

If one could have written a rangeland bill that has all the principles of multiple use, maybe this is not quite perfection. If we were to write one that reflects the dedication to pursue sensible environmental policy, that preserved the gains that we have made in the last 50 years on our rangeland, then I would say this one probably is not perfection either, for, you see, those folks who are charged with the caring of this land, they became concerned about our range conditions a long time ago. They just did not start in 1980 or 1986 or 1984 or 1990, and for sure not 1996.

Range management was put together after World War II and after the Great Depression and great droughts of the dirty thirties.

In this bill, as presented by Senator DOMENICI of New Mexico, we have taken a giant step to the resolution of a very, very contentious and emotionally charged issue, and at times it has defied common sense and good judgment because there are groups that probably have had to raise some money and this is probably a pretty good issue on which to do it.

As we look at the future of these lands, we must be careful as to what the people who are actually the caretakers of these lands provide for the rest of America to enjoy, for it is in the best interests of these people to care for these lands. Without the continual regeneration of the grass and the land they care for, they have nothing to graze. They are out in the cold. They are out of business.

We have heard that there are those who are concerned about wildlife. Please read all the journals of Lewis and Clark. Please read of the people who entered these lands long before there was a rancher there. Read in the journals how there was no wildlife at all, that they ate their horses in the dead of winter, and the only wildlife—and it was sparse—was along the rivers, the Missouri and the Yellowstone and the rest of them. That was in the north country. Those lands were not claimed during the homestead days. It was for one reason: There was no water. Very harsh land. But with people who cared and people with new and innovative ways to bring water into grasslands, there came the wildlife. I can give you all kinds of figures on the increase in antelope, deer, whitetail deer, muleys, elk, whatever you want to count. There are more of them now than at any time since the Great Depression.

I am not going to do anything that is going to harm the habitat of wildlife or harm my way of life. I like to hunt. I am chairman of the Sportsmen's Caucus in this body. I am not going to do anything to harm that. I would ask these people, where are some of our supporters whenever hunters' rights come up? Where are they then? Are we playing with a double-bitted ax here?

Section 102, paragraph (c) says:

Nothing in this title shall limit or preclude the use of and access to Federal land for hunting, fishing, recreational, watershed

management or other appropriate multiple-use activities in accordance with applicable Federal and State laws and the principles of multiple use.

How much clearer must it be? It is even written in plain, everyday English.

So, as we talk about this issue, we will all have a lot more to say about it. I agree with my friend from North Dakota, we have run into some problems. We have not been able to move a water tank when we wanted to. The decisions from BLM did not come fast enough, or decisions from the U.S. Forest Service did not come fast enough. But do we create two or three layers more of bureaucracy to make that decision? The best decisions are made at the local level. Do we have to call Washington to change a gate? I would say no, not and be good caretakers of the land, because if they delay the decision of moving the water tank, maybe they will delay the decision about moving some stock that should be moved. Maybe there is some real environmental damage that could be done because of the inability to make a decision 2,100 miles away from where the grazing activity is taking place.

The challenge that awaits this and every Congress from here on out will be the effect of how we manage public lands or the policy we set for those resources found on public lands. This bill seeks to provide an effective, reasonable management of our natural resources. Effective management means it will allow those close to the land, who have not only economic but also social involvement with a community, allow them to manage those resources, not as they see fit but as nature sees fit.

The terms of this bill, to make grazing an acceptable practice in the management of our Federal public lands, is that asking too much? Do we just let the grass grow up every year? Some years you are going to have drought, and it is not going to grow up. But let us say we got a lot of growth last year, this year there is a lot of dead grass around, and it burns. It will burn. In its path you put at jeopardy life, property, even residences. I do not know how many people on this floor have ever faced one of those fires. They are not a fun thing. They are pretty scary. But the people who are caretakers of this land face that every day.

Do you want to talk about prices of cattle? I can talk about that. I have a hard time relating \$58 and \$62 steers and heifers ready to be brought to market, and little T-bone steaks at Giant at \$4.50 to \$6 a pound. There is not too much relationship here. Packers say they are not making any money. You know how packers are.

Cattlemen will be hurt, but we will not feel it here in this town because, in this town, April 15, the shrimp boat comes home and we will get our check. They will get theirs this fall. But it will be 35 percent less than it was last year, and we think we are doing them

a favor. Those who pay the bills in that community, who provide the services to local government—schools, roads, public safety—all of this comes out of that check when he sells the product this fall.

So, as we talk about this, and we will bring up more points as we go along, I just want to remind folks what we are dealing with here and how delicate the balance is between good management on range and bad management.

In 1979, I started a little activity in Montana called Montana Range Days. It started off with about 200, 250 people who would attend every year. We had super starters, 8-year-old, 9-year-old kids, identify plants, weeds, grasses; identify carrying capacity on range, capacity conservation, watershed—3 days sleeping on the ground out on the range. I kind of helped that get started. It is bigger now than it was in 1979, under the leadership of Taylor Brown, who took over the Northern Ag Network when I left that organization. So we are pretty familiar with rangeland and what they teach in the colleges, and how they teach management and things that can happen on a range.

By the way, a range is not used for just about any other purpose. The only way we got to harvest that resource out there is through animal agriculture.

So, we will talk about the merits of amendments and the merits of this bill. But I ask my colleagues to think and look, and really look at it objectively, without any outside influence, to see exactly who contributes what to a neighborhood, to a community, to a county, and to a State, and look at the practices and look how far we have come in the development of better range for everybody. There is a lot more to be hunted, there are a lot more fish in the rivers, because there has been good stewardship on our range, because it is profitable for a rancher to do so.

The future of our public lands rests in our hands. We had an opportunity to make the future meaningful for all people, and I hope my fellow Members will work with us and vote with us to provide a sustainable and stable future for the land, for the livestock producer, and the people who enjoy those public lands.

Let us look at the real merits of what we are doing here and the effect it has on people. I am just talking about people. I have heard it from the other side, "We are the compassionate folks. We care." We will find out how much they care and the compassion they have for people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 3556 TO AMENDMENT NO. 3555  
(Purpose: To increase the fee charged for grazing on Federal land)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. JEFFORDS, Mr. BRADLEY, and Mr. KERRY, proposes an amendment numbered 3556 to amendment No. 3555.

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

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

The amendment is as follows:

Strike Section 135 of the substitute and insert the following:

#### SEC. 135. GRAZING FEES.

(a) GRAZING FEE.—Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing on public rangelands. The fee shall be equal to the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) (1) the fee provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985); *Provided*, That the grazing fee shall not be less than:

\$1.50 per animal unit month for the 1997 grazing year;

\$1.75 per animal unit month for the 1998 grazing year; and

\$2.00 per animal unit month for the 1999 grazing year and thereafter; plus

(2) 25 percent.

(b) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State land board lands; and

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee.

#### PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Susanne Fleek, a fellow from the Department of the Interior, be granted the privilege of the floor during the debate on grazing legislation.

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

AMENDMENT NO. 3557 TO AMENDMENT NO. 3556

(Purpose: To increase the fee charged for grazing on Federal land)

Mr. JEFFORDS. Mr. President, I have a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 3557 to amendment No. 3556.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted by the Bumpers amendment insert the following:

#### SEC. 135. GRAZING FEES.

(a) GRAZING FEE.—Notwithstanding any other provision of law and subject to sub-

sections (b) and (c), the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing on public rangelands as provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985): *Provided*, That the grazing fee shall not be less than:

\$1.50 per animal unit month for the 1997 grazing year;

\$1.75 per animal unit month for the 1998 grazing year; and

\$2.00 per animal unit month for the 1999 grazing year and thereafter.

(b) DETERMINATION OF FEE.—(1) Permittees or lessees who own or control livestock comprising less than 2,000 animal unit months on the public rangelands during a grazing year pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees who own or control livestock comprising more than 2,000 animal unit months on the public rangelands during a grazing year pursuant to one or more grazing permits or leases shall pay the fee equal to the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) the Federal grazing fee set forth in subsection (a), plus 25 percent.

(c) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State land board lands; and

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee.

Mr. JEFFORDS. Mr. President, this is kind of bringing back memories to me here today. I remember fondly my first year in the U.S. Senate. After 14 years as a Member of the House of Representatives, I came to the Senate in 1991, excited to represent my State. Respecting the customs of this honorable institution, I worked to learn the rules and procedures of the Senate. It was not until September of my first year that I actually made a speech longer than 5 minutes on the Senate floor.

During this first long speech—it was long, as many may remember, or maybe somebody remembers—I discussed the issue we are here debating today, that is grazing fees. At the time, in September 1991, I authored a grazing fee amendment that would have increased the fee from \$1.97 per AUM, or animal unit month, to \$5.13 per AUM, in 5 years. We did this in response to a similar amendment which passed the House overwhelmingly during that summer, which would have raised the fee to \$8.70 per AUM.

The amendment I offered in 1991 failed, and the House proposal was removed in conference. The primary argument against this first grazing amendment was that such a fee would have bankrupt many small ranchers. We revisited the grazing fee issue 1 year later, in August 1992. Again, we offered a proposal which would have required those ranchers grazing on Federal land to pay their fair share of its use.

This time, however, we exempted the small farmers, about which so much

concern was expressed, those having fewer than 500 head. Therefore, the increase would only have affected the largest of the ranchers. This amendment also failed, but by a smaller margin.

The opponents of the second grazing fee amendment argued that a grazing fee increase should not be included on an appropriations measure, but considered only during debate on grazing reform legislation.

Today is the day when that opportunity has arisen again. I want to take this time to do what I have been told, and that is to bring it up on an appropriate piece of legislation and leave the small farmers alone. That is what my amendment does.

I believe today it is time to finally change this longstanding inequity; an inequity because when you compare this to what private people have to pay or pay on State grazing lands, this is a real giveaway. I do not mind it for small farmers, but I do mind that the large corporate owners own 9 percent of the permits, but have 60 percent of the AUM.

Senator BUMPERS' amendment requires that all ranchers operating on Federal land pay a fee equal to the State grazing fee. His amendment says they ought to pay at least what they have to pay to the State, forget about private lands, but at least they ought to pay what is paid for using State land.

The second-degree amendment I just offered exempts all small ranchers and allows them to continue to pay the lower Federal fee that is presently at dispute here.

Mr. President, my second-degree amendment will protect small family ranchers who currently rely on Federal lands to support their business. A few years ago, I had the opportunity to tour several western ranches and visit with small family ranchers. I empathize with them and recognize that out in the West, so much land is owned by the Federal Government and if you do not have an opportunity to utilize that land, you have no opportunity. During this visit, I gained great appreciation and respect for the lifestyle of these small farmers. I made many friends in Wyoming. These ranchers embody not only a piece of our Nation's history, but also a piece of our Nation's future.

I realize that these farmers are facing a daily struggle to keep their ranches operating, a fact I have taken into consideration in drafting this amendment. Keeping with the theme of Senator DOMENICI's bill, my amendment protects these farmers. In fact, my amendment places a lower fee on these farmers than the fee contained in the pending bill.

So if you want to look out for the small farmers, this is the opportunity to do it, better than even the underlying Domenici bill.

On my amendment, the fee for small ranchers will be \$1.50 per AUM, animal

unit month, in 1997. This is 20 percent less than the fee in the underlying bill—20 percent less.

Instead, my amendment addresses the large ranchers who for years have been making millions off the public lands and costing taxpayers up to \$200 million annually. Not only are these ranchers paying a grazing fee that is 60 percent less than what it was 10 years ago, but they are also the beneficiary of Federal programs for range improvements, predator control, and emergency feed programs.

Mr. President, it is time to take a closer look at these large ranchers and start charging them an honest and equitable price for the land from which they are profiting. An interesting phenomenon has occurred in the Federal grazing program. Although the large ranchers hold only 9 percent of the Bureau of Land Management grazing permits, they comprise over 60 percent of the active use of animal unit months on public lands. Nine percent of the permit holders are big corporations owning 60 percent of the AUM's.

Who are these ranchers? Let me give you some examples. One is Willard Garvey of Willard Garvey Industries, which recorded \$80 million in sales in 1991. Wow, boy, do they need help from the Federal Government.

One is J.R. Simplot, who has an estimated fortune of \$500 million. Great one to give subsidies to. He was on the cover of *Fortune* magazine as one of the great entrepreneurs of our society, and we give him that kind of a break.

Another is the Rock Springs Grazing Association that has over \$1.6 million in assets. I have a list of large ranchers, including Texaco, Getty Oil, Hilton—wow, boy, do they need help. I ask you, why is it that these large companies are receiving Federal subsidies when, in many cases, small family ranches operating on private lands at many times the cost receive nothing?

My amendment is a first step in remedying this obvious disparity. My amendment will raise the grazing fee for large ranchers who have permits holding more than 2,000 animal unit months. It will raise it to a level equal to the grazing fee charged by the State. This is all we are doing. This is for the big guys, the large ones, the huge guys who do not need help. We say, at least you ought to pay what other farmers are paying to the State. Not only will this bring the Federal fee to fair market value—that is what is charged by private owners—but will also give the States more control over grazing in their own State. By creating a two-tier program, my amendment protects the lifestyle of the small ranchers in the West who are more than worthy of Federal assistance. By creating a two-tier program, we will help do what should be done, and that is to get equity over the expenditure of Federal funds.

The amendment will retain a low grazing fee for over 90 percent of the ranchers leasing public lands. Over 90 percent of the ranchers will be getting

this assistance. It will raise the fee for the remaining 9 percent of the ranchers who operate the large and highly profitable ranches, and, in doing so, my amendment will raise approximately \$13 million annually in revenue; that is, we are really converting and just giving the money that was going to those huge ranchers out there, with the exception of \$13 million which will go to help defer the cost of the program, to the small ranchers. That, I believe, is a fair deal for the taxpayers and a real benefit to those small family ranchers out in the West who need the assistance, whereas the large corporate ones certainly need no assistance.

Mr. President, let me summarize. My second-degree amendment exempts small ranchers. Only large corporate interests who hold Federal grazing permits will be affected by the underlying Bumpers amendment.

Again, remember that 9 percent of the permit holders are large corporate entities, or wealthy individuals, and they control over 60 percent of the AUM's. And 91 percent of the ranchers holding permits to graze on Federal lands will pay less with my amendment than the pending legislation, and only those 9 percent, the very wealthy corporations and individuals, will have to contribute a fair cost of what they are getting at the State level, not at the private-lands level, which would even be higher.

So let us vote for the small ranchers. I urge my colleagues to vote for my second-degree amendment.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to say a few words in support of the basic bill we are debating, the Domenici bill. I appreciate the parliamentary position we are in; that is, the Bumpers amendment on fees pending with the Jeffords second-degree amendment pending. I want to direct my comments not to those specific amendments—the first- and second-degree amendments—but rather to the substance of the bill.

I want to begin by reminding my colleagues what this debate is really all about, and also what it is not about.

I want to begin by pointing out that, frankly, this bill fundamentally is about providing ranchers with grazing rules that are fair, grazing rules that are predictable, and grazing rules that are certain.

The Domenici bill is also about assuring that where grazing does occur on Federal lands, it does not occur at the sacrifice of wildlife, it does not occur at the sacrifice of quality or public access. Namely, we honor the principle of multiple use. The goal, simply put, is to see that ranchers stay in business while assuring outstanding hunting and fishing. It is that simple. I might say, in my State of Montana this balance exists, and it exists today, and I want to see that balance continue.

Let me add a word about what this debate is not about. This debate is not about protecting those few ranchers who abuse the land. As far as I am concerned, the holder of any grazing permit has the right to graze livestock on his public land. That is the right of that permittee. But that right comes with a responsibility, a responsibility to be a good steward of the land, good steward of water and wildlife and allotment. If that responsibility is not met, if the land is abused, then that permit should be ended, it should be terminated. Basically, that is what should be done, that is what should happen.

In my State of Montana, there is a famous painting painted by the great cowboy artist Charlie Russell, who had the unique gift for capturing the life of the Old West on canvas. There is one Russell painting that comes to mind called "Waiting for a Chinook," also known as "The Last of 5,000." It was painted by Charlie Russell as he was sending a card and letter back to the owner of the ranch. The owner happened to be in New York City. This is a ranch he was associated with in Montana.

It is a painting of a lone cow. It is a lone cow standing in the middle of a blizzard. Coyotes are circling and waiting for that cow to fall. It was a year when most of the herds in Montana were decimated. This pretty much sums up the challenges that we have faced as ranchers in Montana.

Ranchers have to face the severity of Montana winters. They have to deal with predators, not only coyotes, but wolves. They have to deal with very wide swings in the cattle market cycles. While the Russell painting does not reflect it, today's ranchers have to deal with the challenge and frustration of Canadians pumping beef into the U.S. market and meatpackers manipulating market prices. So, taken as a whole, it all makes for a mighty uncertain livelihood.

That is what S. 1459 is about. It is about giving ranchers a Federal grazing policy that is stable and fair, that will encourage ranchers to remain good stewards of both their private lands and the public lands where they graze. The bill provides the tools to set Federal policy in that direction. It gives ranchers the stability of 12-year permits. It is very important. It recognizes the investments that ranchers make in range improvements, also important, and protects individual water rights, equally important in the West.

As I was listening to the Senator from Vermont talk about these big ranches of the West, there is one point the Senator from Vermont seems to forget—that it does not rain in the West. In Vermont, it rains a lot. Here you get about 40, 50 inches of rain. In my part of the country, west of the 100th meridian, the average rainfall is about 14, 15, 16 inches a year. That is all year around, including snow and rain. That is why there are big ranches in the West. You have to have a lot

more space to graze your livestock because there is not a lot of rain for the grass to grow.

The bill also, I might say, Mr. President, protects not only water rights, but it makes the Forest Service and BLM grazing rules much more uniform, also important, because ranches have one set of regulations on BLM land and a different set on Forest Service lands. It helps to assure that Federal grazing policy is basically the same whether it is BLM or Forest Service land.

The predictability of this bill benefits not only ranchers, but all users of our public lands; that is, hunters, rock hounds, birdwatchers, hikers, you name it.

There is a popular bumper sticker I frequently see on cars passing by as I am walking across my State of Montana. Let me tell you what that bumper sticker says. It says, "Cattle, Not Condos." That is what would happen if our family ranches simply became too unprofitable to stay in business. The land would be subdivided. Wildlife habitat would be fragmented. Access to many of our favorite fishing holes would be cut off, as stream and riverfront lots are sold for cabin sites. We would lose the great sense of openness, wide open spaces that help make Montana the "Big Sky State."

John Schultz of the Gran Prairie Ranch, near Grass Range, in Fergus County, summed it up when he wrote me, "The recreationists and hunters use this land extensively \* \* \*," that is the land that this rancher owns, private land as well as public land, "\* \* \* however, there is only one man who maintains the water and manages the grass so the plant population is diverse and in good condition. Not only do the livestock benefit, but the wildlife do as well."

The simple fact is that a strong, viable ranching industry is of benefit to all Montanans. It benefits the small communities that rely on the ranchers' business, and it benefits sportsmen who enjoy the outstanding hunting opportunities created by large tracks of undeveloped wildlife habitat. It helps provide the tax base for many of our rural communities, our schools, and our hospitals. That is what this bill is about.

It is about establishing a Federal policy that helps us be good stewards of the land and remain economically viable. It is a policy that makes the Federal Government a partner rather than a pest.

Let me go back to what this bill is not about. It is not about excluding the public from having a full say in how we manage our public lands. It is not about compromising on environmental protection.

Critics of this bill maintain that the bill bars meaningful public participation when it comes to range improvement. That is not accurate. Under the bill, a simple postcard guarantees an interested citizen a seat at the table for virtually every decision affecting range management on our public lands.

They will be given notice of all proposed permit actions and provided with an opportunity to comment and informally consult with BLM or Forest Service land managers before a decision is made. Following that decision, they have the right to lodge an administrative appeal. If they are still unhappy, they can take their grievance to Federal court. So under this bill the door is open to the public at virtually every stage of the process.

This legislation also recognizes the progress that the current resource advisory councils have made in developing standards and guidelines for responsible grazing on our Federal lands. The work of these councils will continue to serve as the basis for setting grazing standards.

Most importantly, these standards will be developed by Montanans, not Washington bureaucrats.

The legislation also maintains high environmental standards for ranchers. Just listen to this. Today, over 70 percent of lands managed by the BLM in Montana are rated good to excellent—70 percent. That is, 70 percent of the BLM lands in the State of Montana are rated good to excellent. Less than 5 percent of the BLM land is in poor condition; that is, not great, could be a lot better, but it is not bad. So, 70 percent good to excellent; 5 percent in poor condition.

The legislation provides the tools, however, to assure that the conditions in the poor allotments are improved.

On-the-ground decisions reflect sound science. The bill requires a permit-level review of monitoring data every 6 years to ensure that good stewardship is not only the goal, but is actually being practiced.

In closing, I want to go back to what this bill is about. It is about putting into effect fair, balanced grazing rules that will allow our ranchers to make a living.

It is also about recognizing that sportsmen and recreationists use the public lands. It is their right, too. That Federal policy must be one of mutual respect and accommodation for all legitimate uses of the resources. We have to work together, come together.

That is what this bill does. It helps reduce the division, the acrimony, the dissension of all the groups that have been trying to deal with this policy. It helps bring people together. That is what this does. It goes a long way to strike a balance, which I think is very helpful to better and more sound Federal land policy. I urge its adoption.

Mr. President, I ask unanimous consent to be added as a cosponsor to the bill.

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

Mr. DOMENICI. Mr. President, I want to thank Senator BAUCUS for his cooperation. He has worked with us on trying to make the bill better, and clearly from the first bill we introduced, into the second draft and the final one we put in today, I think we

improved it from everybody's standpoint. I want to say he has been consistent with us. I am very appreciative. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3556 TO AMENDMENT NO. 3555

Mr. BUMPERS. Mr. President, I would like to open my remarks by simply saying that this amendment is not vindictive, it is not designed to put small ranchers out of business, and indeed it would not. I consider it to be an eminently fair amendment.

Mr. President, for the benefit of people who do not deal with this issue and really do not understand what this debate is about, let me start off by saying there are 270 million acres of land that literally belong to the taxpayers of America. Most of it, admittedly, is in the western States. However, some of it is in my State and your State. Mr. President, there are currently 270 million acres of land that are subject to grazing permits.

How many permits? Twenty-two thousand. How much money do we get? Mr. President, we receive \$25 million and change. Therefore, we are not here debating money. That is really not the issue here. There is not much difference in the amount of money between the bill of the Senator from New Mexico and the Bumpers amendment. I will tell you, however, where the difference is. The difference is in fairness. The difference is in who pays the fee and what happens to the money.

Now, the principal thrust of my amendment and the second-degree amendment of the Senator from Vermont [Mr. JEFFORDS], is to protect—let me repeat, to protect—small ranchers. That is who the Senator from New Mexico says he wants to protect. He has a lot of small ranchers in New Mexico that are totally dependent for their livelihood on grazing. I want them protected.

I do not want my intelligence insulted by continually talking about small ranchers when 9 percent of the permittees, bear this in mind, there are 22,000 permittees and 9 percent of those permittees control 60 percent of the AUM's. What is an AUM? It is an animal unit month. It is the amount of forage needed to graze one horse, one cow, five sheep, or five goats for 1 month. An AUM is the basis on which farmers or ranchers are charged for grazing their cattle. They may start off with 200 head and they may keep 200 head for 6 months and they will pay, today, in 1996, \$1.35 for each month for each of those 200 head that graze on Federal land. If the rancher sells off 100 head on the first of July, his rent is cut in half.

I was a drugstore cowboy, among other things before I came to the Senate. I had 125 cows and maybe 80 calves.

Mr. DOMENICI. Did the Senator graze those on the public domain?

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Arkansas.

Mr. BUMPERS. They were raised on private land. However, other people in Arkansas currently graze on Forest Service lands. Moreover, fees paid on eastern Forest Service lands, including Arkansas, are currently calculated using a formula that is different than the western Forest Service lands. The formula for eastern Forest Service lands is based on fair market value and is currently \$2.50 per AUM. Additionally, any new or vacant permits on eastern Forest Service lands are competitively bid.

When I was elected Governor of my State, I charged five times as much per AUM for my farm lands as the Federal Government receives now.

I did not just fall off a turnip truck when it comes to cattle. I raised cattle for several years and I know something about it. I enjoyed some good times and some bad times. I will never forget back in the late 1960's, the story about two farmers meeting. My area of Arkansas is cattle and poultry farming. Two farmers met in the restaurant. One said, "I lost \$100 already this morning." The other said, "How on Earth did you do that?" He said, "My cow had a calf." That is how bad prices were for cattle.

Back to the point, not only do 9 percent of all BLM permittees control 60 percent of the AUM's, according to GAO, 2 percent of the 22,000 permittees control 50 percent of all the land. Who are they? I will come back to that in just a moment.

When I begin providing you with a list of the kind of people, and they are not exactly small ranchers, who control hundreds of thousands of acres of land and run thousands of acres of cattle, you will see that we are not talking about that small rancher that everybody in the Senate wants to protect. We are talking about billionaires, millionaires, and big corporations.

What do they receive? At this very moment, they may be in a State that charges up to \$10 per AUM for grazing cattle on State lands. They may have to pay \$10 for per AUM on State lands. But if they get a permit from "Uncle Sucker" they pay \$1.35 per AUM. Here are some of the fees that the States charge. I have been through this so many times on mining, and it is the same old story. Here is what the U.S. Government receives, \$1.35 per AUM; Arizona, \$2.16; Colorado, \$6.50; Idaho, \$4.88; Montana, \$4.05; Nebraska, \$15.50; New Mexico, \$3.54; Oklahoma, \$10; Oregon, \$2.72; South Dakota, \$7; Utah, \$2.50; Washington, \$4.55; and Wyoming, \$3.50.

Why in the name of God does the Federal Government charge \$1.35 per AUM? What do the States know that we do not know? I tell you what the States know. They know what the value of their land is.

The argument will be made, "Senator BUMPERS, you do not seem to understand the way BLM and the Forest Service hassle our people. It is just terrible how put upon they are." I know

there is some truth to that. I know that some of these bureaucrats of the BLM and the Forest Service can be overbearing. I also know that most of those ranchers do not want them around, period.

Now, the reason I am standing here is twofold: No. 1, I want a grazing bill that is fair, that protects small ranchers and no. 2, I want a grazing bill that restores the rangelands of this country.

Madam President, I want you to look at this very carefully on why the States are so much smarter than we are when it comes to leasing their lands for cattle grazing.

Even this Senator had enough sense not to charge \$1.35 when folks were standing in line to pay me \$10. Why do we continue to do this? I want you to look at this chart. Since 1981—incidentally, Madam President, in 1981, the U.S. Government was getting \$2.31 for an animal unit month. The current PRIA formula takes cattle prices into consideration. The cattle prices are very low right now. That is one of the reasons that I want to make sure that we protect the small ranchers. They are having a terrible time surviving right now.

It is interesting to look at the trend of the Federal fee level—we received \$2.31 in 1980. In 1996, 15 years later, we are receiving \$1.35. That is \$1 less per AUM than we received in 1980.

What is the trend with regard to fees charged on State lands? The States are not dummies. They did what any prudent landowner would do. They have raised their rates from an average of \$3.22 per AUM in 1980 to \$5.58 per AUM in 1995. That translates into approximately a 50-percent increase. What is the trend of the private sector? They are smarter than the States or the Federal Government, either one. In 1981, they were receiving an average of \$7.83 per animal unit month on private lands. Today they are receiving an average of \$11.20 per AUM. Look at poor old Uncle Sucker. Not much money involved, I repeat, but a big principle.

Why would some of these billionaires not be clamoring for Federal lands? They did not get rich by being stupid. They are mining the Federal Treasury, too. Who are they? One of my favorites, Newmont Mining. Talk about somebody mining the Federal Treasury. Newmont Mining is one of the biggest gold producers in the country, mining on lands that they bought from the Federal Government for \$2.50 an acre. They are mining billions of dollars' worth of gold on it and not paying the U.S. Government one red cent. They are not just satisfied with owning gold lands. They want some of these grazing permits. So what do they have? They control 12,000 AUM's. What are we doing? We are charging \$1.35 per AUM to Newmont Mining Co., one of the wealthiest companies in the world.

Who else? Incidentally, here is a good one. Mr. Hewlett and Mr. Packard. They started a good company. I noticed a while ago that their stock went down

today. They are a big computer manufacturer. Everybody knows Hewlett-Packard. Mr. Hewlett and Mr. Packard graze cattle on nearly 100,000 acres in Idaho. Why? Because it adjoins a ranch they own. Mr. Hewlett and Mr. Packard pay \$1.35 per AUM on that Federal land. Why can Mr. Hewlett and Mr. Packard not pay a fee that is at least a little closer to fair market value than \$1.35 per AUM.

There is a company called Nevada First Corp. How many AUM's do you think Nevada First has? They have 56,000. They are a subsidiary of the Garvey Industries Corp., with a net worth of \$80 million. Then there is Anheuser-Busch. Everybody knows who Anheuser-Busch is. Sunday afternoon, I was coming back on an airplane, and my staff had given me a memo on this debate and a newspaper article about how much public land Anheuser-Busch controlled with grazing permits. I asked the gentleman sitting on my left, "Do you work for Anheuser-Busch?" He said, "No." I said, "In that case, I will let you read this." He handed it back to me and said, "Surely, you are not surprised by that." I said, "No, I am not surprised." We went on our separate ways.

Anheuser-Busch, which ranks 80th in the top 500 corporations in America, holds four permits that total 8,000 AUM's. I have nothing against Anheuser-Busch. I have been a Cardinal fan all my life. That was all we could get on the radio when I was a kid. They are a good corporation, as far as I know.

Then there is an organization named Bogle Farms. Bogle Farms has 40,000 AUM's on two permits in New Mexico. In 1991, their net worth was \$15 million.

Dan Russell—I do not know these people—currently holds 10 permits covering 200,000 AUM's. The issue is not whether or not he is a rancher. The issue is whether, if he controls 200,000 AUMs, we should subsidize his cattle at the same rate that small ranchers pay.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. BUMPERS. For what purpose?

Mr. DOMENICI. We are going to agree on a procedure.

Mr. BUMPERS. I yield for that purpose.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Madam President, I ask unanimous consent that following the two rollcall votes scheduled to begin at 12 noon on Thursday, the Senate resume the grazing fee bill and the pending Bumpers amendment No. 3556, that debate on that issue be equally divided in the usual form, and at 2:00 p.m., the Senate proceed to vote on or in relation to the Bumpers amendment, without any intervening action or debate.

I further ask that there be a minimum of 75 minutes, equally divided, prior to the vote in relation to the Bumpers amendment.

I further ask unanimous consent that following the disposition of the Bumpers amendment, Senator BINGAMAN be recognized to offer an amendment.

Mr. BUMBERS. Madam President, reserving the right to object—and I know the Senator from New Mexico did not prepare this—but the first vote which is to occur at 2:00 p.m. is supposed to be after the two votes. But it anticipates an hour and 15 minutes. So I ask that it be changed to an hour and 15 minutes following the close of the second vote.

Mr. DOMENICI. I did that. I said: Further, that a minimum of 75 minutes, equally divided, prior to the vote in relation to the Bumpers amendment.

Mr. BUMBERS. Second, there is one correction there. The first vote should be on the JEFFORDS amendment to the Bumpers amendment.

Mr. DOMENICI. No. We did this on purpose. We want the first amendment to be on the Bumpers underlying amendment. If our desires prevail, then Jeffords goes with it. If not, you are here and you can do whatever you want.

Mr. BUMBERS. Well, obviously, I cannot object to that. You have a perfect right to move to table.

Mr. DOMENICI. I think it is fair that we take both amendments down with a vote.

Mr. BUMBERS. The reason I have strong objection to that—and I am going to talk a great deal about that—is that the Jeffords amendment is an amendment with which I agree. I like it. I like it in some respects better than I do my own. I want for the people of this body to understand that if they vote to table the Bumpers amendment, they will not get a chance to vote on the Jeffords amendment, which I think most of them would like to do.

Mr. DOMENICI. You may prevail on that, which means we will have a vote.

Mr. BUMBERS. I would not want to preclude the possibility of making a tabling motion prior to the Jeffords amendment prior to that time.

I would like to add that to the unanimous consent agreement.

Madam President, to ensure the RECORD is clear, I would like to make this statement as a part of the unanimous consent agreement; that is, that at any time prior to the expiration of the hour and 15 minutes, or immediately thereafter—Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BRADLEY. Madam President, today the Senate will have the opportunity to return a bit of market discipline to the Federal grazing program. At a time when the Congress is cutting assistance to the poor, to education,

and to a wide variety of other vital services, we cannot ignore any potential sources of additional Federal income. The Federal grazing program must also begin to pay its own way.

The fee contained in S. 1459 covers only a small part of the actual cost of the grazing program. The Bumpers amendment seeks to increase this fee to a level at least a bit closer to what would be the fair market value of grazing services by adopting State grazing prices. According to the Congressional Research Service, the 12 States they studied charge from about 1½ to 10 times as much as what is charged for grazing land under this Federal bill. While there may be small differences in the condition of some State and Federal grazing lands, any differences do not justify a fee disparity of 10 times grazing. Many of my colleagues are fond of saying that the States know best regarding most programs. Just return programs to the States, they say and programs will magically improve. Well, why cannot we look to the States when it comes to revenue, too? State programs are managed to bring in money to support their schools. They cannot afford to subsidize grazers at the expense of their children's education. As a result, no State studied charges anything like the Federal fee. By adopting the State level, we also insure that fees are appropriate for local conditions.

Madam President, this amendment is simple. The rest of the bill is not. According to the statement of administration policy submitted on S. 1459, the bill severely limits the ability of public land managers to protect the land and its resources and manage lands for multiple use. The bill curtails most public participation in grazing management decisions and activities, and severely weakens the requirements for compliance with the National Environmental Policy Act.

The bill also contains troubling water rights language which, according to the Department of the Interior, may bar transfer of water uses from Federal to private land and language which would prevent ranchers from taking land out of production for conservation uses. In other words, they have to keep it in grazing.

Worst of all, the bill violates the spirit under which Federal lands are supposed to be managed—for multiple uses which benefit all of the people and not just a few, organized groups. Our public lands belong to all Americans, whether they hike, bird watch, or graze livestock. Whether they live in Wyoming or New Jersey. They should never become the exclusive province of any one use.

Madam President, I urge my colleagues to vote for this Bumpers amendment, a fiscally conservative amendment, and later for the Democratic substitute that will be offered by Senator BINGAMAN which makes needed changes in the underlying bill.

AMENDMENT NO. 3556, AS MODIFIED

Mr. BUMBERS. Madam President, I send a modification of my amendment to desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3556), as modified, is as follows:

Strike section 135 and insert the following:

**SEC. 135. GRAZING FEES.**

(a) GRAZING FEE.—Notwithstanding any other provision of law and subject to subsections (b) and (c), the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing public rangelands as provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985):

*Provided*, That the grazing fee shall not be less than: \$1.50 per animal unit month for the 1997 grazing year; \$1.75 per animal unit month for the 1998 grazing year; and \$2.00 per animal unit month for the 1999 grazing year and thereafter.

(b) DETERMINATION OF FEE.—(1) Permittees or lessees who own or control livestock comprising less than 2,000 animal unit months on the public rangelands during a grazing year pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees who own or control livestock comprising more than 2,000 animal unit months on the public rangelands during a grazing year pursuant to one or more grazing permits or leases shall pay the fee equal to the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) the Federal grazing fee set forth in subsection (a), plus 25 percent.

(c) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State land board lands; and

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee.

Mr. DOMENICI. May we make the unanimous-consent request now?

Mr. BUMBERS. Yes.

Mr. DOMENICI. Madam President, let me just say that if we can get this, our leader has authorized me to say there will be no more votes tonight. But we have to get this first.

I ask unanimous-consent that the following—let me do this.

I stated the unanimous-consent previously. I ask that that unanimous-consent which I stated, and which I send to the desk in writing to reaffirm, be granted at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BUMBERS. Reserving the right to object, there will be an hour and 15 minutes following the close of the second vote tomorrow.

Mr. DOMENICI. We set 75 minutes.

Mr. BUMBERS. OK. Fine. I accept that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Now we can say in behalf of the majority leader that there will be no more votes tonight.



Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I just wanted to know. There will be no more votes. But will the discussion continue on this particular amendment tonight, or is it going to be continued also tomorrow?

Mr. BUMPERS. No. The amendment will be the subject of an hour and 15 minutes of debate tomorrow.

Does that answer the Senator's question?

Mr. CHAFEE. Yes. In other words, you are winding up the debate pretty soon here.

Thank you.

Mr. BUMPERS. We will debate tonight as long as anybody wants to say anything on this, and then we will shut the Senate down as soon as we run out of debate.

AMENDMENT NO. 3557 WITHDRAWN

Mr. BUMPERS. Madam President, I ask unanimous consent that the Jeffords amendment be withdrawn.

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

AMENDMENT NO. 3556, AS MODIFIED

Mr. BUMPERS. Madam President, I do not want to belabor these rich folks too long. The last one that I want to point out to for the edification of my colleagues is the gentleman by the name of J. R. Simplot from the great State of Idaho. He is 86 years old and has obviously been a great entrepreneur. I do not know a thing in the world about him. I assume he is a very fine man. In 1991, *Forbes* magazine identified him as one of the wealthiest individuals in the United States. Furthermore, he is on the cover of *Fortune* magazine in November 1995. Here is the magazine, if anybody would care to look at it.

His sales that year were \$3 billion. And Mr. Simplot, to his credit and to his ingenuity, controls 50,000 AUM's in Idaho, Oregon, and Nevada.

Finally, a Japanese named Kaiku controls 6,000 AUM's on 40,000 acres of Federal land in Montana.

What does our amendment do? I will not belabor the point because it is very simple. We make a distinction between that group of people that I showed you a moment ago. Look at this chart, colleagues. We make a distinction in what people in this category pay, and what people in this category pay.

Ninety-one percent of the permittees under our amendment will pay just a little bit more than they would pay under the Domenici proposal, and in some years less than the Domenici proposal. Ninety-one percent of them will pay just a few cents more than Senator DOMENICI's bill requires.

This other 9 percent, which control 60 percent of all the AUM's, will pay either the same amount as the small ranchers, plus 25 percent, or a weighted average of the State fees charged in the State in which the permit is located, whichever is higher.

That is as fair as a proposition could be. You can accept this amendment

and agree that these people have taken advantage of a generous Congress who passed this law and gave these permits to people thinking they were helping poor ranchers make a living. And now we find 60 percent of this land and AUM's are controlled by the richest people of America. Even under our proposal, to require these rich people to pay the weighted average of what the State charges, will still be in most instances around 100 percent less than what the private sector charges for grazing.

Madam President, why are we defending a system that promotes the use of the public lands for the wealthiest when it was intended for the poorest? Because it is an old law and we just simply have not been able to turn it loose and make it work the way it was supposed to.

When I came here in 1975, I found out that the Federal Government was leasing Federal lands for oil and gas leasing by lottery, like a bingo game. If you won the lottery, you got the land for \$1 an acre. When I began to raise questions about it, they said, "We are trying to make sure those little mom and pop operations get some of this Federal land."

We started checking the little mom and pop operations, and guess what was happening? They were retirees in Florida. They were elderly people who were snapping up these lottery chances because they were advertised all over America by a bunch of snake oil salesmen. And if they did happen to win the lottery, what do you think they did with it? They took it to Exxon, and if Exxon thought it had potential, they paid them a fortune for it.

That is what we did for mom and pop operators. We made people, who did not know what a drilling rig looked like, wealthy because we refused to change that old law. I just made my mining speech yesterday so I am not going to make that again, but how many times have I heard that old story about those poor little old mom and pop mining companies out there?

It turns out, as I began to examine it, that we are helping the biggest corporations in the world—not the United States, in the world. Now, here is *deja vu*. If someone argues that the State's rates are too high, I will answer that they have people standing in line wanting these permits. And when then they say, "But that mean old BLM hassles us. They make us sort of take care of the land." But you know something else that the BLM and the Forest Service do? They take 50 percent of the rent and put it back into the land. How many landlords do you know that take 50 percent of the rent they receive and put it back into improvements of your apartment or your house? Fifty percent goes back to improve the very land where these cattlemen are running their cattle.

Madam President, the Public Rangelands Management Act was passed in 1978. As I stated earlier, the fee under

that formula has declined. In 1980, the fee was \$2.36 and in 1996, the fee is \$1.35. Our amendment would use the same formula and simply raise the minimum.

My amendment requires 91 percent of the deserving ranchers to pay very little more than they are paying right now. In 1999, our rate would go to \$2 and under Senator DOMENICI's amendment the fee would be \$1.85—15 cents difference. Who is going to quibble about that? However, under our amendment these people, the wealthiest people in America, would have to pay more.

Madam President, two quick points, and I will conclude and let others speak who wish to. Karl Hess, a senior fellow at the Cato Institute, which is not exactly a citadel of liberalism, no bleeding heart liberals over at Cato, simply believes that the Government ought to get fair value for its assets. Here is a statement by Mr. Hess:

Domenici's bill is bad for ranchers, bad for public lands, bad for the American taxpayer. It will not improve management of public lands and it will not be a fix for the hard economic times now faced by ranchers. What it will do, however, is deepen the fiscal crisis of the public land grazing program by plunging it into an ever-deepening deficit. If western ranchers insist on supporting this bill and the additional costs associated with it, they should be prepared to pay the price. Tagging the majority of Federal grazing fees to state grazing rates is one essential step in that direction.

I yield the floor.

Mr. KYL. Mr. President, I rise today in support of S. 1459, the Public Rangelands Management Act of 1995. Rangeland reform is important both for the health of our public lands and the ranching industry in the Western States. I commend my colleague from New Mexico, Senator DOMENICI, for his work in bringing this bill to the Senate floor.

Let me make clear up front, S. 1459 is not an attempt to weaken existing environmental laws applicable to grazing. All major environmental laws continue to apply as written. This bill provides for better rangeland management by establishing standards and guidelines at the State or regional level, so that rangeland policy can take regional differences into account. Nothing is more important to me than the preservation of these multiple-use lands for present and future generations. I would not, and could not support anything to the contrary.

There continues to be debate about what is an appropriate fee for grazing on public land. It is important that the Government realize a fair return for the use of Federal lands. This legislation prescribes a new formula for calculating grazing fees. Under this formula, fees would rise approximately 30 percent over the present level.

For those who make their living from the land, and who put food on the table for all of us, we want to offer some certainty for the future. We must protect rancher's private property rights, provide stability on grazing allotments,