

covers. The issue of what is covered and what is not covered is this: Is it the product that causes harm? If yes, then it is covered in the bill. However, if the person using the product that causes harm—such as the driver of a car—the case is not covered by this bill.

Mr. HOLLINGS. Mr. President, I read the law, and it is properly quoted by MADD. We doublechecked because we heard some rumors. So checking it out, we found that the MADD position in opposition to this legislation is the same as I included in the RECORD, you can read the exact language which says “any several action brought, or any theory of harm caused by a product or product use”—period, end quote. So they know what they are talking about.

Now to the confusion. You saw that 30-minute demonstration we had out here about strict liability and utilities. They wrote that in the double negative fashion because they did not want to say we are going to exempt strict liability. So they have done so by covering it in this bill.

Right to the point, they tell the gas company to go ahead and get reckless and not worry about punitive damages for the simple reason that now, having been written that way, you have to have malice.

I could cover a plethora of things. The solution is within the States. The Senator from Rhode Island was correct. We have been on it for 15 years. The State of Tennessee has acted. The State of South Carolina has acted. When we say it is a moderate, bipartisan bill, the opposition is moderate and bipartisan. There is bipartisan opposition because this goes totally against the grain. When I was sent up here some 29 years ago standing for States rights, here comes the crowd finally saying let us have education back to the States; Medicaid, let us have it back to the States; crime and block grants back to the States; welfare, the Governors say, come, give it to us, back to the States. The States are doing the job. The majority leader runs around with a tenth amendment in his pocket and pulls it out, and says we have government going back to the States. But the business crowd downtown wrote this sorry measure. It is not bipartisan with respect to the conference. We were never asked into that conference; never considered. That had not happened. That had not happened.

I found out about this on CBS when they talked about the silly case of women going into the men’s room.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time?

The Senator from Washington.

Mr. GORTON. Mr. President, this debate can come down to an example involving one individual, a young girl, and one company. The young girl is Tara Ransom, whose story is told in today’s Wall Street Journal, and who with her parents has come to my office.

Tara is one of 50,000 hydrocephalics in the United States with a condition that previously could not be treated at all and was a literal terror to its victims and to their parents.

She has, nonetheless, led a normal life, almost a normal life, due to a series of silicon shunts which have to be replaced every year or so due to her growth rate.

It is now becoming next to impossible for Tara to get such a silicon shunt because the one company, Dow-Corning, that is willing to manufacture it, is in bankruptcy largely due to product liability litigation and is threatened with class actions.

Dow-Corning simply manufactures the silicone. In one of these shunts its net return is \$1 or \$2. As the Presiding Officer as a physician knows, not every medical device works perfectly at all times and under all circumstances. I think it is almost inevitable that among those 50,000 hydrocephalics, or the numbers of thousands who use these shunts at some point or another, one of them is going to die, and there will be a threat of a lawsuit against every one who had anything to do with the shunt. The manufacturer of the material itself would be brought right into that lawsuit. Its liability, even if it wins, the cost of its attorney’s fees will be far more than the gross sales price of all of the silicone it sold. So it will not sell the material. We now in some parts of the world have a black market in these shunts for exactly this reason.

So to save the trial lawyers, to deal with all of the abstractions we heard from here today, Tara Ransom and others like her may soon not be able to get the very devices that have allowed them to lead reasonably normal lives. If this bill passes—and I refer you to the statement of Senator McCain—that will no longer be the case. It is one of the harms, one of the outrages, in our present legal system which will be controlled by this bill.

Mr. President, the Cessna airplane company—in the late 1970’s general aircraft in the United States was being manufactured and shipped at the rate of more than 17,000 a year. By 1982, it was down to almost just more than half of that. By 1986, claims hit \$210 million a year. By 1991, Piper went into bankruptcy. By 1993, 100,000 jobs had been lost in general aviation largely due to our present product liability system. By that time, fewer than 1,000 planes per year were being manufactured in the United States as against 17,000. In August 1994, this Congress passed the General Aviation Revitalization Act. All it consisted of was a statute of repose at 18 years for aircraft. That is all that was in that reform. Already there has been a rebound. The very next year more aircraft were manufactured than were manufactured before, and this year Cessna is building a \$40 million plant to hire 2,000 people to get back into this business.

That, Mr. President, is what this debate is all about—whether or not young people and older people will be able to get medical devices that they need without the manufacturers being frightened out of the business by liability costs, and whether or not industries in the United States will be able to operate successfully to hire people to produce goods that people would like to buy.

We have a legal system now which has hurt our competitiveness, has driven up prices, has reduced the choices that the American people have, all to oblige a handful of trial lawyers. This bill is a modest beginning to create a redress in that balance and to restore the economy of the United States and to provide better products for more people at a lower cost more of the time. It is just as simple as that, Mr. President.

Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-four seconds.

Mr. GORTON. I yield the remainder of my time.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They are automatic.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 956, the Product Liability Fairness Act:

Slade Gorton, Trent Lott, Hank Brown, Chuck Grassley, Craig Thomas, Larry E. Craig, Frank H. Murkowski, Nancy L. Kassebaum, Mark Hatfield, Larry Pressler, Bob Smith, Jon Kyl, John H. Chafee, Conrad Burns, Pete V. Domenici, John McCain.

VOTE

The PRESIDING OFFICER (Mr. COHEN). The question is, Is it the sense of the Senate that debate be brought to a close? The yeas and nays are mandatory under rule XXII. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—60

Abraham	Dorgan	Johnston
Ashcroft	Exon	Kassebaum
Bennett	Faircloth	Kempthorne
Bond	Frist	Kohl
Brown	Glenn	Kyl
Burns	Gorton	Lieberman
Campbell	Gramm	Lott
Chafee	Grams	Lugar
Coats	Grassley	Mack
Cochran	Gregg	McCain
Coverdell	Hatch	McConnell
Craig	Hatfield	Moseley-Braun
DeWine	Helms	Murkowski
Dodd	Hutchison	Nickles
Dole	Inhofe	Nunn
Domenici	Jeffords	Pell

Pressler	Smith	Thomas
Pryor	Snowe	Thompson
Rockefeller	Specter	Thurmond
Santorum	Stevens	Warner

NAYS—40

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Biden	Ford	Murray
Bingaman	Graham	Reid
Boxer	Harkin	Robb
Bradley	Heflin	Roth
Breaux	Hollings	Sarbanes
Bryan	Inouye	Shelby
Bumpers	Kennedy	Simon
Byrd	Kerrey	Simpson
Cohen	Kerry	Wellstone
Conrad	Lautenberg	Wyden
D'Amato	Leahy	
Daschle	Levin	

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS

CLOTURE MOTION

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the the motion to proceed to Senate Resolution 227, regarding the Whitewater extension:

Alfonse D'Amato, Dan Coats, Phil Gramm, Bob Smith, Mike DeWine, Bill Roth, Bill Cohen, Jim Jeffords, R.F. Bennett, John Warner, Larry Pressler, Spencer Abraham, Conrad Burns, Al Simpson, John H. Chafee, Frank H. Murkowski.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to Senate Resolution 227 shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—53

Abraham	Craig	Hatch
Ashcroft	D'Amato	Hatfield
Bennett	DeWine	Helms
Bond	Dole	Hutchison
Brown	Domenici	Inhofe
Burns	Faircloth	Jeffords
Campbell	Frist	Kassebaum
Chafee	Gorton	Kempthorne
Coats	Gramm	Kyl
Cochran	Grams	Lott
Cohen	Grassley	Lugar
Coverdell	Gregg	Mack

McCain	Santorum	Stevens
McConnell	Shelby	Thomas
Murkowski	Simpson	Thompson
Nickles	Smith	Thurmond
Pressler	Snowe	Warner
Roth	Specter	

NAYS—47

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senator from Arizona be permitted to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

READY TOMORROW: DEFENDING AMERICAN INTERESTS IN THE 21ST CENTURY

Mr. MCCAIN. Mr. President, as we near the end of this century, we must be prepared to deal with the changing realities of the post-cold-war world and to meet the new challenges of the 21st century. My purpose in speaking today to the Senate is to open a debate on the continuing need to reshape our national security strategy and military force structure to address those new challenges.

We have already made several attempts to deal with these new realities. The Base Force and Bottom Up Review processes were laudable early efforts. However, we have not yet made the difficult decisions to adapt to the challenges created by the collapse of the Soviet Union and the Warsaw Pact. Our current strategy and force plans are not structured to meet the challenges of the future.

The potential threats to our national security interests today and in the future are different from those of the cold war; they are less deterrable by traditional means and often less easily defeated. We no longer face a superpower threat from the former Soviet Union, although we must be "prepared to prepare" to defend against an emerging major power threat. We must deal with a wide range of lesser threats throughout the world, including: regional and ethnic conflicts in which the United States could easily become involved; the rise of extremist and radical movements; the proliferation of weapons of mass destruction and the means to deliver them; the increasing capability of individuals and nations to attack us through our dependence on technology, particularly information

and communications systems; and finally, both domestic and international terrorism.

As has been all too common in the past, our military planning focuses on maintaining the force structure that proved effective in winning the last war, while too little attention has been given to the changing and uncertain nature of future conflicts.

We must now undertake another effort to reshape our strategy and force structure, an effort which is innovative and forward-thinking rather than constrained by the accepted principles of the past. A key focus of this effort must be ensuring that our defense strategy and military forces are flexible and capable of quickly evolving to meet any new threats.

In this effort, we cannot ignore the fiscal realities of our debt-ridden Federal Government. Planning for our future military capabilities must be tempered by a realistic view of fiscal constraints on future defense budgets, without allowing those constraints to become the dominant factor in our decisions about future defense requirements. We must be prepared to accept the cost of being a world power. In short, we must focus on the most cost-effective means of maintaining the military capabilities necessary to ensure our future security.

Mr. President, we now face a significant gap between our force plans and the resources available to implement them. By 1995, the defense budget had been cut by more than 35 percent in real, inflation-adjusted dollars in just 10 years. Independent assessments of the cost of the BUR force show that it exceeds the funding levels dedicated by the current administration in the Future Years Defense Program [FYDP] by \$150 billion to \$500 billion.

As a result, we have been confronted by a series of Hobson's choices. We have had to choose among cutting force strength, maintaining readiness, or funding force modernization within the constraints of continually declining defense budgets. The result has been reductions in all three areas.

Over the past 5 years, we have reduced our military manpower levels by more than half a million people. After a dangerous trend 3 or 4 years ago of declining military readiness, there is now broad agreement that we have restored current levels of operational activity and readiness of the smaller BUR force. However, we have done so by foregoing the modernization programs required to ensure the effectiveness of that small force.

The Chairman of the Joint Chiefs of Staff has repeatedly warned that procurement accounts are seriously underfunded, and the Vice Chairman has said we face a "crisis" in weapons procurement.

Because of the modernization crisis, the Chairman of the Joint Chiefs has set a procurement funding goal of \$60 billion per year. However, the President's fiscal year 1997 defense budget

includes only \$39 billion for procurement—nearly \$5 billion less for procurement than was projected in the previous year's budget and far short of the Chairman's target. The administration now projects the \$60 billion procurement funding goal will not be reached until the year 2001—3 years beyond the Chairman's target.

Mr. President, there is a dangerous long-term impact of postponing essential force modernization programs. America's future military readiness hinges on our ability to retain technological superiority over any potential adversaries. We have already seen some reduction in United States capabilities to fight in a single contingency such as the Persian Gulf. The continuing failure to invest wisely in military modernization programs has put our future readiness at risk.

We must reverse the alarming practice of postponing essential weapons modernization programs. To do this, we need to do one of two things—either increase the overall defense budget, or spend our available defense resources more wisely.

Last year, the Congress added \$7 billion to the President's request for national defense and projected adding \$14 billion to the planned fiscal year 1997 defense budget. However, the President requested \$9 billion less for defense in fiscal year 1997 than Congress provided in fiscal year 1996.

Mr. President, I strongly support much-needed efforts in Congress to slow the too-rapid decline in defense spending. However, with continuing pressure to balance the Federal budget and alleviate our Nation's long-term fiscal crisis, there is, in my view, little realistic prospect of significant, sustained increases in defense spending in the future.

Therefore, it is imperative that we—the Congress and the administration—begin a debate to develop new ideas to ensure the best possible U.S. military force, capable of meeting the challenges of the future, within the fiscal constraints of today's defense budgets. Today, I want to offer my thoughts on the issues that must be considered in that debate.

Mr. President, our national security strategy must complement a credible foreign policy. The United States can and should use diplomacy to guide the course of world events, rather than simply observing and acquiescing in them. Indecision, hesitation, and vacillation in the conduct of our foreign policy only encourage aggression by our potential adversaries, possibly leading to conflict.

A strong military force is essential to maintaining the credibility of our foreign policy. The existence of capable and ready military forces, combined with the credible threat of their use when necessary to defend our national security interests, serves to deter the outbreak of conflict. If deterrence fails, those forces must be prepared to react early and decisively to prevail in war.

Without both a credible foreign policy and a strong military force, the ability of the United States to shape the future course of world events is severely hampered.

As I noted earlier, our Nation's fiscal situation makes it likely that the defense budget will, at best, remain at the current level, despite recent efforts in Congress to increase the defense budget. This level is widely recognized as inadequate to fund the force structure necessary to support our current strategy of engagement and enlargement, based on a capability to fight and win two nearly simultaneous major regional contingencies [MRCs].

Further, the two-MRC strategy is focused too narrowly on large conventional conflicts in the Persian Gulf and Korea. It must be broadened to ensure attention to all possible conflict scenarios, not just the current military capabilities of Iraq and North Korea.

Current fiscal reality, which makes unlikely future significant increases in defense spending, as well as an overly narrow focus of our current strategy demand that we reassess both our strategy and our force structure. Therefore, many U.S. planners, including senior planners on the Joint Staff and the military staffs of the Armed Services, are already in the process of considering a single MRC strategy in which the United States would only be able to fight one major conflict at a time.

In conducting a reassessment of our future force requirements, we should focus on a flexible contingency strategy supported by an affordable, flexible force. Our force planning should provide, at a minimum, sufficient levels to decisively prevail in a single, generic MRC. At the same time, we must recognize the existence of many lesser threats and maintain the capability to inflict unacceptable damage on an adversary should one or more of these threats materialize.

This more realistic approach to future force planning will eliminate the gap between our current strategy and fiscal reality. While planning for a flexible force with the ability of fighting a single MRC, possibly together with one or more lesser threats, may necessitate the acceptance of some additional risk in certain areas, it is far better than to plan for forces and capabilities that will never materialize within the limits of likely future defense budgets.

FUTURE FORCE STRUCTURE

The nature of foreseeable conflicts requires that we continue to provide for a force structure containing air, land, and sea elements that are flexible enough to adapt quickly to unforeseeable situations. Our warfighting forces must be capable of responding quickly and effectively to any potential challenge and should be designed to supplement the military forces of our allies in order to provide the greatest military capability in the future at the lowest possible cost.

Very briefly, let me describe the principal warfighting capabilities that must be maintained to ensure our readiness in the future.

Naval forces: Our naval forces are at the forefront of our forward presence, crisis response, and power projection capability. They are among the most likely to be called to respond to a crisis and the most likely to be used in the early phases of any regional conflict.

Naval vessels should be self-sustaining and have significant offensive capability while providing for their own defense. Automation of weapon systems and support equipment aboard these vessels should be pursued to minimize the number of personnel required to produce an efficient, lethal fighting platform.

Much of our power projection capability will continue to be provided by carrier-based air power, increasingly supplemented by cruise missiles and other long-range strike systems. Political uncertainties, making the use of forward air bases problematic, mean that we cannot always rely upon these assets in a crisis situation. One only has to remember the United States bombing of Libya in 1986, and the restrictions on over-flights of certain countries, to realize that we must maintain a sufficient force of aircraft carriers if we want to provide the capability of ever-ready air power.

Marine expeditionary forces will continue to fill a critical role in any future force structure because of their flexibility and the ease with which they can be dispatched to regional hot spots. These forces must be supported with sufficient lift, mine warfare capability, and shore fire support.

Our submarine force will continue to play an important role. We must, however, re-examine the numbers and mix of the planned post-cost war realities. Today's threats make it possible to scale back plans to replace the current, very capable attack submarine force with an all-new class of stealthy, high-technology submarines.

Air power: Air power that can be quickly deployed and engage the enemy with devastating effect is a critical element of any future force structure. Our air assets must be maintained at the forefront of technology in order to pose a viable threat to our enemies.

Our tactical aircraft must have the capability to deliver precision weapons on enemy targets. Multimission platforms and maximum firepower per platform should be absolute requirements, as the cost of aircraft continues to climb at an enormous rate. Precision-guided stand-off weapons, such as cruise missiles, will increasingly become the weapon of choice for their ability to attack enemy targets without endangering air crews and expensive platforms.

Procurement of self-protection equipment is both necessary and cost-effective. Every effort should be made to build upon existing electronic and

other countermeasures, including expendables.

At the same time, we should explore opportunities to increase the use of remotely piloted vehicles [RPVs] and unmanned aerial vehicles [UAVs]. Both RPVs and UAVs offer great potential to provide a cheaper, more effective means of gathering information and delivering ordnance, while minimizing risk to our air crews.

We must act now to resolve the issue of strategic versus tactical bombers. We must maintain a viable offensive capability at an affordable cost. Therefore, we must carefully consider cost versus capabilities in assessing the effectiveness of our strategic and tactical bombers in a conventional role. Current information supports a decision to cap the B-2 bomber program at its present fleet size and give higher priority to precision-guided munitions and improved tactical fighter/bomber forces.

Ground forces: As our overseas basing continues to decline, we must reassess our requirement for large ground-based forces. This will require greater emphasis on allied capabilities for ground combat missions. U.S. ground forces must be readily deployable, requiring a reassessment of the balance between heavy and light forces. Greater emphasis and reliance on smaller, lighter, and more automated systems may be appropriate.

We need to retool both our active and reserve forces to concentrate our resources on forces we can rapidly deploy or move forward within a few months. We do not need units, bases, reserves, or large stocks of equipment that we cannot project outside the United States without a year or more of mobilization time.

Information technology will continue to revolutionize the battlefield, giving ground commanders unprecedented levels of situational awareness on the battlefield. We must ensure that resources are dedicated to providing these essential technological enhancements.

Our ground forces must be properly equipped to maintain superior offensive and defense capabilities. Increased night warfighting capabilities, increased survivability of tanks and heavy artillery, and improvements in antiarmor defenses are particularly important. Increased capability to detect, defend, and survive in a biological or chemical warfare environment is absolutely essential.

Special Operations Forces: We must continue to maintain the capability to conduct special military operations in a variety of missions. Special operations forces expand the range of options available to decisionmakers by confronting crises and conflicts below the threshold of war. These forces must be able to respond to specialized contingencies across the conflict spectrum with stealth, speed, and precision.

Strategic Lift: We must continue to focus on improving our ability to move personnel and equipment overseas. The

limits we face on the forward deployment of our forces, in a world where our forces could be required in any region of the globe, means that strategic lift has become increasingly important. We must increase our efforts to procure the necessary lift capacity to maximize the mobility of our forces.

National Guard and Reserves: The Reserve and Guard components of the Armed Forces should be tasked primarily with those mission areas which support rapid power projection and require little training prior to deployment. Combat arms units in the Guard and Reserves that cannot be mobilized within a very short period of time cannot play a decisive role in conflict resolution. By restricting the Guard and Reserves to those areas where proficiency can be maintained with minimal unit training time, we can minimize the risk that essential military forces will not be prepared if they are called upon in a crisis situation.

The missions most appropriate to the Guard and Reserves, commonly referred to as combat support or combat service support, are those directly related to a civilian occupation, such as transportation specialists, medical support, public affairs, and computer and information specialists.

There are, however, certain military missions which should not be assigned to the Reserves or Guard. These missions, such as heavy armor and infantry, require constant physical conditioning and training in large unit exercises, and are best left to the active forces which can be maintained in a ready state for rapid deployment.

Other force capabilities: Other high-priority force capabilities include cost-effective theater and national missile defense systems, effective counter-proliferation and proliferation detection capabilities, safe and reliable nuclear deterrent forces, and technologically superior, maintainable space-based systems.

These essential force capabilities will not exist in the future without sufficient investment in modernization programs. Our ability to counter future threats will not depend on stealthy submarines or more long-range bombers. Instead, we should emphasize the capabilities most effective in likely future conflicts; namely, adequate strategic sea and air lift, enhanced amphibious capability, next-generation tactical aircraft, deployable light ground forces, and improved command, control, and communications systems. Investment now in these high-priority programs will ensure our future readiness.

TIERED FORCE READINESS

Mr. President, during the 1970's, the United States allowed its military to become hollow by failing to dedicate adequate resources to the day-to-day operational readiness of our Armed Forces. Defense budget increases in the 1980's restored the readiness and morale of our forces and provided much-needed investment funding.

Because of the continuous decline in defense budgets since the mid-1980's, however, we heard warnings from our highest-ranking military officers of a similar readiness crisis in the early 1990's. We heeded those warnings and managed to reverse the alarming trends toward another hollow force by dedicating increasing shares of our smaller defense budgets to the readiness of our forces.

Today, we are permitting our forces to become hollow in a different way. We are shortchanging military modernization, as we did in the 1920's and 1930's. Then, our military forces were antiquated and inadequately equipped, requiring several years and many millions of dollars before they were prepared to fight our enemies in World War II. Because of our failure to adequately fund the investment accounts, our forces today face a future armed with rapidly aging equipment which is difficult and expensive to maintain and operate.

We must stop postponing essential modernization programs. To maintain the force capabilities I have described, and to keep them modernized, we must look for savings elsewhere in the defense budget.

There are many approaches to streamlining defense operations and activities that could result in cost savings and which should be done to ensure the best value to the American taxpayer. We should consider revisiting our infrastructure requirements, modernizing and making more efficient cross-service activities, and greater privatization on nonmilitary activities. However, the magnitude of savings from these efficiencies is negligible in comparison to the funding required to modernize and maintain a ready military force.

Another approach we should consider, which would save scarce defense resources and make available needed funding for critical modernization programs, would be to reevaluate the readiness requirements of our military forces. Although, to a limited extent, the Military services currently maintain forces at varying readiness levels, a comprehensive, force-wide review must be performed to ensure the future overall readiness of our forces.

Criticality of forces in any future crisis should be the determining factor of the degree of day-to-day readiness that each military unit should maintain. An evaluation should include two key factors: First, the likelihood that forces will be called upon to respond to a military crisis, and second, the timeframe in which those forces would be deployed. Forces could then be categorized by readiness tiers based on the degree of day-to-day readiness at which they should be maintained.

It is important to differentiate this proposed tiering of readiness requirements from the current fluctuations in unit readiness which are caused by training or operational deployments. For example, our Navy carrier forces

are maintained at the highest readiness level while on cruise, fall back to a very low level when they first return to homeport, and then gradually regain their readiness as they prepare for the next deployment. The proposal outlined above for tiered force structure readiness would categorize units based on their criticality to a crisis situation, not on these normal training fluctuations.

The following delineation of our forces at three different levels of military readiness is proposed as the starting point for a discussion of the concept of tiered readiness.

Tier I—Forward-Deployed and Crisis Response Forces: In peacetime, our forward-deployed military forces support our diplomacy and our commitments to our allies. Our forward military presence takes the form of fixed air and ground bases that are home to U.S. forces overseas, and our forward-deployed carriers, surface combatants, and amphibious forces. Some special operations forces are also forward-deployed, both at sea and ashore. Reserves become part of the equation through our military exercise programs.

In the event of a crisis, these forward-deployed forces are most often called upon to respond first to contain the crisis. In addition, our crisis response forces must be able to get to the region quickly and be able to enter the region using force, since we cannot assume that ports or airfields will be available. These qualifications limit the types of forces that must be ready to respond quickly in a crisis:

Air forces are limited to aircraft that can make a round trip from a secure base.

Land forces include airborne units.

Sea forces include carriers, surface combatants, and amphibious forces within a range of a few days.

The Army afloat brigade and naval maritime prepositioning forces can respond quickly and, supported by airborne and amphibious forces, can expect to have a secure port and airfield in the region when they arrive.

Because they must be able to respond effectively within a matter of days, forward-deployed and crisis response forces must be maintained at the highest state, or tier, of readiness.

Tier II—Force Buildup: History shows that crises can usually be resolved or contained by the deployment of only a small portion of our military capability. In the past 50 years, the United States has responded militarily to crises throughout the world over 300 times, but we have deployed follow-on forces in anticipation of a major regional conflict only 5 times. These include the forward deployment of United States troops in Europe at the onset of the cold war; the deployment of forces to Korea in 1950; the deployment of forces in response to the Cuban missile crisis in 1962; deployment to Vietnam in the 1960's; and deployment to Southwest Asia in 1990.

Although follow-on forces have been used only rarely, we must still maintain the forces necessary to halt an escalating crisis.

Buildup forces are those that can deploy and achieve combat-ready status within a matter of weeks rather than days. These follow-on forces require permissive access to the theater of operations. There must be airfields available for land-based tactical aviation, ports available to receive land forces and logistics support, and property available for assembly and training areas and supplies and maintenance activities.

Unlike initial response forces, these forces may be maintained at a lower level, or tier, of readiness since they will not be required in the theater of operations until after the initial stages of the conflict. They must, however, maintain the ability to return to a high state of readiness within a short time.

Tier III—Conflict Resolution: In only three of the cases mentioned above—Korea, Vietnam, and Southwest Asia—were we engaged in sustained conflict, requiring a large-scale deployment of United States forces.

Forces that seldom deploy must be maintained and available to ensure that we have the force superiority to prevail in any conflict. Conflict resolution forces include those that deploy late in the conflict because of limited airlift or sealift, and the finite capacity of the theater to absorb arriving forces. Also included are the later-arriving heavy ground forces, naval forces that have not already deployed, and air forces that become supportable as airfields and support capability in theater expands.

These combat units should be maintained at a third, or lowest, tier of readiness. They would not be required in the theater of operations until after about the sixth month of the conflict and would, therefore, have sufficient time to make ready for deployment.

Finally, we must reexamine the practice of maintaining combat units for which there is either no identified requirement under our national military strategy, or which cannot be deployed to a theater of operations until after a time certain following the outbreak of a conflict—perhaps 9 months to a year. We should not be spending scarce defense funds on combat forces which do not significantly enhance our national security.

Adjusting the readiness requirements of our military forces requires a thorough reassessment of our warfighting strategy and tactics. We must recognize that maintaining force readiness at different levels, or tiers, may increase the potential risk in the near term. However, the alternative is an antiquated force of the future which would not be capable of effectively protecting our national interests. The resources saved by tiering readiness could be reinvested in modernization and recapitalization of most needed ca-

pabilities. The long-term result of tiered readiness may very well be a more capable force for the future, and a force which is affordable under foreseeable fiscal constraints.

The ideas presented in this paper are designed to spur a much-needed debate about U.S. national security strategy and military force structure for the 21st century. The President and the Congress share in the responsibility of providing adequate military forces, properly trained and equipped to deal with whatever consequences a changing world holds for the United States.

We have an opportunity to chart a new course for national security, and we cannot afford inaction when offered a chance to abandon "business as usual." If we ignore the difficult issues facing us today, we will fail in our most basic responsibility—protecting the security of the American people.

I thank my friend from New Mexico, my neighbor. I know how important the issue is that he brings before the Senate. I appreciate his indulgence.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to Senator MCCAIN, might I just comment that not only what he spoke of is vitally important but, as I reviewed the President's budget—not for the details as it pertains to these areas where the Senator finds deficiencies but in terms of the funding—I find that it is \$14 billion in budget authority under what was requested in our budget resolution after long negotiations between the House and the Senate. I do not believe that would help any of that. It would only make it somewhat worse. But I wanted to make that comment.

PUBLIC RANGELANDS MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate, S. 1459, the Public Rangelands Management Act.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1459) to provide for uniform management of livestock grazing on Federal land, and for other purposes.

The Senate proceeded with the consideration of the bill.

Mr. DOMENICI. Mr. President, let me try to talk to the Senate about where we are.

We have before us a public lands reform act that deals with grazing and other multiple uses, principally with grazing as one of the multiple uses, and the reform in that for those who are ranching on public domain.

There are a number of Senators on our side and certainly on the Democrat side who want to speak to this issue. There are a number of Senators who have amendments. Let me make a few observations about that.

First, I want to thank the Democrat leader, Senator DOLE, my friend Senator BINGAMAN, and other Democrats who are working on this bill because,

as I gather, we are going to try to accommodate each other and in the next couple of days get this matter to a final vote.

The Republican leader has graciously given us the rest of today, most of tomorrow, and tomorrow night as long as is necessary to get this bill finished. For that we very much appreciate his generosity of the Senate's time. But I would say there has also been some comment about our leader about not having any votes on Friday. I would suggest he has also indicated to me that he would like to see this bill finished Thursday night, if we are going to have a Friday without votes to be followed by a Monday, as I understand it, without votes.

So I ask that anyone who has an amendment to this bill—I only know of two at this point, and I have not seen one of them, but the other I am pretty familiar with—I hope they will accommodate us by getting to their manager and to the floor whatever amendments they might have. We do not need any surprises, and there will be none because there are no time agreements on the amendments.

So, if we need a couple of hours to look them over, we can either do it in advance, or we will do it while the Senate is in session here on the floor.

I understand Senator BUMPERS has an amendment that changes the grazing fees. I say to all the Senators present that I have not seen it yet. We are asking that it be presented as soon as possible. When I sit down, I will go try to find out where it is.

AMENDMENT NO. 3555

(Purpose: An amendment in the nature of a substitute to the Public Rangelands Management Act of 1995)

Mr. DOMENICI. Mr. President, I have, in behalf of a number of Senators—myself, the chairman of the committee, Senators MURKOWSKI, CRAIG, THOMAS, BURNS, KYL, CAMPBELL, HATCH, BENNETT, KEMP THORNE, SIMPSON, PRESSLER, and DOLE—a substitute for the pending measure. It is understood that it will be the first thing tendered to the Senate.

On behalf of those Senators and myself, I send an amendment to the desk and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. MURKOWSKI, Mr. CRAIG, Mr. THOMAS, Mr. BURNS, Mr. KYL, Mr. CAMPBELL, Mr. HATCH, Mr. BENNETT, Mr. KEMP THORNE, Mr. SIMPSON, Mr. PRESSLER, and Mr. DOLE, proposes an amendment numbered 3555.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, on the floor right now I see four Senators on

our side who might want to speak. I would like to propose the following: Senator BINGAMAN is here, and he would like to speak. I would like to yield to my fellow colleagues on this side for some opening remarks and intersperse that between Republicans and Democrats. Is Senator CAMPBELL prepared to make opening remarks?

I propose that Senator BINGAMAN go first. Then, if he is ready, for him proceed, and then we will go over to our side in which two Senators will speak.

I am going to leave the floor. Let us say that after Senator BINGAMAN, Senator BURNS will make his own agreement as to which one would go first. Senator BUMPERS will not be ready until at least 4:30 or a little later.

So why not handle it that way?

Mr. President, Senator STEVENS has been waiting patiently on the floor. I ask unanimous consent that he be given 2 minutes as if in morning business to introduce a bill, after which we will follow the informal format that we just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I thank the Senator from New Mexico.

Mr. President, I, too, have to leave the floor. I thank my colleagues for permitting me to make this statement.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1629 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that two members of my staff, Charles Hunt and Sharon Miner, be given floor privileges during the entire proceedings on S. 1459.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. CAMPBELL. Thank you.

Mr. President, I rise today to voice my support for the Public Rangelands Management Act, and for the courageous efforts of my distinguished colleague and neighbor, Senator DOMENICI.

While I was sitting here, I was just reading a disparaging ad that was taken out in the Wednesday, March 13, 1996, issue of the Albuquerque Journal, the largest city in New Mexico. I have to tell you, nothing could be farther from the truth than this ad. It accuses the Senator from New Mexico of trashing the public lands, of drying up the streams, of driving people off the land, and practically everything except raping the West.

I thought it was very unfortunate that the shrillness of the debate has gotten to that point. But I guess that is what we all face when we try to make changes around here—that we have to face some pretty angry people.

But, from my perspective, the Senator from New Mexico has shown great courage in trying to solve the problem that we have been dealing with for decades here in the U.S. Congress.

As many of you know, the showdown in the West over cattle and grazing rights has been going on for a long time. In the old days, the differences were simply settled over a shot of whiskey or with a shot from the Winchester. But today, with our elevated laws and regulations, we attempt to settle our differences using the power of legislative language and administrative rulemaking. However, it is clear when you read ads like that, that the raw passions and emotions over the management of livestock on public lands often persevere and drive these very strong debates. Unfortunately for the family rancher whose very livelihood is dependent on the fate of these laws and regulations, our debates have reached such emotional heights that we have almost forgotten what actually happens to the family that has to make a living on the land.

But this issue should not be about emotions or politics. It should not be driven along partisan lines.

The debate today should not be about who is right and who is wrong, on whichever version of rules and regulations we are looking at. It should not be about the environmentalists versus the ranchers. The debate should be about how to best nurture sustainable ecosystems on the public lands in the West while still maintaining a consistent, healthy, and viable environment for ranchers and farmers to make a living on the public lands.

I believe the bill of the Senator from New Mexico does that. He has worked on it with a number of us from the West for many months. We have gone through trial and error and met with a great resistance. I think perhaps we finally have something that can pass.

I ask my colleagues for a moment to put themselves in the shoes or boots, as the case may be, of the western rancher today. There is a lot of mystique over who they actually are and what they do. Oftentimes we hear debates in the Senate about the so-called welfare ranchers or the rich CEO's or tycoons or perhaps surgeons who bought some land out West, and have some grazing permits but do not actually know how to ranch. We hear these stories of people taking advantage of the system. But I am here to tell you most of us who really believe in the West and ranching in America are not here to defend them. We are here to try to defend our friends, and neighbors. These are the people we know who have helped build Western America and who have a very strong belief in taking care of the land.

Contrary to perception that these folks somehow make a mint off the public lands, most independent cattle ranchers today are struggling with weak and unpredictable markets and increasing instability of rules and regulations that govern the way they do their daily chores. The uncertainty of Federal legislation often puts ranchers in a precarious position when they have to borrow money from their local

bank. They have no idea what to tell the banker regarding the stability of their permit, given the inability of Congress to resolve this issue.

Raising livestock is a tough business, and I venture to say that those who have survived the back breaking work, the tough climate, the market fluctuations and the political pressures, too, are simply in it because they love the land and animals that subsist off it. These are people who care about the land not only because they have to, but because they want to.

I think I can tell you with certainty that any rancher who does not take care of the land simply does not stay in business. I know for a fact that they are better stewards than they are often given credit for.

Over the last few years, the Department of Interior, in my opinion, has engaged in kind of a deceitful and arrogant attempt to override westerners and our ability to make decisions for ourselves. The underlying message of the Department of Interior's rangeland reform basically states that we are not smart enough to figure out what is good for us. Indeed, according to the regulations promulgated last summer by the Secretary of Interior, we apparently need the assistance of beltway bureaucrats, national environmental groups, and virtually everyone else in the country with a peripheral interest in our business in order to make even the smallest decisions on our ranches, including where to put a water holding tank or a cattle guard.

Unlike the administration's proposal, the Public Rangelands Management Act, which Senator DOMENICI has introduced will empower local people to make the decisions that affect them directly. This bill does nothing to prevent broader public participation in management plans or recreational activities on the public lands.

Under S. 1459, affected interests are given the opportunity to comment on seven different kinds of proposed decisions affecting grazing allotments. By managing the public participation process, S. 1459 will provide much needed relief for permittees and Federal land managers from frivolous protests from out-of-State activists who oppose any use of the public lands whatsoever.

I believe that the Department of the Interior's rangeland reform is an undermining effort to overturn a lifestyle that has been part of the history of this Nation. In its zealous attempt to increase the diversity of the biological life on the range, it is threatening that lifestyle and operation that is already endangered. As I mentioned earlier, ranching is a tough business and it has become increasingly more difficult. Literally hundreds of ranchers in the West who were in business just 5 or 6 years ago, have already gone into bankruptcy.

In my own State of Colorado, many real estate developers are taking advantage of the unstable market and buying ranchers out to split up their

land and subdivide the property into small units and tracts. Ironically, by attempting to increase diversity on the range, the rangeland regulations as they are promulgated by the Secretary of the Interior will only assist the paving over of the brush, the grassland, and the fields, putting them all under concrete and plywood. I think even the most ardent environmentalists would prefer to see cattle in those meadows and fields rather than pavement and condominiums.

In fact, if we look at the Department of the Interior's own reports, we can see evidence that indicates that the rangelands are in some of the best conditions they have ever been and continue to improve. For example, according to the Deer and Elk Management Analysis Guide published in 1993 by the Colorado Division of Wildlife, Colorado's elk population is estimated to have increased from 3,000 animals in 1900 to 185,000 in 1990. That report also indicates that Colorado's deer population is estimated to have increased from 6,000 animals in 1900 to 600,000 in 1990.

As a western Senator who has worked closely with grazing for many years, I truly understand the difficulty of trying to achieve a consensus on this issue. I have to say that the time has run out, and S. 1459 presents us with the best and I think perhaps the last chance to balance the concerns of the environmentalists with the concerns of the ranchers in a constructive manner. If you take away all the rhetoric, you will find that this bill has been crafted from collaboration and compromise.

In closing, Mr. President, I submit for the RECORD two resolutions. One was passed by the Colorado State Joint House and Senate Memorial Committee supporting the Public Rangelands Management Act. The second is a resolution from Club 20 which is an organization built from 20 counties in western Colorado which also declares their support for Senator DOMENICI's bill. I ask unanimous consent to have those printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COLORADO SENATE JOINT MEMORIAL 96-3

Whereas, The federal rangelands are currently in the best condition that they have ever been in; and

Whereas, The condition of the federal rangelands has improved and continues to improve through the efforts of holders of federal grazing rights; and

Whereas, As a consequence of the efforts of holders of federal grazing rights, the improvement of the federal rangelands has resulted in stabilized and increasing populations of big game and wildlife, and further efforts will continue to provide long term benefits to big game and wildlife; and

Whereas, The western livestock industry is a vital component of the economy of Colorado and the economy of the United States, providing the people of the nation and the world with a reliable and healthy source of food; and

Whereas, Fees for grazing on federal lands must reflect a fair return to the federal government; and

Whereas, The Public Rangelands Management Act (S. 1459) has been introduced in the United States Congress; and

Whereas, The objectives of the Public Rangelands Management Act are to promote healthy sustainable rangelands and to enhance the productivity of federal lands while at the same time facilitating the orderly use, improvement, and development of those lands; and

Whereas, The Public Rangelands Management Act gives consideration to the need for stabilization of the livestock industry, scientific monitoring of trends, the environmental health of riparian areas, and the needs of wildlife populations dependent on federal lands; now, therefore,

Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That we, the members of the Colorado General Assembly, strongly urge the Congress of the United States to pass the Public Rangelands Management Act (S. 1459).

Be it further Resolved, That copies of this Memorial be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the Secretary of the United States Department of Interior.

RESOLUTIONS BY VOICE OF THE WESTERN SLOPE, SINCE 1953

PUBLIC RANGELANDS MANAGEMENT ACT

Whereas: 73% of the Western Colorado is owned by the federal government, mostly in the form of BLM and Forest Service lands, and

Whereas: The use of these lands for grazing is critical to the economic viability of Western Colorado's livestock industry and to the communities supported by that industry, and

Whereas: The Interior Department's recently-adopted revised grazing regulations provide an unfair and unacceptable environment for the livestock industry to operate in, specifically in terms of the makeup of local grazing advisory councils, lack of incentives for investment in the range resource by the permittees, lack of provisions to encourage stability through the use of extended permit terms, and lack of needed efficiencies in the administration of grazing management on these public lands, and

Whereas: The formula for determining the livestock grazing fee needs to be established in an equitable manner, in law, in order to provide fair return to the public and a reasonable rate for permittees, now therefore be it *Resolved* by the Board of Directors at its 1995 Fall Meeting that CLUB 20 supports the concepts embodied in S. 852 and H.R. 1713 as introduced, specifically:

Addition of public representatives on local grazing advisory councils while still allowing majority representation by those with an economic interest at stake,

Adoption of a new formula for establishing the public lands grazing fee in order to ensure a fair return to the public and a reasonable rate for permittees,

Provisions to ensure proper management of public lands resources through NEPA-documented land use plans, range monitoring and enforcement.

Streamlining of the NEPA documentation process to allow for full public participation in the development of area land use plans without unnecessarily encumbering local agency officers and preventing them from carrying out sound range management.

RESOLUTION BY VOICE OF THE WESTERN SLOPE, SINCE 1953

RANGELAND REFORM 1994

Whereas: Interior Secretary Bruce Babbitt has proposed grazing reforms which contain

many administrative changes unacceptable to the West, and

Whereas: CLUB 20 has always supported the multiple use of public lands, and food production, as a component of the multiple use of public lands, contributes significantly to the total food production of the United States, and

Whereas: As a whole, ranchers have been excellent stewards of the rangelands, benefiting both livestock and wildlife, and

Whereas: CLUB 20 believes Secretary Babbitt's proposed regulatory rangeland reform will ruin the livestock industry and substantially affect the total economy of Western Colorado, and

Whereas: It is not in the best interest of Western Colorado for affected ranches to be subdivided and sold in small parcels, and now therefore be it

Resolved by the CLUB 20 Board of Directors at its Fall Meeting, September 10, 1993, the CLUB 20 cannot support the administrative changes suggested in the proposed "Rangeland Reform '94".

Mr. CAMPBELL. In addition, I ask unanimous consent to have printed in the RECORD a Denver Post editorial of March 13 of 1995. Although I will not read the whole thing, which endorses S. 1459, I wish to read the first paragraph which states under the headline, *The Domenici Grazing Bill Fosters Better Stewardship*:

Some Eastern-based environmental groups have been waging a political holy war against the Public Rangelands Management Act authored by New Mexico Senator PETE DOMENICI, but it seems clear that both the long-term environmental and economic interests of the West would be well served by this legislation to provide some badly needed stability and balance to the management of the public lands.

This is from one of our State's largest newspapers.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOMENICI'S GRAZING BILL FOSTERS BETTER STEWARDSHIP

Some Eastern-based environmental groups have been waging a political holy war against the Public Rangelands Management Act authored by New Mexico Sen. Pete Domenici. But it seems clear that both the long-term environmental and economic interests of the West would be well served by this legislation to provide some badly needed stability and balance to the management of public lands.

Domenici's bill is basically a response to new rangeland management rules proposed in February by Secretary of the Interior Bruce Babbitt after many hearings and much debate. Critics of the Domenici bill are now trying to kill it in the belief that it is less favorable to the environmental lobby than Babbitt's rules. While they are undoubtedly right on that point, the critics are overlooking a crucial fact: What a liberal Democratic administration can arbitrarily impose, the next conservative Republican administration can arbitrarily repeal.

Administrative mandates without the permanence of law thus raise the specter of wild oscillations in policies that lock everything up after one election, then encourage short-term plunder after the next. That's the opposite of what the West needs—a policy that fosters long-term stewardship of the land, rewarding users who manage it carefully and punishing the greedy or stupid who abuse it for short-term gain. Both Babbitt and Domenici are aiming at that goal, but only

Domenici is trying to cast it into long-term law.

The swinging-pendulum policies of recent years clearly have been bad for all concerned. Ranchers who aren't sure they can continue leasing land have no incentive to make expensive investments to control erosion or other problems. Likewise, past policies have been too slow to punish the small minority of ranchers who have neglected the land. In contrast, Domenici's bill, S. 852, encourages the Department of Interior to enter into cooperative agreements with permit holders for "the construction, installation, modification, maintenance, or use of a permanent range improvement or development of a rangeland."

Importantly, the Public Rangeland Management Act would allow grazing leases to be issued for up to 15 years—encouraging lessees to make long-term improvements and to carefully nourish the land. And while it would increase grazing fees approximately 30 percent from existing levels, the PRMA would also establish future fees by a formula keyed to the actual value of such leases as reflected in the price of the animals that can be raised on them. Again, by assuring a fair return to taxpayers and ranchers alike, the Domenici bill would reduce the risk of radical "windfall or wipeout" oscillations in fees which could themselves encourage overgrazing or other misuse of the land.

Some of the more hysterical opponents of the bill have claimed it would ban hiking, fishing or hunting from the public lands. The simplest answer to that charge is that it is an outright lie. The bill in fact encourages conservation, control of soil erosion and "consideration of wildlife populations and habitat, consistent with land-use plans, multiple-use, sustained yield, (and) environmental values."

The bill does give an important role to ranchers themselves in establishing grazing policies, recognizing that families who, in some cases, have managed public lands for more than a century are obvious sources of expertise and concern for their long-term welfare. But local citizens, public officials and environmental groups are also given seats at the policy table.

The Public Rangeland Management Act isn't perfect, and we welcome efforts to improve it as it wends its way through Congress. But it is a good start toward the wiser stewardship the public lands so clearly require.

Mr. CAMPBELL. So with that, Mr. President, I will yield the floor and simply urge my colleagues to support this well-crafted legislation. Under the leadership of Senator DOMENICI, it has taken many of us much time and effort.

I thank the Chair.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to once again repeat and inquire as to whether or not we might see and be able to read the Bumpers amendment with reference to increased grazing fees. If it is prepared, I hope somebody would let us see it. We would like to have a vote as soon as possible and that would be the one we would vote on.

Mr. President, I am going to very quickly yield to my friend, Senator BINGAMAN, and then to the Senator from Wyoming.

Could I just take 3 minutes? I yield myself 3 minutes.

Mr. President, when I became a Senator 24 years ago, I knew nothing about grazing, nothing about rangeland, nothing about public domain. I traveled New Mexico and met some of the finest people in the world. It just so happens that more times than not they were ranchers or ranching families. They had their house out there on a little piece of private property and some of their own property and then they had permit land. Some of them had been there for two generations, maybe in succession in their family. I can guarantee you that I never met finer folks, nor have I ever met folks who are more dedicated to maintaining the public domain and their stewardship. They just reeked in stewardship of this land. They always talked about it in terms of how they preserved it, how it maintained their families and how so long as they could keep that together and keep the rangeland in good condition, they could be there and enjoy this lifestyle and this manner of living.

We are in danger of many things in the western public domain lands. Some say the West is gone and urbanization shall take over. I do not really believe that. There is so much public domain and open space that the Federal Government is going to have to decide now and for decades to come how they want the people of this country to utilize it. Many, many years ago, order was made out of total chaos and the Taylor Grazing Act was passed for America.

It recognized multiple uses, and a simple proposition that you could graze cattle, pay a reasonable fee to the Government, do maintenance on that land to be able to tend to those cattle, and in addition have hunting, fishing, recreation, and the other things that go with it—namely, multiple use. Nothing, in my opinion, has changed. We ought to have multiple use. But we do not have to destroy the lifestyle of ranchers in our State and across the West, in an effort to maintain this multiple use.

If anyone would like to go to New Mexico and visit the ranchers today, he would see there are no rich ranchers. For those who worry about us representing rich ranchers, if they are rich they were rich before they got on the ranch. They are not getting rich on the ranch. As a matter of fact, there are more ranchers in New Mexico close to bankruptcy than any time in our history. After 3 years of drought and incessant demands made upon them by the Secretary of Interior and his rules and regulations, and excessive demands made upon their stewardship every time they turn around, we have them on the brink of disappearing without us having to pass laws that will make them disappear, or even without enforcing Secretary Babbitt's rules, which will surely, within a decade, even without droughts, see to it that ranching is a disappearing way of life.

In addition, I suggest, just to add to all the fury, cattle prices have come down half—is that correct, I say to my friend?

Mr. BURNS. A third.

Mr. DOMENICI. A third. So, look out where the rancher has 500 head. It is worth a third less this year than last year. With the drought setting in, they are cutting back. So they do not have any great shakes for those who are worried about rich ranchers and those of us in the West who are representing them, representing rich ranchers. We are trying to represent a way of life. In northern New Mexico, hundreds and hundreds of Hispanic Americans, in the third and fourth generation, have small ranches with few, maybe 100, 200 head, and some far less, on their annual permit of head on the range.

Frankly, this bill that is before us, contrary to everything that has been said, does not take away any rights from hunters and fishermen and those women who hunt and fish. We just repeated it over and over in the bill, that whatever their rights were, they remain.

There are some who want us to resolve all the issues between the hunting-fishing population and the ranchers. There is always some kind of problem with the public domain, some kind of friction. So some would like it resolved in this bill to the satisfaction of one group or the other. I believe we leave it just where it was. It is other regulations that concern us.

Before we are finished, we will elaborate to the Senators who have interest, and the American people who are interested, the long litany of new regulations that Secretary Babbitt would impose on the rangeland. Frankly, the Interior Department, under his leadership, is playing very, very cute. None of those things are going to bite until perhaps next year or the year after. But, by the time those regulations are imposed on the ranchers, in my State and across the West, what I have just described as the condition will be far worse.

I cannot believe that those who want habitat for wildlife, those who want hunting and fishing on the public domain, where cattle is also permitted to graze—I cannot believe that they truly believe they will be better off if cattle are not on the public domain. For those who were for cattle free—at one time the yell was “Cattle free by '93.” I do not know what it is now, but it is not too many years off, for many of those who oppose this bill.

I wonder what we are going to do to supply water and habitat and all the things that are jointly used by the cattle that graze and the wildlife that inhabits the land. Who is going to pay for all that? Is the Federal Government going to go out and develop these water sources for them? Of course not.

Nonetheless, there are some who would like this bill today to permit those who have a public interest—just a public interest—permit them to get

into the details of operating a ranch. We have withstood that. We give them, the environmentalists and others, conservationists—we give them plenty of input in this bill and plenty of opportunity to be part of it. But we have resisted permitting those who have just a public interest to get into the day-by-day management, get into the day-by-day reissuing of permits. We firmly believe that is not the way it ought to be done. It will yield nothing but havoc on the range, which needs stability these days, as it has never needed it before.

So, perhaps by Thursday night we will get a few questions answered and finish up some votes. I am very hopeful we will add stability to the West in the public domain, and will at least indicate that, while many of us do not understand, many Senators do not come from our areas, we are willing to say give this lifestyle, the lifestyle of being a cowboy, a private cowboy who owns a ranch—permit that lifestyle to exist for a few more decades.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, many of us in this body have tried to resolve the controversies that surround grazing on public lands. We have been working on it for several years. I also believe, as my colleagues who have already spoken believe, that a healthy livestock industry on the public lands is in the best interests of the country. Furthermore, I believe that the continued uncertainty that surrounds this industry, and the continued controversy that surrounds it, benefits nobody.

However, unlike some of my colleagues who support this bill, S. 1459, I contend that the uncertainty and the controversy will not be resolved by this bill. I believe it will not be resolved because the bill, as it now reads, in the substitute form, does reduce public input into decisions related to our public lands. It does elevate grazing into a preferred status as a use of our public lands. And, third, it does unduly limit the ability of the land managers who work for the public to carry out their responsibilities.

I believe that the resolution of these disagreements and these controversies can only be achieved when a balance is struck that respects the needs of all public land users, not just the ranchers. For a number of years, I and many of my colleagues have done what we could to ensure that any reform effort that was enacted would be fair to both livestock producers and the American public. My colleague has referred to the drought that we have experienced in the West. Certainly we have in my part of the country, in New Mexico. There has been a severe drought, and we are still in a very severe drought which adversely affects anyone who is trying to make a living in agriculture.

He also referred to the low prices of cattle. Again, that is a very real problem for people in the ranching industry

in my State. I certainly do not dispute that. I think that is a very real concern and one which we are taking into account in the position that I will advocate here today.

But the other part was references to the efforts of the Secretary of the Interior to run these people out of a way of life, and to put in place extremely onerous provisions that will terminate their ability to use the public lands. There I have to disagree with much of what my colleague said.

Last summer, after many months of meetings, I think probably the most extensive set of public meetings that I am aware of having had conducted, at least in recent years, since I have been in the Senate, the Secretary of Interior and the President did promulgate regulations that sought to achieve a balance between the various uses of our public lands. If we are serious about providing stability and certainty to public land livestock producers, we need to adopt a balanced solution that, first of all, addresses the concerns of livestock producers; second, respects the need of all public land users—the needs that they have; and, third, provides some reasonable authority to the agencies that we have given responsibility to manage the public lands.

If we deviate from the balance in either direction, we are merely inviting continued strife and uncertainty as the aggrieved group, whichever group it happens to be, pursues legislative or regulatory fixes.

The Babbitt regulations, which have been referred to by my colleague, create some legitimate concerns for the permittees in my State.

In the substitute which several Senators and I intend to offer later in the discussion, we try to fix those specific concerns that have been pointed out to us and restore the balance that needs to be there in our grazing policies. However, if we pass S. 1459 in its current form, as the substitute was sent to the desk, we go beyond fixing those concerns and, in my view, we once again will throw the grazing policy of this country out of balance. This lack of balance will fester, just like the permittees' concerns have been festering, and lead to more instability and more lawsuits and more hard feelings.

We will likely be addressing this issue again in future years if we err on the side which I fear this bill will cause us to err on. We cannot afford to let that happen. We owe it to the grazing permittees, to their families and communities that rely on the livestock industry, as well as to other public land users and the American public in general, to resolve the dispute now in a balanced and sustainable manner that will withstand the test of time.

Mr. President, I want at this point to go through some of the specific concerns we have with S. 1459. In order to do that, let me put up a couple of charts just to keep track of where I am in the discussion.

A first concern which I have repeated numerous times—and let me say by

way of introduction, the bill we are now considering is not the bill which was introduced last summer by my colleague from New Mexico. It is an improved bill. I think the designation of the earlier bill, S. 852, in my view, was substantially more lopsided and one-sided than this bill is, but significant problems still exist in the legislation. Let me go through those.

One of those major problems is that grazing is still given preference as a use of the public land over other uses in the legislation. First, let me talk about conservation use.

It is ambiguous in S. 1459 whether conservation use of a grazing allotment is allowed. Conservation use is where the permittee would voluntarily refrain from grazing all or a portion of the allotment in order to improve the health of the range. Sponsors of the bill will claim that such uses would be permitted. However, I will submit for the RECORD a letter that The Nature Conservancy has sent to me concerning this matter, dated March 16, 1996.

That letter states, Mr. President, and I will quote a couple sentences:

But our qualification—

That is qualification to be a permittee.

has been challenged in a case now before the Interior Board of Land Appeals. Part of the argument was that because we were resting an allotment, we could not be said to be "in the livestock business" (as required by the regulations that would be reinstated by S. 1459), despite the fact that at other locations we own, raise and sell domestic livestock and depend on the revenues we get from the cattle business to support our operations.

Creating a category of "conservation use" of Federal grazing permits would make it clear that The Nature Conservancy could hold a permit and rest it.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter from Russell Shay, who is the senior policy adviser to The Nature Conservancy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATURE CONSERVANCY,
Arlington, VA, March 16, 1996.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for asking us about our use of grazing permits on public lands, and the potential impacts of new grazing legislation on them. We currently hold 23 of the more than 26,000 federal grazing permits on Bureau of Land Management (BLM) or Forest Service lands. Those 23 permits are spread across 9 different states. Our review of BLM and Forest Service records has not found any other conservation organizations to be currently listed as owners of federal grazing permits.

The Nature Conservancy and cooperating ranching partners actively graze domestic livestock on about half of our allotments. The others are being rested in non-use being annually approved by the local BLM or Forest Service professional land manager. Our permits were each approved by local managers whose judgement was that The Nature Conservancy was qualified to hold them. But our qualification has been challenged in a case now before the Interior Board of Land Appeals. Part of the argument was that be-

cause we were resting an allotment, we could not be said to be "in the livestock business" (as required by the regulations that would be reinstated by S. 1459), despite the fact that at other locations we own, raise and sell domestic livestock and depend on the revenues we get from the cattle business to support our operations.

Creating a category of "conservation use" of federal grazing permits would make it clear that The Nature Conservancy could hold a permit and rest it. It would also provide a framework that would allow for local consideration of such uses and their effects through public participation in the land-use planning and allotment management plan approval processes.

Sincerely,

RUSSELL SHAY,
Senior Policy Advisor.

Mr. BINGAMAN. Mr. President, I think it is clear when you analyze the bill—and I am sure we will have more discussion on this—it is clear that entities that are not engaged in the livestock business under the language of this bill could not hold a permit in their own name, and I think that is something we should correct. We will propose to do that in the substitute that we offer.

A second concern, which is on this chart—I hope that people can see this; I am sure most cannot—but a second concern that I have with S. 1459, a second way in which grazing is given a preference is that S. 1459 will, for the first time, allow permittees to hold title to permanent range improvements on forest land.

For example, under existing law and regulations, a Forest Service grazing permittee is granted a permit to construct a range improvement and the title to that improvement is in the name of the United States. That has always been the law in our national forests.

S. 1459 will allow the permittee to hold title in proportion to the value of the contribution that that permittee has made for the cost of construction, and that is a major change for those who are permittees in the Forest Service.

A third way in which grazing is given a preference is that S. 1459 statutorily provides for granting private property rights on BLM land as well as on forest land. The old BLM grazing regulations provided only regulatory authority for granting title to permanent range improvements on BLM land. This would take what was in the old regulations promulgated under the administration of Secretary Watt and would put that into statute for the first time.

A fourth ground for concern is the wording of the objectives in the bill. Here my reading of the objectives is that they favor the stability of the livestock industry over the needs of wildlife. The objectives are extremely important in this, as pointed out in the Congressional Research Service report, which makes the very important point that under section 105(A), management standards and guidelines are to be consistent with the objectives and become directly effective upon plans by operation of law.

Under section 134(A), terms and conditions of a permit must be necessary to achieve the objectives of title I. Therefore the objectives have more significance than would be true if they provided only a general guidance unrelated to particular processes.

A fifth concern with regard to grazing being a preferred use of the lands, Mr. President, is that S. 1459 provides for cooperative range improvement agreements with permittees and lessees only. Currently, about 17 percent of all BLM range improvements have nonpermittee cooperators, such as Quails Unlimited.

The old grazing regulations provided that the Secretary could enter into a cooperative range improvement agreement with any person. This bill goes further in restricting the Secretary, further than the regulations promulgated in the Watt administration or developed in the Watt administration, and says that the Secretary is only able to enter into these cooperative agreements with permittees and lessees.

Let me move to the second of the three major points I want to make at this time, and that is this bill does reduce the extent of public involvement.

The first way in which it reduces the extent of public involvement is that it denies the right of affected interests, people who are determined to be affected interests, to protest grazing decisions on public land and national forests. S. 1459 allows an affected interest to be notified of proposed decisions and given an opportunity for comment and informal consultation. However, only an applicant, or permittee, or lessee may protest a proposed decision. Further, in the absence of a timely filed protest, the proposed decision becomes final.

Again, referring to the Congressional Research Service analysis, it says:

A protest, similar to a predecisional appeal that gives the public an opportunity to object to a proposal, gives the agency an opportunity to change or modify its course before commitment of further time or effort.

These provisions appear to mean—these provisions being S. 1459—appear to mean that unless an applicant or permittee protests a proposed decision, comments or other input from other sources will not be taken into account because, absent a protest, the proposed decision does become final. If this is a correct reading, then the opportunity for comment and consultation does not appear to be meaningful.

A second way in which public involvement is reduced is, it is possible that only ranchers, under our reading of the bill, would qualify to file an appeal of a final decision affecting the public lands. A person who is adversely affected—and that phrase is a term of art, because it is used in the legislation—a person who is adversely affected within the meaning of 5 U.S.C. 702 is permitted to appeal. This cited code refers back to the relevant statute.

In this case, the relevant statute would be S. 1459. On that issue, the analysis by the Congressional Research Service says that the persons included within this provision are not clear. The cited code section refers back to the relevant statutes, thereby setting up a circularity.

Since the CRS report was published, new appeals language has been added that further clouds the situation. It states—I will quote this from the bill—it says:

Being an affected interest, as described in section 1043, does not in and of itself confer standing to appeal a final decision upon any individual or organization.

Mr. President, a third way in which public input, involvement is reduced is that S. 1459 exempts on-the-ground management from the provisions of the National Environmental Policy Act, or NEPA. As the bill is presently presented, the National Environmental Policy Act, commonly known as NEPA, is going to be the topic of a great deal of our discussion. NEPA is one of the main tools used by land managers to analyze the health of the land and to analyze the potential affect on the land.

S. 1459 exempts on-the-ground management from NEPA. In discussing the elimination of NEPA in site-specific situations, this Congressional Research Service report states:

An activity could readily comport with a land use plan and yet have many harmful aspects if carried out in a particular area. Therefore, the elimination of site-specific analysis is a significant change in current law and procedures, and could result in significant effects on the conditions of the land.

In place of NEPA, S. 1459 proposes a review of resource conditions. Essentially, the bill states that upon the issuance, renewal or transfer of a grazing permit or lease, at least once every 6 years the Secretary shall review all available monitoring data from the affected allotment. The central problem with this provision is that monitoring data usually consists of very specific measures of vegetative attributes. That monitoring data, in many cases, is not available.

A fourth reason that I would cite why public involvement is reduced under this bill is, aside from the grazing advisory councils, the public is not given a say in range improvements. The old grazing regulations allow affected interests a say in the development of range improvements. As I read the provisions of this bill, it does not.

Let me move to the third major concern that I have, Mr. President. That is that S. 1459, as drafted, and as being considered here, unduly ties the hands of lands managers. It does so in several respects. First of all, the application of terms and conditions needed to protect the land requires the development of a formal allotment management plan under this bill.

Currently, less than 25 percent of BLM land and national forest allotments have allotment management

plans prepared for them. The old grazing regulations' terms and conditions were attached as needed to protect resources and no allotment management plan was required.

A second reason that I believe the current bill, Senate bill 1459, ties the hands of land managers is that the number of animal unit months would be established in land use plans in this bill. The land use plan often covers millions of acres, contains very general language, and S. 1459 would require costly, time-consuming land use plans and amendments to establish and make changes in grazing use for each allotment. In the old regulations, specific grazing use was determined through site-specific analysis, not through amendments to the entire land use plan.

A third reason that the hands of land managers will be tied by this legislation is that in conducting monitoring activity, S. 1459 requires the manager to give prior notice, to the extent practicable, of not less than 48 hours. This exception to the notice creates a burden of proof that has never existed before.

I also point out this creates a burden of proof when a land manager is dealing with a grazing permittee which does not exist when dealing with any other permittee on our public lands. Someone involved in the oil and gas industry certainly is not entitled to any 48-hour notice prior to monitoring activity taking place. It is inconsistent with the concept of these being public lands, Mr. President, to say that the manager of those public lands has to give notice 48 hours in advance before being able to view the lands and determine the condition. In the old grazing regulations no such advanced notice was required.

A fourth way in which the hands of land managers are tied, in my view, in this bill is that S. 1459 would allow a sublease in cases where permittees neither own nor control the livestock. In the old regulations, ownership or control of the livestock was required. As I understand it, that is an appropriate requirement because clearly the BLM or the Forest Service cannot be expected to go around trying to find who is accountable for damage to the public lands. They have a right to assume that the person that has the permit or the lease has control of the livestock or ownership of that livestock and can be held accountable for what happens on the land.

Mr. President, let me just conclude this set of initial comments here by saying that I do believe that we need to keep working to get a balance. We will offer later in the debate a substitute proposal which we believe does a better job of striking a middle ground and addresses the specific concerns that have been raised in the current Department of Interior regulations but does not repeal them entirely, as this legislation would. We believe that it gets us much closer to something that looks out for

the interests of all those who have a valid interest in the use of the public lands.

So I will stop with that, Mr. President. I know there are many others on the floor who wish to speak. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in support of the Domenici bill. I would like to give a little background on it. I think later in the debate it will be necessary for us to talk a little bit about the comments of the Senator from New Mexico in that I think they are exactly where we are in terms of wanting more bureaucracy, wanting the bureaucracy to have more and more input. That is precisely what we want to get away from.

Let me just say one thing in terms of this idea that keeps rising up that grazing is the preferred use. Let me read from page 6 here, on line 14.

Nothing in this title shall limit or preclude the use or the access of Federal lands for hunting, fishing, recreational, watershed management, or other appropriate multiple-use activities in accordance with applicable Federal and State law in the principal or multiple use.

Not only is it there in this instance, it is there in a number of instances and has been the focus of our interest over the last several months. I really do not think there is any substance to that kind of an argument, although we continue to hear it.

Mr. President, let me be a little broader. I think one of the things about this whole debate is that there is a unique aspect to western public lands. Most Members of this body are not as familiar with them. I think you have to start with the uniqueness of the West. You have to start with the uniqueness of the idea that Western States run anywhere—in my State from 50 percent Federal ownership, and in Nevada, I think, as high as 80 to 85 percent Federal ownership. I think you have to talk about that a little bit. I brought a map to give you some idea of the kind of complexity involved in the management of public lands.

First of all, there are a number of kinds of public lands. The idea that public land is public land is not the case. Many people in New Jersey would say, "Well, public land must mean Yellowstone Park or Teton Park." It does not. There is a substantial difference. We have the parks which were reserved and withdrawn for a special purpose by the Congress. We have the forest which was reserved by action of the Congress. You have Indian reservations. You have other kinds of lands that were withdrawn—wilderness in the forest. These things were all set aside for a specific purpose because of the uniqueness of that land.

The remainder is basically what we are talking about here. We are talking about those lands that were residual lands, lands that were left in the State

after the homesteaders came and took up the base lands, took up the lands, frankly, where the water is, where the winter feed is, took up the most valuable lands, and the others were left there. That is basically what we are talking about.

Let me tell you from a standpoint of a westerner, if we do not have a multiple-use policy for the lands, we have very little economic future to look forward to. By "multiple use," we are talking about hunting and fishing, talking about outfitting and mining, talking about oil, talking about grazing. These things have for a very long time been compatible with one another.

Some of this map is hard to see. The colored part belongs to the Federal Government. The green color is the Forest Service, the purple is the park, and all of this yellow are BLM lands. We can see how interspersed they are. This is particularly unique. These are called the checkerboard lands. When the West was developed and the railroads were encouraged to be out West, they were granted 20 miles on either side of the railroad, and every other section belongs to the Federal Government. In between are private sections. For the most part, there are no fences there. You do not manage these separately. These are very unproductive lands. This land probably takes 100 acres for one cow unit to last for a year. This is not the kind of land that people think about when they think about a pasture in Indiana.

When we were in the House, we went through this thing about the fees. The chairman of the committee was from Indiana. He had this pasture where the grass grew this big, and he could not figure out why the fee should not be the same for this land as it is for his land. It is quite different.

What we have in terms of landownership patterns you have to take into account. Here is a blowup of the checkerboard land. Every other section here belongs to the Federal Government; the others are private. These are interspersed. The blue ones happen to be State lands. You can see, in order to manage this stuff, you have to have some of these local folks do it.

Now, talking very briefly about the condition of the range, this is the figure put together by the Bureau of Land Management in Wyoming. It talks about the percentage of acreage in a condition class. This green is called excellent and good; the red dotted line is poor. This starts in 1974 and goes up to 1993. This is the good and excellent here. This is the condition of the range. This is the poor down here. It has improved substantially.

Let me give you another reason why that is the case. This is the big game population on public lands in Wyoming. We talk about the multiple uses being able to work together. Here is antelope. In 1962, we had 97,000 of those rascals running around; now we have 226,721. I got one last year. Now, deer,

87,000; go up to 250,000. Elk, 12,000 in 1962; now 35,000. You can see the percentage increase over a 28-year period.

My point is that the range is in good shape. The range is carefully husbanded by these ranchers. Why? Not just because they are entirely gratuitous, but because their future depends on year after year usage of this resource.

I must tell you, having grown up there, that this wildlife would not do well if there was not somebody out there using this land for something else and preparing water, often digging out a spring and damming it up so there is water available, not only for cattle or sheep, but also for wildlife as well.

It is a very unique thing, Mr. President. I think we need to start with understanding that. Western cattlemen, western livestock people, of course, a very important part of our society, not only because of these families that live and work there but because these are the sustaining families for the small towns that are there. This is the economy for much of the West. This is a historic time now of low prices for cattle, as everybody knows. The considerable loss to predators has also been a problem and makes it much more difficult to make a living.

Now we face, I think, excessive regulations put on by the Bureau of Land Management. The Senator from New Mexico mentioned the number of trips of the Secretary out there. He is right. I was involved in very many of those. For 2 years we had meetings, meetings, and meetings. When the regulations were put out, they were put out almost precisely as they were initially. You can have meetings until you are green in the face; that does not mean there will be any difference. That is a fact.

That is where we are. We are seeking to make some changes here from this movement by the Secretary for more and more bureaucracy in Washington, to some movement where there is more impact of the people, more decision-making by the people who live there. I do not think there is any question that rangeland reform will drive families off the range, create some economic problems in our areas. We worry about that, naturally. Maybe the broader, more generic concern, however, is the maximum, ultimate best use of multiple resources. Grass is a renewable resource, one that you manage.

This Public Rangelands Management Act is a great step forward. It is something we have worked on for over a year. We have taken it to our friends on the other side of the aisle; we have talked about it; they have come back; they have agreed to some things; we have put in much more than we have changed for ourselves. However, there are some changes in which we do not basically agree. One of them is the degree of bureaucratic involvement in this bill.

We have established and very carefully established a relationship and a

balance between grazing and hunting and those activities. Personally, I come from a place where hunting and fishing is a very major function between Cody, WY, and Yellowstone Park. There is grazing, but hunting and fishing is equally important from the economic standpoint. I understand that. We balance that. That is what this bill does.

I think for too long over the last several years the grazing question has zeroed in on the fee. The Secretary does not even have a change in the fee. We have a fee. We have a simplified fee based on the value of the product, based on the average value of the livestock, and it raises the fee even in spite of the economic condition that livestock people are in. This is not a question, this time, about fee. It is a fee that is based on the product.

Too often there are comparisons made between this land and this land, these services and these services. I am sure we will hear, "Well, the State charges more, gets paid more, private gets paid more." Yes; they do. They also provide a great many more services. You can have exclusive use of State land, but you cannot do that with public land.

There are differences. Someone said it is a little like the difference between a furnished apartment and an unfurnished apartment. That is exactly right.

Mr. President, I think we have a great opportunity to move forward to do something that has needed to be resolved for a very long time, and I think this moves toward that resolution. And I think the bill, as it stands, is one that has been considered and approved by many people. It is time, certainly, for us to come to closure on it. I have been disappointed that each time we have tried to do something, we get a lot of disinformation from BLM. I do not think that is an appropriate role. We have been involved in that over a good period of time.

So, Mr. President, I am sure we will be back to talk some more about the specifics of the issue that have been brought up. I do not believe that this limits public input. I do not think that is true at all. On the contrary, we are seeking to deal with issues like NEPA and to try and say the NEPA law requires that activity in relation to a major Federal action.

Last year, we had a proposal in the Forest Service that every renewed grazing permit have a NEPA process. Ridiculous. If you ever heard of excessive bureaucracy, that is it. Indeed, the NEPA process takes place on the land use plan which takes up a number of allotments. That is the reasonable thing to do. I do not think there is anybody who would argue you should have a NEPA process for every renewable grazing lease. That was already seen to be not workable.

Mr. President, I am glad we are talking about it here. As I said, this is kind of an opening statement for me. I want to come back, as we go forward, to talk