

105TH CONGRESS  
1ST SESSION

# H. R. 547

To require the Secretary of the Interior and the Secretary of Agriculture to establish grazing fees at fair market value for use of public grazing lands.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. NADLER introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To require the Secretary of the Interior and the Secretary of Agriculture to establish grazing fees at fair market value for use of public grazing lands.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Free Market Grazing  
5       Fees Act”.

1 **SEC. 2. GRAZING FEES ESTABLISHED AT FAIR MARKET**  
2 **VALUE.**

3 (a) FEES REQUIRED.—Notwithstanding any other  
4 provision of law, the Secretary of Agriculture and the Sec-  
5 retary of the Interior, with respect to public grazing lands  
6 subject to their respective jurisdiction, shall establish an  
7 annual domestic livestock grazing fee equal to the fair  
8 market value of the grazing lease or permit concerned.

9 (b) COMMENCEMENT OF FEES.—The grazing fees re-  
10 quired by this section shall apply beginning with the graz-  
11 ing season that commences on March 1, 1998.

12 (c) FACTORS.—In determining the fair market value  
13 of a grazing lease or permit, the Secretary concerned shall  
14 take into account the following:

15 (1) The amounts and conditions under which  
16 neighboring non-Federal lands are leased or sold for  
17 grazing purposes.

18 (2) The improvements provided or to be pro-  
19 vided by the lessee or permit holder.

20 (3) The services to be provided by the United  
21 States.

22 (d) PROCEDURES.—In determining the fair market  
23 value of grazing permits, the Secretary concerned shall  
24 publish rules in accordance with chapter 5 of title 5, Unit-  
25 ed States Code, which ensure that whenever practicable

1 fair market value is established through competitive bid-  
2 ding.

3 (e) SMALL FAMILY RANCH EXEMPTION.—

4 (1) CERTIFICATION FOR PREVAILING FEES.—

5 The holder of a Federal grazing lease or permit as  
6 of the date of the enactment of this section who  
7 makes a certification to the Secretary concerned in  
8 accordance with this subsection shall be charged the  
9 prevailing grazing fee on that date for the period be-  
10 ginning on that date and ending on February 28,  
11 2008.

12 (2) CONTENT OF CERTIFICATION.—

13 (A) ANNUAL INCOME.—The holder of the  
14 Federal grazing lease or permit shall certify  
15 that, for the immediately preceding calendar  
16 year—

17 (i) the holder derived more than half  
18 of the holder's annual income from the  
19 ranching operation associated with the  
20 Federal grazing lease or permit; and

21 (ii) the holder—

22 (I) if an individual, has an ad-  
23 justed gross annual income (as de-  
24 fined in the Internal Revenue Code of  
25 1986) of less than \$50,000; or

1 (II) if a person other than an in-  
2 dividual, has total assets of less than  
3 \$1,000,000, including the value of  
4 Federal leases or permits of any kind,  
5 including the assets of any entity  
6 owned by, controlled by, or under  
7 common control of, directly or indi-  
8 rectly, the holder.

9 (B) SUBSTANTIAL LABOR.—The holder of  
10 the Federal grazing lease or permit shall certify  
11 that, for the immediately preceding calendar  
12 year, the holder—

13 (i) if an individual, performed sub-  
14 stantial labor in the ranching operation ei-  
15 ther personally or using members of the  
16 holder's immediate family; or

17 (ii) if a person other than an individ-  
18 ual, performed substantial labor in the  
19 ranching operation using the officers of the  
20 holder.

21 (3) SUBMISSION OF CERTIFICATION.—A certifi-  
22 cation under this subsection shall be submitted to  
23 the Secretary concerned before the beginning of each  
24 grazing season.

25 (f) DEFINITIONS.—For the purposes of this section:

1           (1) PUBLIC GRAZING LANDS.—The term “pub-  
2       lic grazing lands” means the following:

3           (A) The National Forest lands (including  
4       the national grasslands) in the 16 contiguous  
5       Western States administered by the United  
6       States Forest Service where domestic livestock  
7       grazing is permitted under applicable law.

8           (B) The public domain lands administered  
9       by the Bureau of Land Management where do-  
10      mestic livestock grazing is permitted under ap-  
11      plicable law.

12          (C) The lands within units of the National  
13      Park System on which grazing is permitted  
14      under applicable law.

15          (2) SECRETARY CONCERNED.—The term “Sec-  
16      retary concerned” means—

17          (A) the Secretary of Agriculture, with re-  
18      spect to public grazing lands subject to the ju-  
19      risdiction of the Secretary of Agriculture; and

20          (B) the Secretary of the Interior, with re-  
21      spect to public grazing lands subject to the ju-  
22      risdiction of the Secretary of the Interior.

23          (g) EFFECT OF FAILURE TO ESTABLISH FEES.—No  
24      grazing shall be permitted on any public grazing lands  
25      after March 1, 1998, unless the Secretary of the Interior

- 1 and the Secretary of Agriculture each affirm to Congress
- 2 that grazing fees for all public grazing lands have been
- 3 established in compliance with this section.

