 3(e).”;

(B) by inserting “, transports for processing,” after “processes”;

(C) by striking “the remains of a” and inserting “a live or deceased”; and

(D) by inserting “for consideration” after “burro”.

SEC. 10. LIMITATION OF AUTHORITY.

Strike section 10 (16 U.S.C. 1339) and redesignate section 11 as section 10.

SEC. 11. REPORTS.

Section 10 (as so redesignated by section 10 of this Act) is amended as follows:

(1) By striking “After the expiration” and all that follows through “thereafter” and inserting “(a)(1) Not later than one year after the date of enactment of this subsection and annually thereafter”.

(2) By striking “will submit to Congress a joint report” and inserting “shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a joint report”.

(3) By striking “he” and inserting “the Secretaries”.

(4) By inserting after subsection (a)(1) (as so designated) the following:

“(2) The report shall also contain the following—

“(A) the number of acres managed by the Bureau of Land Management and the USDA Forest Service for wild free-roaming horses and burros;

“(B) the appropriate management levels on public rangelands;

“(C) a description of the methods used to determine the appropriate management levels and whether it was applied consistently across the agency;

“(D) the number of wild free-roaming horses and burros on public lands;

“(E) a description of the methods used to determine the wild free-roaming horse and burro population;

“(F) any land acquisitions, exchanges, conservation easements, and voluntary grazing buyouts that the Secretary has acquired or pursued for wild free-roaming horses and burros;

“(G) any sanctuaries or exclusive use areas established for wild free-roaming horses and burros;

“(H) programs established for immunization research, development, and management level implementation;

“(I) the extent to which fertility control is being used by the Secretary to control the population of wild free-roaming horses and burros;

“(J) the percentage of the Bureau of Land Management budget devoted to contraception annually;

“(K) the ratio of animals the agency has contracepted and put back on the range; and

“(L) which herds have been administered contraception and with what results.

“(3) Each report submitted under paragraph (2) shall be made available to the public on the Website of the Bureau of Land Management.”.

(5) By inserting “(b)” before “The Secretary of the Interior”.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in part A of House Report 111-212 if ordered by the gentleman from West Virginia (Mr. RAHALL) or his designee, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to a demand for division of the question. It shall be in order to consider a further amendment in the nature of a substitute printed in part B of House Report 111-212 if offered by the gentleman from Washington (Mr. HASTINGS) or his designee, which shall be considered as read and debatable for

30 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1018.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to bring before the House today H.R. 1018, the Restore Our American Mustangs Act, legislation that will save the taxpayers money while saving tens of thousands of wild horses and burros from slaughter.

Earlier this year, the Bureau of Land Management made a truly shocking announcement. This Federal agency tasked with managing our magnificent public lands and resources announced future plans to destroy, i.e., slaughter, 30,000 healthy wild horses and burros entrusted to their care by the American people.

The announcement was even more stunning given that Congress enacted the Wild, Free Roaming Horse and Burro Act of 1971 declaring that these iconic animals were "living symbols of the historic and pioneer spirit of the West" and "are to be considered an integral part of the natural system of the public lands."

How in the world can a Federal agency be considering massive slaughter of animals the law says they are supposed to be protecting?

At my request, the Government Accountability Office conducted a complete review of the program, and they documented its numerous shortcomings.

The bill before us amends the 1971 act to implement the suggestions made by GAO and give the agency as many options as possible to avoid destroying these animals. Most significantly, this legislation will move the agency toward increasing the acreage available to wild horses and burros.

When the original act passed in 1971, 20 percent of BLM land was open to the horses. Today, they are only allowed on 13 percent of BLM land. The agency has never justified the removal of horses and burros from these missing acres.

This bill will also require consistency in management planning, with publication of standard operating procedures for managing these animals across all of our public lands. It will require better accounting methods so the agency can be certain how many animals are truly out on the range. It will strengthen the adoption program so that many more eligible horses and burros can go

to adoptive homes. And it will authorize cooperative agreements with individuals and nonprofits so that large numbers of animals might be moved onto non-Federal land. Each of these provisions will make this program more cost-effective and will make it more efficient.

Despite these improvements, opponents of this bill are going to claim today that it will be expensive to implement. Their solution is to simply pass the same narrow bill prohibiting slaughter approved in the last Congress. You're going to hear that this bill goes so far that it should be called welfare for horses. That's what they will claim.

This is a funny line, but it uses high cost estimates to gloss over the fact that since the last Congress we have the benefit now of a comprehensive GAO report identifying many more strategies that we must pursue. Commissioning a good report and then ignoring its recommendations I hardly think is a way to save money. Stopping slaughter is an important step, and I'm pleased to see my friends on the other side of the aisle are now supporting that, but we do need to do more.

To be very clear, the pending bill, H.R. 1018, contains no direct spending. We are not creating an entitlement for horses. So the welfare joke falls completely flat.

Any increase in funding for the wild horse and bureau program would be the result of appropriations, not this authorization bill. Increasing the number of Federal acres available to horses and burros from the current 13 percent of BLM land back to the 20 percent available to them in 1971 should not cost the taxpayers anything. It is merely a 7 percent management adjustment, nothing more.

Our friends across the aisle always claim that BLM owns too much land. Now, we don't think so, but they certainly own enough to accommodate horses and burros. Furthermore, the management efficiencies in other parts of this bill will actually save money, and here is what we are doing: increasing adoptions, contraception and reducing overcrowding that will relieve the agency from having to round these animals up and care for them in long-term holding facilities, an expensive proposition.

The status quo is the worst of both worlds. It requires the BLM to hold these animals in expensive, long-term storage right up to the point when the money runs out, and then the agency has to kill thousands of them.

And witness these photos. These are American wild mustangs. And this is their fate. This is their fate held in captivity, abused. This is not what America is all about. This is not what America approves.

H.R. 1018 will give the agency new and better tools to avoid this outcome and will save money in the process.

At the appropriate time, I will be offering a manager's amendment further

clarifying that the restoration of the missing acreage is a goal rather than a legal requirement, and so I would urge my colleagues concerned about the cost involved to support that amendment at the time and then support this legislation on final passage.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, across our Nation, Americans are struggling to pay their bills; 9.5 percent of Americans are out of work. This is the highest unemployment rate that America has experienced in over a quarter of a century. President Obama and his economic advisers expect the number of jobless to climb higher, into the double digits.

After bailouts for Wall Street and a stimulus bill that has cost hundreds of billions of dollars and still isn't creating the jobs that the Democrats promised, the national deficit has now hit \$1 trillion, and that is an historic and worrying amount that President Obama says keeps him awake at night.

Mr. Speaker, Americans are hurting. Our economy is in a recession. Two million jobs have been lost since the stimulus bill passed this Congress in February. Government spending is going through the roof. In fact, the Congressional Budget Office estimates that since January, the Obama and Pelosi budgets will lead to increased spending of \$2.6 trillion over the next 10 years.

So, Mr. Speaker, with this backdrop, what is the response of this Democrat Congress to month after month of lost jobs, record unemployment, out-of-control spending, and skyrocketing deficits? Their response is to vote on a bill to create a \$700 million welfare program for wild horses and burros.

Mr. Speaker, if the American people want an illustration of just how out of touch this Congress has become on spending, they need to look no further than what's happening here on the floor of the House with this issue of wild horses and burros.

In the last Congress, the House passed legislation to ban the commercial slaughter of wild horses and burros. It was a one-page bill, and CBO estimated that it would cost taxpayers less than \$500,000 a year. Now we're just 2 years from that time period and we're looking at a bill that, again, bans slaughter of these animals but then proceeds to spend a CBO estimate of \$700 million to create a new welfare program for wild horses.

Mr. Speaker, that's right. Under the fiscal plan of this Democrat Congress the amount they want to spend on wild horses from the last Congress, which was \$500,000, to this Congress, is \$700 million.

So let's take a look at what the taxpayers' dollars would be spent on in

this vast increase of public spending. It would mandate a wild horse census be conducted every 2 years. It provides enhanced contraception and birth control for these horses. It would spend and somehow acquire or move 19 million acres of public and private land for the specific purpose of giving these horses more places to roam around.

Mr. Speaker, 19 million acres is roughly the size of the distinguished chairman's State in West Virginia. That's the size of what we're talking about. And after we do that, Mr. Speaker, \$5 million will then be spent to repair the damage that these horses will do on these lands. And then, of course, there are new mandates that government bureaucrats perform home inspections before Americans can adopt a wild horse. That's the spending that would be encompassed in this \$700 million.

So again, just to repeat, just to be sure that everybody understands, the taxpayers are being asked to buy up millions of acres of land for the enjoyment of wild horses, and then taxpayers will have to pay \$5 million a year to repair the damage that these horses will do to those lands.

Mr. Speaker, I must say only in Washington, D.C., does this make sense. Our country is in the middle of the worst recession in a half century. Over 14.5 million Americans are unemployed and can't find jobs. How in the world can the Democrats in this Congress hold a vote on this bill?

Americans are hurting. Republicans are focused on creating the jobs in this country, but this Democrat Congress seems to be more worried about hundreds of millions of dollars for wild burros and wild horses.

□ 1115

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, before recognizing the distinguished subcommittee chair, I do want to say I'm joined in cosponsoring this legislation by the gentleman from Arizona (Mr. GRIJALVA) and by my colleague from Kentucky (Mr. WHITFIELD).

At this point, I will yield 3 minutes to the distinguished chairman of our National Parks, Forests, and Public Lands Subcommittee, the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Thank you, Mr. Chairman. I rise today in support of the Restore our American Mustangs Act, H.R. 1018, a bill that will ensure wild horses and burros continue to have a place to roam on our public lands.

Mr. Speaker, as a steward of our public lands, I have been appalled by the proposal of the Bureau of Land Management to euthanize tens of thousands of healthy wild horses. According to the recent report by the Government Accountability Office, the BLM's Wild Horse and Burro Program is terribly inefficient and ineffective, and the BLM's so-called solution to this in-

efficiency is to simply put the animals they care for to death.

Mr. Speaker, there has to be a better way.

The better solution includes more options and more rigorous management. The ROAM Act will provide both. It includes reasonable tools such as the use of fertility control, the establishment of sanctuaries, and a much more robust adoption program, all leading to a more humane and constructive scheme.

Mr. Speaker, the amended bill being considered today has taken into account input from a range of stakeholders, including the administration, wild horse advocacy groups, and, based on their experiences and their efforts in the field, this bill has been put together.

Perhaps most significant, the bill provides a definition for the term "thriving natural ecological balance," which appears in the 1971 law but was not defined. The definition makes clear that the management of horses and burros should seek to achieve a balanced, multiple-use of public lands, ensuring the health of all aspects of the range.

Testimony given to the Natural Resources Committee under consideration of this bill from the Director of the Game and Fish Department in my home State of Arizona highlighted the need for such a definition, and the bill provides one.

The amended bill is a solid foundation from which to correct the problems with BLM management of wild horses and burros and to begin to restore these animals to their natural, rightful place on our public lands as intended by the original 1971 law.

I strongly urge my colleagues to vote in favor of the bill before us today and to reject the substitute. The substitute has no cost savings. It guts H.R. 1018. It continues the costly practice of holding animals in pens that cost \$27 million a year to taxpayers. And it's a carte blanche for the BLM to kill, outright, up to 30,000 horses they have sitting in their holding pens.

This amendment is expensive and inhumane, and I urge its defeat.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 7 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS) who has an absolute hands-on experience with the issue that we're dealing with here today. She's also a member of the Natural Resources Committee.

Mrs. LUMMIS. I thank the gentleman from Washington for yielding.

I am from Wyoming, a State that has many wild horses on its public lands. I also have a degree in animal science, and I may be the only Member of this body who has ridden a BLM wild horse. My sister adopted two. This bill is not respectful of the grass resource.

Let's talk about the ecology and the environment of the plains of this great country. Wild horses graze differently than cattle, sheep, elk, and deer. And the reason is they have a solid hoof;

whereas, buffalo, elk, deer, and cattle have a split hoof. When a solid-hoofed animal is pounding our fragile soils in the West, they are tamping or compacting that soil so it does not accept water that is needed to sustain very shallow, very fragile topsoil and the important diversity of grass species that are supported and are needed by every animal that grazes those lands and every endangered and threatened species that uses those same lands.

Furthermore, wild horses are there year-round. Livestock is only there at certain times of the year. Wild horses that were not native to these lands, in the spring, create tremendous damage when the thawing occurs that creates great rises and disruptions of the soil.

Furthermore, when they graze, they pull plants out from the roots. Some of these species are, themselves, threatened and endangered grass and flowering plant species. That is why the Wyoming Nature Conservancy has opposed this bill.

Let me read you what the Wyoming Nature Conservancy has to say: H.R. 1018 is an affront to efforts that have united conservation and ranch interests to achieve real, on-the-ground results throughout the West. Western rangeland supports population of native plants, wildlife, livestock, and wild horses. It is our position that effective management of this rangeland must be based on science, not emotion.

This bill is based on emotion and not science.

Furthermore, when flies congregate on wild horses in the summer, the horses tend to gather closely and try to roll to prevent the flies from staying on them and laying their eggs. Consequently, they're destroying sage grass habitat.

Sage grass is a threatened species that is headed for the endangered species status if we do not control the activity of species that interfere with the recovery of the sage grass.

In other words, this bill is elevating wild horses above threatened and endangered species, above all the plant and animal species that share the same habitat in the West, and this is inappropriate land management, grass management. It creates an unsustainable situation. That is why Wyoming's Democrat Governor has also opposed the bill.

Governor Dave Freudenthal of Wyoming: H.R. 1018, to be frank, props up a program in need of sweeping reform. The current adoption program is full and is not responsive to the real issues of wild horse management. By increasing expensive holding facilities where many of these animals live out their lives because they are unadoptable, H.R. 1018 ignores the reality that wild horse and burro populations are out of control and doesn't get to the real problems that cripple our ability to truly manage these animals.

Furthermore, Wyoming's highly respected premier Game and Fish Department: Simply put, we are very concerned that expanding the management

of free-roaming horses and burros to all public lands would have devastating impacts to the long-term sustainability of the public's fish and wildlife resources and their habitats in the West.

The list goes on and on of opponents. These opponents are people that manage fish and wildlife. These are people who manage grass resources. These are people who have boots-on-the-ground experience and know that you cannot elevate one nonnative species over native species of plants and animals and have an ecologically sustainable grass resource and prairie system.

Chairman RAHALL, I have great respect for your knowledge of the mining laws that are so important to my State and your State, but I can tell you respectfully, Mr. Chairman, that wild horses are a problem in Wyoming, and I'm very hopeful that you will choose not to import the problem to your State of West Virginia. But if you do, you will find, of course, that you can sustain mammals in terms of a number of mammals per acre. In Wyoming, it's the number of acres per mammal, and it can vary anywhere from 35 acres to sustain one mammal to over 100. Because of that, the consequences of overgrazing are enormous.

Today's population of wild horses stands at approximately 36,000, and we know that the wild horse program stipulates that the total population of wild horses on public land should not exceed about 28,000 in order to promote a thriving ecological balance.

Mr. Chairman, we are talking about ecological balance. Yes, this is an expensive program, and I concur with the remarks of my ranking member from Washington. But I want to emphasize the disrespect that this bill places on our sensitive, fragile grass resources in the West that, during times of drought and during times of heavy pressure, are unavailable to sustain this feral horse population, nonnative, that is in need of control.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my very good friend, the chairman of the committee. I was struck by the comments of the gentlelady from Wyoming referring to what she calls a feral horse problem here and the idea that we might be likely to vote on the basis of emotion rather than pure science.

Well, I'm going to give some hard-and-fast numbers. But first in response to that, it seems to me that we should reflect upon the fact that virtually all of our heroes are depicted in statues on horses. If they were killed in battle, their horse has the two front hooves up in the air. If they were wounded, one hoof is up.

Now, there's nothing scientific about that. It's all about emotion. It's about inspiring the American people. It's about what this country was about. And one of the things this country was about is its wild, open spaces where horses and buffalo were free to roam.

Now the argument is made they are nonnative. Well, the cows are nonnative, too, and in large measure this is to provide more room for cow grazing.

Let me get to some hard-and-fast numbers, because I strongly support Mr. RAHALL's bill, because not only is it fiscally responsible, it is the right thing to do. Mr. HASTINGS' substitute is not the best solution.

The House has voted three times on this issue with overwhelming bipartisan support every time. This bill provides cost-effective, on-the-range management for our mustangs.

The Bureau of Land Management's program really isn't working very well. They're rounding up wild horses, only to keep them in holding pens. It's not good for the horses and it's wasting money, frankly.

Now, when you spend two-thirds of your program feeding captive wild mustangs in costly pens, you ought to figure out if there isn't a better alternative. Mr. RAHALL's bill and Mr. GRIJALVA's is a much better alternative to let them live in the open range but to reduce the population through humane birth control measures.

The gentleman suggests this is welfare for horses. The U.S. Geological Survey, the Journal of Wildlife Management, and the GAO all agree that this saves more than \$6 million as well as saving 30,000 horses. Mr. HASTINGS' amendment would be voting to slaughter 30,000 wild horses.

□ 1130

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 2 additional minutes.

Mr. MORAN of Virginia. I thank my very good friend, the chairman, the gentleman from West Virginia.

I can't imagine that we want that picture that Mr. RAHALL showed on the floor, which was only a half dozen horses, magnified 5,000 times. Mr. HASTINGS' amendment will cause 5,000 times that slaughter, 30,000 slaughtered horses.

Now, as to this wild horse welfare, the reality is that the Geological Survey has figured that by implementing herd reduction with birth control, Mr. RAHALL's bill, H.R. 1018, saves more than \$6 million a year. The U.S. Geological Survey says it will save \$7.7 million a year. What is planned is to use a much less expensive, far more humane process of population control, contraceptive measures to humanely reduce the number of horses while allowing them to use the range. We're talking about federally owned Bureau of Land Management land. We're not talking about letting the horses loose in everybody's backyard in Wyoming or any other State. We're talking about BLM lands. What the GAO found, and I quote, "reducing authorized grazing levels would likely be cheaper than wild horse removals to achieve the

same reduction in forage consumption."

Well, that's the economics of this. This is fiscally responsible. This saves money, according to experts. But there's also something to be said for the other, the noneconomic, nonpragmatic issue. It seems to me that it is wrong for this Congress to vote to slaughter 30,000 wild horses. Basically it was their land, and we took it from them. Let's go with Mr. RAHALL's amendment and do the right thing. I thank my colleagues.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield time to my friend from Utah, I just would point out to my friend from Virginia that the amendment that I am going to offer later on is precisely word for word a bill that he voted on 2 years ago.

With that, Mr. Speaker, I yield 5 minutes to my friend from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman.

I guess one of the problems I have is that I have actually read this bill and some of the amendments that are going to be proposed here. It seems that we are in a situation where we are more concerned—or at least the leaders of this Congress are more concerned—about homes for horses than we are homes for Americans or jobs for Americans. And from the very few people that still have jobs, we are now going to take \$700 million, at the minimum, from their pockets to try to create a solution to a problem this Congress has solved.

In years past, the land managers in this country have pled with this Congress not to take away the management tool; yet year after year in proposal after proposal, we in Congress have, indeed, micromanaged those individuals. We have stopped the ability of a sale from these horses even though the contract for the sale prohibited resale for slaughtering purposes. That no longer is a tool that they have. We have tried to reduce the ability that they have of running an adoption program until today. It is no longer effective because of our efforts on this floor to micromanage. There is an effort—even the administration complained about a provision that will be in the bill and that will remain in this bill about the process of taking a horse that has died of natural causes to a rendering factory that could be construed as a felony. The administration complained about that, and we have done nothing to take out that micromanagement element to it. In years past the Secretary of the Interior did have the right to euthanize old, sick or lame horses; but we have also narrowed that down to the point that that could only happen with a terminally ill horse as a means of a mercy approach.

In addition to that, other elements that this House passed in the agriculture bill and in finance bills have totally eliminated the abilities of those in the private sector who have

horses to do anything else except what is left to them, dump these on the Federal range, which means that the count the people have been talking about by the States—and it is only 10 of them that are impacted with the wild horses and wild burros—recognize that there is a significant undercount of this problem and this situation. We already have dedicated solely to wild horses and wild burros an amount of land that is owned by the public that is the size of the State of New York. And even with that much land dedicated solely to the purpose of horse range, our micromanagement in taking tools away from the land manager who went and complained about that has caused us to have an overabundance of horses on that land until, indeed, 35,000 horses, we have to find other activities for them; and Mr. Speaker, it is important to know that by the laws of this country they cannot be slaughtered. There is no slaughter of horses. We have banned the practice. We have banned the transportation.

No one is talking about the slaughtering of horses. The closest this bill comes to slaughter is the Rules chairman who limited all the amendments that were possible under this particular bill. And unfortunately because of how we have micromanaged this land, the appropriations for our Horse and Burro Program, which will run close to \$60 million in next year's budget, 75 percent has to be done to the excess that we have that has been caused by decisions that we have made on this floor.

Now the solution being presented today is simply not trying to give the land managers the tools that they ask. It is to expand the amount of land by a size equal to the State of West Virginia for more area at a cost of \$700 million, according to CBO. However, the agency itself said this will be well over \$1 billion when we are finished with this solution. We have found that we have a problem in this country where stimulus bills don't create the jobs we expected, our bloated budgets don't create the jobs we expected, our tax increases don't create the jobs we expected. So instead of tackling that issue, which would be a perfectly legitimate subject today, we're talking about horses, horses roaming an area the size of the State of New York. We may be willing to ration health care for humans but not health care for horses. We have more concern with the habitat for horses than homes for humans, and I have a big problem—and I will speak to the amendment now so I will not come back—with the concept of the change the gentleman from West Virginia is offering. By changing this bill from mandating that the size of West Virginia be found somewhere to setting it only as a goal makes it a much more pernicious issue. A goal is not a legal requirement, but a goal is not defined anywhere in terms in law, which means a goal may actually be an incentive to force them to reprioritize

in a way that the BLM does not want to reprioritize.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. BISHOP of Utah. A goal in statute may be an element and a door opening for lawsuits that will be used against this element. I mean, this is the most dangerous of language when it is so vague that no one has defined it, no one has considered it, but it may be used against us, and especially when the Secretary of the Interior is one of the few people in Washington that has the power of condemnation. Not even the President of the United States has the ability of going in and condemning lands. The Secretary of the Interior does, and we are now empowering that Secretary with a vague undefined term of having a goal of finding enough land, public or private, the size of the State of West Virginia.

May I state one other thing. The chairwoman of the Rules Committee is from New York. The person that was representing this bill from the Rules Committee was from Massachusetts. The good gentleman is from West Virginia. Last year when we talked about this bill, there were gentlemen from West Virginia, Virginia, Kentucky, Ohio speaking towards this issue. With all due respect, there are only 10 States that are impacted by wild horses and wild burros. Those States I have just mentioned have absolutely zero wild horses on their property. If they would take these wild horses and provide a habitat for them, I would be ecstatic. But until that time happens, we are the ones that are bearing the burden, and we understand the issues. And the land managers are asking, free their hands so they can solve this problem, and Congress does not have the wisdom to listen to the experts to do what they know is right to solve this particular problem. This is a conundrum that we should not be talking about. We should be talking about how we can make life better for Americans with more jobs and a better lifestyle.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to a dear friend, the gentleman from Kentucky (Mr. WHITFIELD), one of the cosponsors of the legislation.

Mr. WHITFIELD. Obviously this is a very important issue. And I might say that opponents of this legislation—at least some of them—argue that under these difficult economic times, the Democrats are spending millions of dollars to protect wild horses. Now in my view, it is a much more complicated issue than that. This is a classic case of competing interests. On one side we have corporations, partnerships, individuals who have leased almost 250 million acres of land, owned by the taxpayers, from the Federal Government, and on the other side we have wild horses.

Now there's been some question about whether or not these wild mus-

tangs were native or not. I'm not an expert in that field, and I certainly respect the gentlelady from Wyoming on her comments. But it was e-mailed to me that Dr. Kay Kirkpatrick, who is one of the leaders and one of the respected experts in this field, has said that these wild horses were re-released native wildlife, that they were native. They were captured and then re-released. Now because these leaseholders do not want wild mustangs grazing on their land, they have been successful through lobbyists of changing Federal law to require that there only be so many wild mustangs for a certain area of land. And because of that, BLM flies helicopters around. They count the wild mustangs. If they exceed that number, they move them in these holding areas. It is without dispute that these holding areas are the most expensive way to deal with these animals. That's why millions of dollars are being spent right now.

I think the reason that the Rahall legislation can help solve this problem is this: Number one, it reduces the number of horses in the holding areas. Number two, it expands the area for grazing; but most importantly, it directs BLM to use immunocontraception to reduce the size of the herds.

Now I can tell you something—when I looked at the conference report on the Interior appropriations bill a couple of years ago, we found out that these leaseholders of these taxpayer lands were paying the Federal Government about 9 cents per acre per year. And I can tell you, the farmers of Kentucky and in the East cannot get access to land for 9 cents per acre per year. So we have this competing interest.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. RAHALL. I yield the gentleman an additional 2 minutes.

Mr. WHITFIELD. We have this competing interest. We have this commercial interest, which we all admire and respect, and we think that they should be able to use this land for grazing. The leaseholders should be able to use it for grazing, for dude ranches, for recreation, for whatever they might want. But at the same time we have these wild mustangs that deserve some protection, particularly when the leaseholders are paying about 9 cents per acre per year to the Federal Government. So I would urge support of the Rahall legislation because it expands the grazing area; it's going to reduce the number of wild mustangs; and it's also going to reduce the number held in holding areas, which is the most expensive way to take care of these animals. I urge support of the Rahall legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Washington for yielding.

I come to the floor to address a subject matter that seems a bit surrealistic. We have a love for horses in this country. Most of us in this Chamber would agree with that, and I am among those. I can think of a lot of happy times around horses, on horses and working with horses. We also have a responsibility to manage the resources of this country. There seems to be a conviction to try to pull this globe—under the climate change legislation or the cap-and-tax legislation and many other pieces—back to what would have been pre-Garden of Eden before man supposedly desecrated the planet.

□ 1145

And the default position, amazingly for me, is what was nature like before man began to compete as a species with the other species on the planet? And so that default position that comes from the environmentalists from consistently out of the political left would be this natural balance of our environment.

I have just heard the gentleman state that these horses were native. But they were not native. They are not indigenous. No surviving species of horse was indigenous to this continent nor this hemisphere. They were brought here by the Spanish in the 1500s and beyond. The horses got loose and began to roam the range, and they competed with the existing species that were there.

So if, really, our default position is back to whatever it was Mother Nature gave to us before we competed as a species, then we should look at this not as horses as a natural component of the habitat, but an unnatural, feral component of the habitat.

When I hear about the discussion about the millions spent on these helicopter cowboys herding these horses around and putting horses into holding pens and buying up hay to feed them, I think of visiting the National Bison Reserve that is out there in, I have forgotten exactly where that was, whether it is in southern Montana or up in Wyoming. I remember going there to visit. And I was fascinated. I drove a long way to get there because I wanted to see what it was like when the buffalo roamed the plain. I have walked into the virgin timberland and stood there and imagined what it was like for the pioneers and the settlers to walk through that forest. I wanted to be out there to see what it was like for the native buffalo.

What I saw were paddock-style pastures. In order to manage the bison, the Federal Government has built a great big old pasture and divided it into four quadrants, and there we manage the buffalo by herding them into one corner of the pasture and then another and then another, harvesting some for slaughter. We sell them for breeding stock and we eat them. We do that with buffalo, but we can't do that with horses, because somehow a horse has been raised to another level of species.

This is an amazing thing to me. And as I read through this bill, I don't think I have ever been so taken aback by reading through language. There is much of it that has been produced in this Congress.

I listened to the gentleman from Virginia (Mr. MORAN) talk about this contraception that is here.

The SPEAKER pro tempore (Mr. HOLDEN). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. I thank the gentleman.

I think it is important for us to actually read the language on this horse contraception. It says: "Research, develop, and implement enhanced surgical or immunocontraception sterilization or other safe methods of fertility control." Now let that soak in for a little bit. This is enhanced contraception for horses. I don't know what that is. I think it could be about anything that human beings might use. But I suspect that it doesn't include horse abortion for one thing. And so I'm implying that there is a different set of standards for a horse species than there is for a human species, given the debate we have had in this Congress.

It is a breathtaking step to think about what enhanced contraception is for horses. It is one of those things that I don't think will be described here on the floor of the House. It is kind of an imaginary thing. It is difficult to manage these horses. And I would say that abstinence will not be part of this; that is also part of the debate.

So as I watch what is going on, there has been a real effort here to block the humane harvesting of horses. And the HSUS has been successful in doing that. There are no horses slaughtered in America that are going off for human beings to eat anywhere. Some are being hauled, I think against the law, maybe across the border to be slaughtered elsewhere; but to manage all of our livestock, all of the species in our country, we have to be smart about it.

What has happened is they have, through legislation and litigation, blocked the responsible harvesting of horses. It has taken the market of them down from 5 to 600, down to essentially nothing; and the result is we have a lot more horses than we need. And now they have the audacity to come to this Congress and say, we are going to have to hit up the American people for 700 million more dollars in order to take care of these extra animals that we decided now we want to keep around as national pets.

I did the math on this. And if you calculate how the increase in the horse population because of the restrictions in the harvesting, never mind the value of what has happened to the property of the horse owners, they will eat up enough hay from enough ground, there

will be 1 billion gallons of ethanol we could produce off of that horse pasture.

Mr. RAHALL. May I have a time check, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia has 12 minutes remaining with the right to close. The gentleman from Washington has 6½ minutes remaining.

Mr. RAHALL. I reserve the balance of my time to close.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, again, let me repeat that when America is hurting, we should be addressing those issues in which to try to resolve those problems and those issues that are making America hurt. Unemployment is at 9.5 percent, and President Obama says it could go into double digits in the near future.

And so what is our response to that? Our response is to, unlike 2 years ago, address this issue in a different manner, to address it at least partially the same way, but add another \$700 million for, as I mentioned, and the distinguished chairman acknowledged that we would mention, welfare for horses.

I don't think that that is the proper way we should be debating, given the economic environment we have in this country. Yet that is precisely where this bill goes.

With that, Mr. Speaker, I will yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as I said earlier today in debate on the rule on this legislation, this Congress can walk and chew gum at the same time. We can address unemployment, we can address health care reform, we can address the war, deficits, and at the same time, we do not need to allow the status quo to continue as it affects our wild horses and burros. These are icons of America, the American mustang. The status quo is a national disgrace. It is a disgrace to our heritage. It is a disgrace to all for which we stand.

Those on the other side of the aisle who want to make light of this situation, I'm sure if they were to go home to their Main Streets and pose a question to their constituents, do you support your Federal Government slaughtering 30,000 American wild horses, do you support them being held in holding pens, I suggest I know what the answer would be. The bottom line, this is the wild horse version of Gitmo, the wild horse version of Gitmo.

The pending legislation seeks to remedy the critical lapse that is taking place under the Wild Free-Roaming Horses and Burros Act of 1971 by invoking a number of commonsense measures. The measure would promote the use of better science to determine whether the amount of range that is available to wild horses is capable of sustaining them.

This would be accomplished through maintaining a valid inventory of the

wild horse population on the range and establishment of appropriate, scientifically based methodologies to determine management levels.

Second, the pending bill would increase the amount of range available to wild horses, including through private lands controlled by entities seeking to establish sanctuaries. Many of us have heard about the Pickens Plan. And I'm not talking about the T. Boone Pickens plan, the one dealing with wind and solar energy. I'm talking about the one advanced by his wife, Madeline Pickens, to utilize private resources for the establishment of wild horse sanctuaries.

The pending legislation makes it a goal, not a requirement, but a goal to increase the acreage on which wild horses can roam. By doing so, we reduce the number of animals that are culled from the herd and placed in holding facilities.

These holding facilities which have come up during this debate, I think it is important to recognize that keeping wild horses and burros in these holding facilities costs \$21 million annually, or two-thirds of the entire cost of the wild horse and burro management program. The cost of these holding facilities has been rising dramatically from \$7 million in 2000 to \$21 million in 2008.

So we are attempting to reduce costs here, reduce the holding cost by lessening the number of roundups through a combination of what we are doing in this bill, making more public land available for wild horses and burros, strengthening and reforming the adoption program, enhancing measures for fertility control and contraception.

Third, even with the actions that I have already outlined, there will not be enough open range land to sustain all of our wild horses. In an effort to contain the costs associated with these holding facilities, we seek to bolster the adoption program and implement sterilization and other fertility controls. We seek to give the Bureau of Land Management the tools with which to do a better job.

And, finally, what the bill does not allow is the destruction of healthy horses; fatally injured or terminally ill animals, yes, but not healthy wild mustangs.

Let us stop the slaughter. Stop the abuse. Save taxpayer money and vote for the pending legislation. Let's save mustangs and save tax dollars at the same time and support the pending legislation.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAHALL:
Page 6, line 20, insert “, to the extent practicable,” after “ensure that”.

Page 11, line 4, before “surgical” insert “fertility control for mares, stallions, or both, such as”.

Page 11, line 5, insert “, humane, and effective” after “safe”.

Page 12, line 11, strike “and” and all that follows through line 12, and insert “or their remains shall not be sold or transferred for consideration for processing into commercial products; and”.

Page 17, line 6, strike “at a minimum”.

Page 19, line 22, strike “immunocontraception” and insert “fertility control”.

The SPEAKER pro tempore. Pursuant to House Resolution 653, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, this amendment makes four changes to H.R. 1018 as reported by our Natural Resources Committee. First, after further consultation with experts in the field, the amendment will broaden the types of fertility control that would be available to the Bureau of Land Management in order to better manage the wild horse and burro population.

Next, the amendment narrows the definition of “commercial uses” prohibited under the act. The purpose of this change is to clearly prohibit the sale of horses and burros for slaughter while clarifying that use of these animals on farms or in other commercial operations is allowed.

The amendment also makes a technical change to clarify the membership requirements for the Wild Horse and Burro Advisory Council.

And, finally, the amendment relaxes the requirement that the BLM return wild horses and burros to the acres of public land from which they have been removed since 1971.

The CBO cost estimate for this bill was based on the assumption that significant land acquisition would be required. That will not be the case, however; these horses and burros can be accommodated on existing Federal lands. Restoration of those acres remains an important goal but would not be a legal requirement.

This is a good package of small changes which will improve H.R. 1018. I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I want to give credit to my friend and chairman of the Natural Resources Committee for the creativity that is exhibited in the manager's amendment.

On the one hand, this manager's amendment is an outright admission that we can't afford this costly new welfare program for wild horses. And then on the other hand, this amendment doesn't delete, erase, strike out

or eliminate even a single page, section or word from this bill.

Somehow, we are to believe that adding four little words to this 20-page bill, without deleting anything from it, somehow makes the CBO-estimated price tag of \$700 million magically go away. Even with this manager's amendment, Mr. Speaker, the pricing remains.

This manager's amendment doesn't eliminate the sections from the bill to restore wild horses and burros to 19 million acres of land. By the way, it is an area, as we have said before, larger than the State of West Virginia. But just to put this in perspective, it is also larger than the combined area of New Hampshire, Rhode Island, Delaware, Connecticut and New Jersey. So we are not talking about a small piece of land. We are talking about a huge area.

The CBO estimates that complying with the new policies in this bill and restoring horses to this 19 million additional acres will cost over \$700 million. Now, the chairman tries to explain that all we are doing is changing this requirement to a goal.

The American people, I think, are not going to breathe any easier when they hear that Congress has a goal of spending \$700 million to create welfare programs for wild horses and burros.

So, Mr. Speaker, the manager's amendment doesn't change the real plan in the bill at all. The plan is to spend \$700 million for welfare for wild horses and burros.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back my time.

Mr. HASTINGS of Washington. Mr. Speaker, with that I will yield back my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1200

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in House Report 111-212 printed in Part B offered by Mr. HASTINGS of Washington:

Strike all after the enacting clause and insert the following:

SECTION 1. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) IN GENERAL.—Section 3(d)(5) of Public Law 92-195 (16 U.S.C. 1333(d)(5)) is amended—

(1) by striking the period and inserting the following: “*Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.”; and

(2) by striking subsection (e).

(b) CRIMINAL PROVISIONS.—Section (8)(a)(4) of Public Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by striking “except as provided in section 3(e).”

The SPEAKER pro tempore. Pursuant to House Resolution 653, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I hesitate to call this my amendment because actually it was written by Chairman RAHALL. This is the exact text of H.R. 249 that passed the House in the last Congress. It passed the House in April of 2007. It bans the commercial slaughter of wild horses and burros. It is less than one page in length, and CBO estimated in the last Congress that it would cost under \$500,000 a year.

Members of this House voted for this bill just 2 years ago, and at that time, Mr. Speaker, the unemployment rate nationwide was 4.3 percent.

Fast forward to today, when the unemployment rate today has more than doubled to 9.5 percent and is estimated by officials in the Obama administration to go into double digits in the near future.

With this background, Mr. Speaker, we are now considering a bill that bans the slaughter of wild horses and creates a new \$700 million welfare program for wild horses and burros. This House, Mr. Speaker, can choose between banning slaughter of wild horses for less than \$500,000, which is what my substitute would do, or banning the slaughter of wild horses with a \$700 million price tag, which is the subject of the underlying bill. I think, Mr. Speaker, that this is a very easy choice.

Let me repeat again. The vote for the Hastings substitute would ban horse slaughter at a cost of \$500,000 a year. H.R. 1018 bans horse slaughter, just like my substitute, but creates a new welfare program for \$700 million. I think, in this economic atmosphere that we are in, the best option is to adopt my substitute.

Now, in the interest of full disclosure, Mr. Speaker, I voted against that bill 2 years ago because I think there has to be an option for slaughter. But given the option today of spending an extra \$700 million or spending less than \$500,000 and still banning slaughter, I think that is the proper way to go and that is precisely what my substitute does. And so I would urge my colleagues to vote for the substitute.

I reserve my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Washington's comments on my efforts, and appreciate his full disclosure. I'll probably repeat it a few times here in the next couple of minutes, but I do appreciate him being up front about it.

This substitute, which is my anti-slaughter bill from last Congress, ad-

resses one piece of a much larger puzzle. While the slaughter issue is a disturbing one, the ROAM Act will actually address the underlying problems facing the BLM horse and burro program, which has made slaughter a possibility. The substitute would address the symptom, while the underlying legislation will provide a cure.

I'm pleased that the gentleman from Washington State now opposes the slaughter of horses. When this substitute came before the Congress as a free-standing bill last Congress, and which he has already fully disclosed, he voted against it. But now he is in support thereof and is even offering it on the floor of the House. That is a step forward. Unfortunately, this conversion is a day late and several dollars short.

This substitute was the right approach last Congress, but that was before the BLM announced that the program was bankrupt and they were going to have to kill 30,000 horses and burros.

The GAO documented that the BLM program is out of control. First the agency was holding 5,000 horses, then 10,000, now it's 30,000. The agency now claims killing these animals is the only solution.

Adopting the Hastings substitute would stop private slaughter, but without the other reforms in the underlying legislation, 1018, the BLM will have to destroy these animals. The Hastings substitute just changes the identity of those who are killing the horses. Only the underlying bill actually stops the slaughter.

This substitute was the right approach last Congress, but that was also before the release of the GAO report. Now we have a thorough analysis of the obstacles facing the BLM, and a list of recommendations to address the root causes.

The GAO documented the enormous cost of the current BLM approach and proposed solutions. The Congress is now in a position to do more, and we must do more. H.R. 1018 does more.

Adopting this substitute would cost money, cost money, not save it, because it would allow the BLM to continue pouring good money after bad, without fixing the inefficiencies which plague the program in the first place.

Since I authored the legislation Mr. HASTINGS is now offering as his substitute, my colleagues and I have worked with the BLM, the Humane Society, the Animal Welfare Institute, the GAO and others to find new and more comprehensive solutions. We have apparently succeeded in bringing Mr. HASTINGS up to where we were last Congress, and I hope that eventually all of our colleagues will understand that now is the time to do more.

The substitute is too little, too late, should be rejected.

And I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield one minute to the distinguished Republican

leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I think I must be confused. The unemployment rate in our country is at over 9½ percent, as I speak. The unemployment rate in my home State of Ohio is now over 11 percent. Two million Americans have been put out of work since the stimulus bill was signed into law. Our budget deficit is already this year over \$1 trillion and expected to reach nearly \$2 trillion. And faced with this news, what's the House doing today? Talking about a \$700 million welfare program for wild horses and burros.

Is it any wonder, Mr. Speaker, that our constituents may be confused about their Congress?

Let's get this straight. We're debating a bill to spend millions of dollars to save wild horses, but yesterday, Democrats in the House blocked Republicans from offering an amendment to prevent Federal dollars from being spent on saving unborn children. Oh, yeah. \$700 million today to save wild horses and burros, and yesterday, we weren't even allowed to offer an amendment to save the lives of unborn kids. That doesn't make any sense to me. But I think, Mr. Speaker, most of my constituents would look up and go, well, that's just Washington being Washington. And it doesn't make any sense that we're debating a welfare program about wild horses when the American people really want to know, where are the jobs?

Debating this bill, I frankly think, is an insult to the American people who are out there looking for work; small businesses who are looking for customers trying to keep their doors open.

And if Democrats want to do something serious here in this House, they should join with Republicans and focus our efforts on those things that will help create jobs in America, which, after all, is the number one priority of the American people.

Probably ought to do a few other things. If we're going to talk about creating jobs and keeping jobs in America, maybe we ought to scrap Speaker PELOSI's national energy tax, which is going to cost us about 2½ million jobs every year over the next 10 years. Or maybe we should shelve the government takeover of health care that's being debated in several of our committees as we speak, which is going to take the health care, the private health care, away from millions of Americans and shove them into some government-run system, and on top of all that, has a giant tax on small businesses. It taxes employment, and it's even going to lead to even greater job losses in our country.

But if we're serious about wanting to create jobs, maybe, maybe we could work together to bring the American Energy Act to the floor of this House, our all-of-the-above energy strategy which will create well over a million new jobs here in America, bring us more energy to the marketplace with lower prices, reduce our dependence on

foreign sources of oil. And guess what? If we do all of the above, we'll actually have much cleaner air than the bill that passed here last month.

Mr. Speaker, I think American families and small businesses deserve better than what they are getting out of this Congress. They expect us to work together on their behalf. They expect us to deal with issues that will help get this economy moving again, and help create jobs; not to be debating a \$700 million program, welfare program to save wild horses and burros.

I think the gentleman's amendment is a good amendment. His amendment will cost \$500,000. That's \$699,500,000 less than the underlying bill. It will be at least a step in the right direction, and maybe our constituents, Mr. Speaker, would think that we've got some sense for once in our lives.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I am prepared to close.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Speaker, I really appreciate the nobility of the effort to help wild horses at this time. But Americans are losing their habitats. We found out for June, another 400,000 Americans have lost jobs. In 2009 already, since President Obama has taken office, we've lost 1.9 million jobs—I'm sorry—1.9 million foreclosures. We've got 14.7 million unemployed. And that doesn't just represent individuals. That's families we're talking about who are desperate right now, and we're hearing from them. You know, what about my habitat? I understand you want to help wild horses and burros, but what about my habitat? How about American individuals getting help?

We are squandering money like never before in history. And folks, you can lose a country by overspending. Go ask the former Soviet Union if you can find any of those people. They lost their country because they spent until nobody would lend them another dime. They were irresponsible.

And so here we want \$700 million for horses?

And I appreciate the chairman's comment that this amendment by DOC HASTINGS is a dollar short. But it's actually \$699,500,000 short, basically. This is incredible.

But I thought about when you get on an airplane, we're told, in the safety instructions, that if the cabin loses pressure, an oxygen mask will drop. Do not put it on someone else first. You put it on your own face first and save yourself. Then you'll be in position to save your children and those around you. But if you don't save yourself first, you can't help anyone.

And that's where this country is. If we don't save this country by this reckless overspending, we're not going to be in a position to help anybody. Im-

migrants won't have any place to come for safety and for jobs because we have wiped ourselves out.

No wonder the Chinese laughed when Geithner said we were going to reduce our deficit. I'm telling you.

And then jobs? What about American jobs?

Well, there's one little part in here, and it provides for enhanced contraception for the wild horses. Maybe there are jobs in there. Maybe somebody out of work can apply for how you apply enhanced contraception to a horse. I'm familiar with artificial insemination. I was not familiar with enhanced contraception. Maybe there's a green job or some color there. But we need to help Americans.

□ 1215

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend, the distinguished chairman of the committee, if he is prepared to close after I close?

Mr. RAHALL. Yes.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Speaker, let me just repeat again: My substitute is a substitute that is identical to the bill that passed this House in April of 2007, and the cost at that time was \$500,000. The underlying bill that we are debating today has essentially those same provisions plus a price tag of \$700 million, a huge difference between the two. I think, due to the economic times that we are in right now, the most prudent way for this Congress to act is to go with the lesser amount of money, and that's precisely what my substitute does.

Mr. Speaker, I just want to make one other point.

The distinguished chairman in his manager's amendment made some different calculations as to the \$700 million and as to the 19 million acres that were to be part of this bill. I just want to make a point. The CBO has not scored that one way or the other, but if an absolute figure of acquiring or of moving around 19 million acres costs \$700 million, then only logic would suggest that it's going to be precisely the same amount of money. So I just want to make a point that the CBO has not estimated the score of the manager's amendment.

The difference here in the debate still is the difference, during these economic times we're in, between spending 700 million taxpayer dollars on welfare for horses or spending \$500,000 to ban the slaughter of wild horses and burros. I think the latter that I spoke about is a better way to go, and I would urge my colleagues to vote for the substitute.

With that, I yield back the balance of my time.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, the CBO estimate, the \$700 million that has been thrown out by the other side as a potential cost to this legislation, was done in the last

Congress. It was done before the adoption of the manager's amendment that we just adopted today in an earlier voice vote. It was done without considering the ramifications of the other aspects of H.R. 1018 that this House will adopt today. It was done taking into account in a very narrow, single shot-type fashion, if you will, the potential costs of purchasing 19 million acres of additional Federal land for the use of these wild horses and burros.

Therefore, when taking into account that cost, as CBO has done, they did not consider the fact that there are already Federal lands owned by the American people that are available and out there. The CBO did not take into account the management tools contained in the pending legislation with which we intend to help the BLM do a better job and improve the status quo. The CBO did not estimate any cost savings from an enhanced adoption program or from sterilization programs. The CBO did not take into account the reduction in costs of these holding pens, which I referenced earlier, the \$21 million annually that it costs today—and that number keeps going up—of the current holding pens for these wild horses and burros. The CBO did not consider any of the "today" costs or how the improved management tools offered in H.R. 1018 will save dollars in the years ahead.

I urge a "no" vote, not only on the Hastings substitute amendment but also a "yes" vote on the pending H.R. 1018. H.R. 1018 is the humane and right vote to cast today. It will save our mustangs. It will save tax dollars. It will save millions of tax dollars annually. When you look through all of the smoke and mirrors of the numbers that have been thrown out today, you will find that, by implementing herd reduction with birth control, we can save more than \$6 million alone each year. Again, when we look at the cost reductions of these holding pens, this legislation is the tax-wise way to go.

So I conclude by urging a "no" vote on the Hastings substitute and a "yes" vote on the underlying bill, H.R. 1018.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 653, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute printed in part B of House Report 111-212 offered by the gentleman from Washington (Mr. HASTINGS).

The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Washington. 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 74, nays 348, not voting 11, as follows:

[Roll No. 576]

YEAS—74

Aderholt	Fleming	Myrick
Altmire	Forbes	Paulsen
Arcuri	Fox	Perriello
Bachus	Giffords	Pitts
Bartlett	Guthrie	Posey
Barton (TX)	Hall (TX)	Radanovich
Biggert	Hastings (WA)	Rogers (KY)
Bilbray	Heller	Rogers (MI)
Bilirakis	Herseth Sandlin	Rooney
Boehner	Johnson, Sam	Ros-Lehtinen
Bono Mack	Kosmas	Roskam
Boucher	Lamborn	Ross
Boustany	Lee (NY)	Ross
Buchanan	Lewis (CA)	Sanchez, Loretta
Burgess	Linder	Scalise
Cao	Lungren, Daniel	Schmidt
Capito	E.	Shuler
Carney	Mack	Tanner
Carson (IN)	Manzullo	Thompson (PA)
Coffman (CO)	McClintock	Tiberi
Crenshaw	McHugh	Turner
Davis (KY)	McIntyre	Wamp
Diaz-Balart, L.	McMorris	Wilson (SC)
Diaz-Balart, M.	Rodgers	Wolf
Dreier	Mica	Young (FL)
Duncan	Murphy, Tim	

NAYS—348

Abercrombie	Crowley	Hinchey
Adler (NJ)	Cuellar	Hinojosa
Akin	Culberson	Hirono
Alexander	Cummings	Hodes
Andrews	Dahlkemper	Hoekstra
Austria	Davis (AL)	Holden
Baca	Davis (CA)	Holt
Bachmann	Davis (IL)	Honda
Baird	Davis (TN)	Hoyer
Baldwin	Deal (GA)	Hunter
Barrow	DeFazio	Inglis
Bean	DeGette	Inslee
Becerra	Delahunt	Israel
Berkley	DeLauro	Issa
Berman	Dent	Jackson (IL)
Berry	Dicks	Jackson-Lee
Bishop (GA)	Dingell	(TX)
Bishop (NY)	Doggett	Jenkins
Blackburn	Donnelly (IN)	Johnson (GA)
Blumenauer	Doyle	Johnson (IL)
Blunt	Driehaus	Johnson, E. B.
Boccieri	Edwards (MD)	Jones
Bonner	Edwards (TX)	Jordan (OH)
Boozman	Ehlers	Kagen
Boren	Ellison	Kanjorski
Boswell	Ellsworth	Kaptur
Boyd	Emerson	Kennedy
Brady (PA)	Engel	Kildee
Brady (TX)	Eshoo	Kilpatrick (MI)
Braley (IA)	Etheridge	Kilroy
Bright	Fallin	Kind
Broun (GA)	Farr	King (IA)
Brown (SC)	Fattah	King (NY)
Brown, Corrine	Filner	Kingston
Brown-Waite,	Flake	Kirk
Ginny	Fortenberry	Kirkpatrick (AZ)
Burton (IN)	Foster	Kissell
Butterfield	Frank (MA)	Klein (FL)
Buyer	Franks (AZ)	Kline (MN)
Calvert	Frelinghuysen	Kratovil
Camp	Fudge	Kucinich
Campbell	Gallely	Lance
Cantor	Garrett (NJ)	Langevin
Capps	Gerlach	Larsen (WA)
Capuano	Gingrey (GA)	Larson (CT)
Cardoza	Gohmert	Latham
Carnahan	Gonzalez	LaTourette
Carter	Goodlatte	Latta
Cassidy	Gordon (TN)	Lee (CA)
Castle	Granger	Levin
Castor (FL)	Grayson	Lewis (GA)
Chaffetz	Green, Al	Lipinski
Chandler	Green, Gene	LoBiondo
Childers	Griffith	Loebsack
Chu	Grijalva	Lofgren, Zoe
Clarke	Gutierrez	Lowey
Clay	Hall (NY)	Luetkemeyer
Cleaver	Halvorson	Lujan
Clyburn	Hare	Lummis
Cohen	Harman	Lynch
Cole	Harper	Maffei
Conaway	Hastings (FL)	Maloney
Connolly (VA)	Heinrich	Marchant
Conyers	Hensarling	Markley (CO)
Cooper	Herger	Markley (MA)
Costa	Higgins	Marshall
Costello	Hill	Massa
Courtney	Himes	Matheson

Matsui	Peterson	Skelton
McCarthy (CA)	Petri	Smith (NE)
McCarthy (NY)	Pingree (ME)	Smith (NJ)
McCaul	Platts	Smith (TX)
McCollum	Poe (TX)	Smith (WA)
McCotter	Polis (CO)	Snyder
McDermott	Pomeroy	Souder
McGovern	Price (GA)	Space
McHenry	Price (NC)	Speier
McKeon	Putnam	Spratt
McMahon	Quigley	Stark
McNerney	Rahall	Stearns
Meek (FL)	Rangel	Stupak
Meeks (NY)	Rehberg	Sullivan
Melancon	Reichert	Sutton
Michaud	Reyes	Teague
Miller (FL)	Richardson	Terry
Miller (MI)	Rodriguez	Thompson (CA)
Miller (NC)	Roe (TN)	Thompson (MS)
Miller, George	Rogers (AL)	Thornberry
Minnick	Rohrabacher	Tiaht
Mitchell	Rothman (NJ)	Tierney
Mollohan	Roybal-Allard	Titus
Moore (KS)	Royce	Tonko
Moore (WI)	Ruppersberger	Towns
Moran (KS)	Rush	Tsongas
Moran (VA)	Ryan (OH)	Upton
Murphy (CT)	Ryan (WI)	Van Hollen
Murphy (NY)	Salazar	Velázquez
Murphy, Patrick	Sánchez, Linda	T.
Murtha	T.	Visclosky
Nadler (NY)	Sarbanes	Walden
Napolitano	Schakowsky	Walz
Neal (MA)	Schauer	Wasserman
Neugebauer	Schiff	Schultz
Nunes	Schock	Waters
Nye	Schrader	Watson
Oberstar	Schwartz	Watt
Obey	Scott (GA)	Waxman
Olson	Scott (VA)	Weiner
Olver	Sensenbrenner	Welch
Ortiz	Serrano	Wexler
Pallone	Sessions	Whitfield
Pascarella	Sestak	Wilson (OH)
Pastor (AZ)	Shadegg	Wittman
Paul	Sherman	Woolsey
Payne	Shimkus	Wu
Pence	Shuster	Yarmuth
Perlmutter	Simpson	Young (AK)
Peters	Sires	

NOT VOTING—11

Ackerman	Graves	Slaughter
Barrett (SC)	Lucas	Taylor
Bishop (UT)	Miller, Gary	Westmoreland
Coble	Shea-Porter	

□ 1255

Messrs. HARE, BECERRA, MATHE-
SON, HUNTER, SCOTT of Georgia,
DONNELLY of Indiana, ELLISON, Mrs.
BACHMANN, Messrs. GALLEGLY,
BAIRD, BUTTERFIELD, TIAHRT,
CUELLAR, CONAWAY, LATTA,
CULBERSON, GARRETT of New Jer-
sey, Ms. MCCOLLUM, Messrs. ELLS-
WORTH, WEINER, KINGSTON, MAR-
SHALL, Ms. BALDWIN, Messrs.
REHBERG, YOUNG of Alaska,
GINGREY, CAMP, CHILDERS, SMITH
of Nebraska, ALEXANDER, ISSA,
WALDEN of Oregon, MILLER of Flori-
da, BLUNT, POE of Texas, Mrs.
LUMMIS, Messrs. SHIMKUS,
CASSIDY, MARCHANT, BOOZMAN,
WITTMAN, FRANKS of Arizona, and
TERRY changed their vote from “yea”
to “nay.”

Messrs. SHULER, PITTS, ROGERS of
Michigan, MCINTYRE, TURNER, and
Mrs. BIGGERT changed their vote
from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

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 the passage of the bill.

The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.

The SPEAKER pro tempore. The bill
is passed. Without objection, a motion
to reconsider is laid on the table.

RECORDED VOTE

Mrs. BIGGERT. I ask for a rollcall
vote.

The SPEAKER pro tempore. For the
gentlewoman to initiate the request at
this stage would not be timely.

Mrs. BIGGERT. Mr. Speaker, the way
that I voted, I expected that there
would be a rollcall vote on that. I ask
unanimous consent to have a rollcall
vote.

The SPEAKER pro tempore. Was the
gentlewoman asking for a recorded
vote immediately after the vote by
voice?

Mr. RAHALL. I object to the unani-
mous consent, Mr. Speaker.

The SPEAKER pro tempore. The
Chair is not entertaining a unanimous
consent request at this time.

If the gentlewoman is making the
avermment that she was requesting a
vote right after the vote by voice, the
Chair would accept that.

Mrs. BIGGERT. Yes, I request a vote.

The SPEAKER pro tempore. Does the
gentlewoman aver that she has been re-
questing that vote since the voice
vote?

Mrs. BIGGERT. I ask unanimous con-
sent that there be a vote.

The SPEAKER pro tempore. The
Chair only wants to establish that the
gentlewoman was requesting a vote at
the time the vote by voice was called.

Mrs. BIGGERT. Yes, I was on my
feet.

The SPEAKER pro tempore. A re-
corded vote is requested.

Mr. MORAN of Virginia. Mr. Speak-
er, I object.

The SPEAKER pro tempore. There is
no unanimous consent request. The
Chair is accepting the gentlewoman's
avermment.

A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic de-
vice, and there were—ayes 239, noes 185,
not voting 9, as follows:

[Roll No. 577]

AYES—239

Abercrombie	Braley (IA)	Connolly (VA)
Adler (NJ)	Brown, Corrine	Conyers
Altmire	Burton (IN)	Cooper
Andrews	Butterfield	Costello
Baca	Calvert	Courtney
Baird	Campbell	Crowley
Baldwin	Cao	Cummings
Bartlett	Capps	Davis (AL)
Bean	Capuano	Davis (CA)
Becerra	Carnahan	Davis (IL)
Berkley	Carney	DeFazio
Berman	Carson (IN)	DeGette
Berry	Castle	Delahunt
Biggert	Castor (FL)	DeLauro
Bilbray	Chandler	Dent
Bishop (GA)	Chu	Dicks
Bishop (NY)	Clarke	Dingell
Blumenauer	Clay	Donnelly (IN)
Bono Mack	Cleaver	Doyle
Boucher	Clyburn	Edwards (MD)
Brady (PA)	Cohen	Edwards (TX)

Ellison	Levin	Reyes
Engel	Lewis (CA)	Richardson
Eshoo	Lewis (GA)	Ros-Lehtinen
Etheridge	Lipinski	Rothman (NJ)
Farr	LoBiondo	Royal-Allard
Fattah	Loeb	Royce
Finer	Lofgren, Zoe	Ruppersberger
Frank (MA)	Lowey	Rush
Frelinghuysen	Lujan	Ryan (OH)
Fudge	Lynch	Sánchez, Linda T.
Gallely	Maffei	Sarbanes
Gerlach	Maloney	Schakowsky
Gonzalez	Markey (MA)	Schauer
Gordon (TN)	Marshall	Schiff
Grayson	Massa	Schrader
Green, Al	Matsui	Schwartz
Green, Gene	McCarthy (NY)	Scott (GA)
Grijalva	McCollum	Scott (VA)
Gutierrez	McCotter	Serrano
Hall (NY)	McDermott	Sestak
Hall (TX)	McGovern	Shea-Porter
Hare	McIntyre	Sherman
Harman	McMahon	Sires
Hastings (FL)	McNerney	Slaughter
Heinrich	Meek (FL)	Smith (NJ)
Higgins	Meeks (NY)	Smith (WA)
Himes	Michaud	Snyder
Hinchey	Miller (MI)	Speier
Hirono	Miller (NC)	Spratt
Hodes	Miller, George	Stark
Holden	Mitchell	Sutton
Holt	Mollohan	Thompson (CA)
Honda	Moore (KS)	Thompson (MS)
Hoyer	Moore (WI)	Tierney
Inlee	Moran (VA)	Titus
Israel	Murphy (CT)	Tonko
Issa	Murphy, Patrick	Towns
Jackson (IL)	Murtha	Tsongas
Jackson-Lee	Nadler (NY)	Turner
(TX)	Napolitano	Upton
Johnson (IL)	Neal (MA)	Van Hollen
Johnson, E. B.	Nye	Velázquez
Jones	Oberstar	Visclosky
Kagen	Obey	Wasserman
Kanjorski	Oliver	Schultz
Kaptur	Ortiz	Waters
Kennedy	Pallone	Watson
Kildee	Pascarell	Watt
Kilpatrick (MI)	Pastor (AZ)	Waxman
Kilroy	Payne	Weiner
King (NY)	Perlmutter	Welch
Kirk	Peters	Wexler
Kissell	Pingree (ME)	Whitfield
Klein (FL)	Platts	Wilson (OH)
Kratovil	Polis (CO)	Woolsey
Kucinich	Price (NC)	Wu
Lance	Quigley	Yarmuth
Langevin	Rahall	Young (FL)
Larson (CT)	Rangel	
Lee (CA)	Reichert	

NOES—185

Aderholt	Childers	Halvorson
Akin	Coffman (CO)	Harper
Alexander	Cole	Hastings (WA)
Arcuri	Conaway	Heller
Austria	Costa	Hensarling
Bachmann	Crenshaw	Herger
Bachus	Cuellar	Herseth Sandlin
Barrow	Culberson	Hill
Barton (TX)	Dahlkemper	Hinojosa
Bilirakis	Davis (KY)	Hoekstra
Bishop (UT)	Davis (TN)	Hunter
Blackburn	Deal (GA)	Inglis
Blunt	Diaz-Balart, L.	Jenkins
Boccheri	Diaz-Balart, M.	Johnson (GA)
Boehner	Doggett	Johnson, Sam
Bonner	Dreier	Jordan (OH)
Boozman	Driehaus	Kind
Boren	Duncan	King (IA)
Boswell	Ehlers	Kingston
Boustany	Ellsworth	Kirkpatrick (AZ)
Boyd	Emerson	Kline (MN)
Brady (TX)	Fallin	Kosmas
Bright	Flake	Lamborn
Broun (GA)	Fleming	Larsen (WA)
Brown (SC)	Forbes	Latham
Brown-Waite,	Fortenberry	LaTourette
Ginny	Foster	Latta
Buchanan	Fox	Lee (NY)
Burgess	Franks (AZ)	Linder
Buyer	Garrett (NJ)	Luetkemeyer
Camp	Giffords	Lummis
Cantor	Gingrey (GA)	Lungren, Daniel E.
Capito	Gohmert	Mack
Cardoza	Goodlatte	Manzullo
Carter	Granger	Marchant
Cassidy	Griffith	Markey (CO)
Chaffetz	Guthrie	

Matheson	Pitts	Shuler
McCarthy (CA)	Poe (TX)	Shuster
McCaul	Pomeroy	Simpson
McClintock	Posey	Skelton
McHenry	Price (GA)	Smith (NE)
McHugh	Putnam	Smith (TX)
McKeon	Radanovich	Souder
McMorris	Rehberg	Space
Rodgers	Rodriguez	Stearns
Melancon	Roe (TN)	Stupak
Mica	Rogers (AL)	Sullivan
Miller (FL)	Rogers (KY)	Tanner
Minnick	Rogers (MI)	Teague
Moran (KS)	Rohrabacher	Terry
Murphy (NY)	Rooney	Thompson (PA)
Murphy, Tim	Roskam	Thornberry
Myrick	Ross	Tiahrt
Neugebauer	Ryan (WI)	Tiberi
Nunes	Salazar	Walden
Olson	Sanchez, Loretta	Walz
Paul	Scalise	Wamp
Paulsen	Schmidt	Wilson (SC)
Pence	Sensenbrenner	Wittman
Petriello	Sessions	Wolf
Peterson	Shadegg	Young (AK)
Petri	Shimkus	

NOT VOTING—9

Ackerman	Graves	Schock
Barrett (SC)	Lucas	Taylor
Coble	Miller, Gary	Westmoreland

□ 1315

Mrs. DAHLKEMPER changed her vote from “aye” to “no.”

Mr. CARNAHAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, 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. 3183.

□ 1315

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. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, July 15, 2009, amendment No. 4 printed in part D of House Report 111–209, offered by the gentleman from Texas (Mr. HENSARLING), had been postponed and the bill had been read through page 63, line 12.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–209 on which further proceedings were postponed, in the following order:

Amendment No. 9 printed in part A by Mr. HEINRICH of New Mexico.

Amendment No. 10 printed in part A by Mr. CAO of Louisiana.

Amendment No. 11 printed in part A by Mrs. BLACKBURN of Tennessee.

Amendment No. 2 printed in part B by Mr. CAMPBELL of California.

Amendment No. 1 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 3 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 4 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 10 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 11 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part D by Mr. HENSARLING of Texas.

Amendment No. 2 printed in part D by Mr. HENSARLING of Texas.

Amendment No. 4 printed in part D by Mr. HENSARLING of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 9 OFFERED BY MR.

HEINRICH

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. HEINRICH:

In section 307, strike “6 percent” and insert “7 percent”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, answered “present” 1, not voting 14, as follows:

[Roll No. 578]

AYES—424

Abercrombie	Bono Mack	Castle
Aderholt	Boozman	Castor (FL)
Adler (NJ)	Boren	Chaffetz
Akin	Boswell	Chandler
Alexander	Boucher	Childers
Altmire	Boustany	Christensen
Andrews	Boyd	Chu
Arcuri	Brady (PA)	Clarke
Austria	Brady (TX)	Clay
Baca	Braley (IA)	Cleaver
Bachmann	Bright	Clyburn
Bachus	Broun (GA)	Coffman (CO)
Baird	Brown (SC)	Cohen
Baldwin	Brown, Corrine	Cole
Barrow	Brown-Waite,	Conaway
Bartlett	Ginny	Connolly (VA)
Barton (TX)	Buchanan	Conyers
Bean	Burgess	Cooper
Becerra	Burton (IN)	Costa
Berkley	Butterfield	Costello
Berman	Buyer	Courtney
Berry	Calvert	Crenshaw
Biggert	Camp	Crowley
Bilbray	Campbell	Cuellar
Bilirakis	Cantor	Culberson
Bishop (GA)	Cao	Cummings
Bishop (NY)	Capito	Dahlkemper
Bishop (UT)	Capps	Davis (AL)
Blackburn	Capuano	Davis (CA)
Blumenauer	Cardoza	Davis (IL)
Blunt	Carnahan	Davis (KY)
Boccheri	Carney	Davis (TN)
Boehner	Carson (IN)	Deal (GA)
Bonner	Carter	DeFazio