NOT VOTING—1

Kerrey

So the conference report was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. EXON. 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. FAIRCLOTH). 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 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 legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Helms	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—46

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

NOT VOTING—2

Jeffords Kerrey

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that A.J. Martinez of Senator BENNETT's staff be permitted privilege of the floor during consideration of the Public Rangelands Management Act.

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

PUBLIC RANGELANDS MANAGEMENT ACT

The PRESIDING OFFICER. The Chair lays before the Senate, S. 1459, the Public Rangelands Management Act, with 75 minutes equally divided on the Bumpers amendment.

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 resumed consideration of the bill.

Pending:

Domenici amendment No. 3555, in the nature of a substitute.

Bumpers modified amendment No. 3556 (to amendment No. 3555), to maintain the current formula used to calculate grazing fees for small ranchers with 2,000 animal unit months [AUM's] or less, with certain minimum fees, and establish a separate grazing fee for large ranchers with more than 2000 AUMs.

AMENDMENT NO. 3556, AS MODIFIED

Mr. DOMENICI. Mr. President, Senator BUMPERS is here. Might I inquire of Senator BUMPERS, we do not need our entire 37 minutes. Is there any chance, in the interest of moving the Senate's business along, you might get by with a little less of your time so that we could vote a little earlier?

Mr. BUMPERS. I am quite sure we will not use our all of our time, either. We will be happy to yield the balance of such time. I only know of two people on this side, Senator JEFFORDS and I, who will be speaking.

Mr. DOMENICI. Thank you. Mr. President, on this side, might I say in earshot of staff and administrative assistants, that some Republican Senators have indicated they want to speak on this very amendment. Senator CAMPBELL has indicated, the distinguished Senator from the State of Colorado; I think Senator CRAIG has indicated that he would like to speak; and perhaps a couple of others. Let me put the word out, we are trying very hard to move this bill along and use as little time on the amendments as possible. If you could get hold of me, perhaps I could set up a time, and perhaps we could agree at a certain time that Senator CAMPBELL will speak for 8 or 9 minutes. If we can work to arrange that, I will not have to be here anxiously wondering who is coming because they will have a time set.

Mr. President, let me suggest that this amendment with reference to grazing fees, if it were adopted and if it becomes law, would put out of business, in this Senator's opinion, hundreds and hundreds of small ranches and ranching families that have been the backbone of this kind of activity for a long time. Let me yield myself 5 minutes and see if I can make the case for that, and then I will yield back to Senator BUMPERS.

Mr. President, first of all, this amendment attempts to set up a two-tier fee system. That two-tier system that is established here, the distinguished Senator indicates it is only going to have an impact on the very large ranches. I want to get to that in a moment to try to make sure that the Senate understands that all grazing permits do not have the same tenure. Some are for 3 months, some are for 5 months during the year. In a State like New Mexico, parts of Arizona, parts of California, and parts of a few of the other States that have year-long grazing.

Some private property, small portion of State property, and Federal leases make up a ranching unit in a State like mine. We are called water-based States. Essentially, the water and everything is on that unit. So you do not move the cattle off to public property for part of the year. The livestock are there all the time.

As a consequence, when the distinguished Senator who had in mind that this would be just for very, very large ranches, those numbers did not take into consideration a ranch in New Mexico, Arizona, or California, that had 12-month-a-year permits and was substantially—that is, a lot of the property—federally controlled. I will come back to that point when I get the actual numbers.

Having laid the foundation to establish this fact that it will apply to small ranches, not large ranches, that are on a 12-month basis and have a lot of public domain, let me tell you what we try to do in the bill. We attempt to increase the grazing fee 37-percent. We intend it go up to $1.85. This is a 37-percent increase. Now, Mr. President, in addition to a 37 percent increase, we are aware of the fact that you cannot have ranching units continue to operate, and have prices go arbitrarily up in total disregard for the market, based upon what the State might charge for completely different land. Ours is based upon the 3-year rolling average of the gross value of the commodity, which takes into account such things,

Mr. President, as this year where cattle prices have come down 30 percent to 35 percent. It is obvious you should not be increasing fees. You could not on private land. The market would not bear that. You should not increase it arbitrarily under a formula when the gross value of the product is coming down.

I stress gross value. Senator BUMPERS, in the mining reform debate, has always wanted gross value. We use gross value.

In addition, we use it on figuring out the interest component, so we get a market movement, the 10-year average of the 6-month Treasury bills, so that we have a very good way to establish stability and let the leases go up, but not go up in total disregard to the market.

Now, Mr. President, under the Bumpers proposal, the permits could be as much as $3 per animal unit per month up to $10 per month. I must say to the Senate, not even Secretary Babbitt, in his wildest dreams about what we should charge, had anything like $5, $6, $7, or $10, which some of the permits would be worth under the Bumpers proposal. And he had $4.60 once and came off that because everybody told him it was absolutely ludicrous and the ranchers would go broke.

Incidentally, the Department of Interior and Secretary Babbitt never supported, and to this day do not support, having two different fee schedules, depending upon the size of the ranch and the number of units and the number of cattle you graze, for a lot of reasons. It is arbitrary. It was said it will not work, and obviously there are many other reasons.

I note that the distinguished Senator from Arkansas would suggest that because States have a different fee schedule, we should follow them. I want to make three or four points about that. First, Senators must note that many of the State leases are exclusive leases. That means the only thing you can do on them is graze. From the very beginning, the Federal leases are not exclusive. They must be used for multiple purposes. That is a very different concept of what you can use it for. If you can only use it for that, to the exclusion of all the other uses, obviously, it would be worth more.

Likewise, many States have very few regulations, as compared to the Federal Government, making it more attractive for the rancher. Last but not least, for the most part, the State lands are a very small portion of a unit of ranching. The Federal land is more often a very large part of that unit. And so, to be able to exist, you have to have stability on that Federal side, and you have to have something that is reasonably consistent with a formula that acts upon the price of the commodity, such as ours.

I will put in the RECORD that under the amendment which purports to save small ranches, and charge large ranches a lot more—I will give you just two numbers. If 95 percent of a unit is Federal land—and there are a number of those—in the State of New Mexico, the maximum number of cows that you can have on this ranch to get into the lower-tier price is 176—not 500, not 1,000, but 176. The ranching unit could be between 50 and 95 percent Federal land, and the number of head would be between 334 and 176.

Mr. President, this just shows when you try to establish these arbitrary formulas, you have to find out really everything that is involved.

I ask unanimous consent that this be printed in the RECORD.

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

PERCENTAGE OF NEW MEXICO RANCHES WITH VARIOUS LEVELS OF RELIANCE ON FEDERAL LAND FOR GRAZING CAPACITY

Reliance on Federal land	0–5 percent	5–50 percent	50–95 percent	>95 percent
Percent of all ranches in New Mexico	49	21	26	5
Max. number of cows for small rancher exemption to apply	>3,340	3,340–334	334–176	176–167

Adapted from Torell et al. (1992).

Mr. DOMENICI. Mr. President, this amendment will not, as it purports to, have any positive effect on small ranchers staying in business in New Mexico and in the other States of the Union. There is a lot more to say, but distinguished Senators are here on our side. I have used 8 minutes, which means we have about 25 minutes left.

Senator CAMPBELL, how much time would you like?

Mr. CAMPBELL. About 10 minutes.

Mr. DOMENICI. The Senator from Wyoming needs 10 minutes. As soon as Senator BUMPERS yields the floor—does he want to speak now? We can yield to Senator BUMPERS for 8 or 10 minutes and come back and have them use their time.

Mr. BUMPERS. Is the Senator yielding the floor?

Mr. DOMENICI. I was trying to get an agreement so we would know who was speaking on our side.

Mr. BUMPERS. I do not have a schedule in mind. I do not have a certain length of time that I am going to speak. I will yield myself such time as I will use.

Mr. DOMENICI. On our side, when one of our Senators is able to get the floor, we have agreed that Senator CAMPBELL will speak for 10 minutes, and the Senator from Wyoming will speak for 10 minutes.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who yields time?

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, before I stepped on the floor a few minutes ago, something happened. I have a friend that came here from Colorado. He ranches out there. He was teasing me, and he said, ''What is Congress' only Indian doing in here defending the cowboys?'' I have to tell you, Mr. President, I had a good laugh with him, but this is not about cowboys and Indians. This is about real families. Some happen to be Indians, who are cowboys, by the way.

Anybody who knows the ranch lifestyle out West knows that ranchers grew up with guns. They learn how to use them from childhood, and they get good with them. They use them for protection and for hunting. I guess the first thing they learn about guns is that you try to hit what you aim at. I have to tell you, I admire my colleague from Arkansas and, certainly, Senator JEFFORDS, too, but they are not going to hit what they are aiming at.

As I understand both of their amendments, it is like hunting a wolf that gets in your lambs or your calves with a shotgun. You may get the wolf, but with a scatter-gun approach, you get everything else, too.

I believe Senator BUMPERS' amendment and Senator JEFFORDS', too, is really aimed at corporate freeloaders. But by putting everybody in the same category, it is certainly going to hit ranchers that are full-time ranchers, with no other income except ranching. I think that is a very sad mistake. I think they should both be opposed. To put them in the same category is simply not fair.

They are trying to define, as I understand both amendments, the difference between real ranchers and nonranchers. But the approach they have taken puts the large ranchers and the small ranchers in the same category as the nonranchers. And so when we hear the debate, they often use Hewlett-Packard, Simplot, Anheuser-Busch, and many of the big corporations who, somehow, in the past, have gotten some of the permits and, in fact, probably use them as tax writeoffs or some kind of a tax structure in order to get tax breaks from the products they are producing. But they are not what we call ''real ranchers.'' I do not think anybody here from the West is trying to defend people who have used the ranching industry for a tax writeoff. What we are trying to defend and protect are the real ranchers, the family ranchers.

There was some reference made to ranchers who have made it big. Clearly, some ranchers have made some money. As Senator GRAMM, our friend from Texas, said, ''Welcome to America.'' What is wrong with that if they made it by honest labor, made the ranch grow, and have weathered storms, drought, wolves, cats, and everything, and they managed to make a little more money and invest in something else or buy some more land? What in the world is wrong with that in this country? Yet, when they succeed, they are sort of put in the category of preying on the American public and somehow taking advantage of the American public because they have succeeded.

I think that also is not only unfair but it is wrong. This shotgun approach

very clearly of putting the ranchers in the same category as those people who use ranching as a tax break is simply wrong to do.

Senator BUMPERS said yesterday—I mentioned it last night —that we should watch where the money goes. And I have to tell you, I live among family ranchers. I know where the money goes. It goes to Main Street by and large—to the hardware stores, to the movie theaters, to the used car lots, to the school districts through property taxes, to the fire district, and to every other special district you can imagine. Very little goes to recreational pursuits. If they have any money left usually it is put back into the herd, or into the land, or some way to improve their own family lot. They do not, I know, take vacations to Nice, France, or to Montserrat, or somewhere else like the corporate people do that the Senator is aiming to get.

So I think both of these amendments are probably going to miss the target and get the wrong people.

We also dealt a little bit last night with the question about fair market value. And the accusation, of course, is that ranchers on public lands are not paying a fair market value because, if you compare it with what the rancher is paying on private lands, it is much lower. That is right. It is probably much lower.

We have a small ranch. And we sometimes let other ranchers rent some of our pasture. And I know there is a difference. But there is also a difference in the amount of work they have to put up with on private land, whether it is rotating the fields, whether it is irrigation, or a lot of other things that come into play that make the difference.

To try to charge the person on public lands the same amount I frankly just think would simply run a lot of them out of business, and it simply will not work. I often compare that question of fair market value with some of the other things that we have out West. I live near Durango, CO. Durango is near a world famous archaeological site called Mesa Verde, a cliff dwelling that everybody in this country knows about. It is run by the National Park Service. If you go to the cliff dwellings it costs you $3—as I recall from the last time I went—to go in, for an adult to get really a great historic cultural experience. You can stay in there for half a day, or all day, for that $3.

Just down the road apiece in downtown Durango is another cultural and historic activity. It is in private ownership. It is the old train called ''The Durango to Silverton Train.'' It has been there 100 years. That old train carries about 250,000 people every year, and you get a marvelous western experience. But it costs you about $30 to go on that train. If you say that we are not getting fair market value from the things that are being done on public land, maybe we ought to raise the park fee to $30 to compare it with the other experiences that people are getting a few miles away on the train. If you said that to the people in this audience, or to the people watching the proceedings today, most of them would tell you that you are nuts. They simply will not pay it.

Yesterday, I mentioned the zoo in Denver. It cost $6 when you go to the zoo. You see wild animals. They are caged but they are basically wild, whether it is deer, or elk, or bear, or wolves. Yet, when you go into the national forests you can often see those same animals for free. Maybe we ought to charge everybody that goes in the forests $6 so we get a fair market value for viewing those animals as they get when they go to the zoo.

I could go on and on about the difference it would cost. Go cut a Christmas tree. You need a $5 permit from the Forest Service. But it cost $5 per foot if you go downtown. If you suggested to people that we are going to charge $5 a foot when they go into the forest to cut a Christmas tree, you would have a rebellion on your hands.

So I think the whole discussion of fair market value simply does not wash.

So I want to come in and restate my opinion on this. I think we ought to leave this bill alone. It has been worked on for virtually years. I have been involved in it myself for over a decade. Senator DOMENICI has taken a leadership role in bringing to the floor of the Senate what I think is about as good a balance as we could put together.

I hope my colleagues will resist any attempt to change that and oppose both the Bumpers amendment and the Jeffords amendment.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

First, I want to point out that while this is commonly referred to as a western issue, it is also a national issue. The 270 million acres of land that people control to graze cattle in the United States belong to the taxpayers of America. The public land may be located in Wyoming. It may also be located in Wyoming, Idaho, or Nevada. However, it is owned by the taxpayers. And 100 United States Senators have a solemn duty to protect the taxpayers' interests.

Unhappily, these so-called ''western issues'' somehow or other fall into the category of what my mother used to say as ''Everybody's business is nobody's business.'' Unless you have a significant number of grazing permits in your State, you do not immerse yourself into these kind of issues.

Why am I involved in it? No. 1, I sit on the committee from whence the Domenici bill was reported out. No. 2, I am an unabashed environmentalist and I am concerned about the conditions of the rangeland. Third, and above all, I am totally committed to fairness.

Yesterday afternoon, speaking on this amendment, I pointed out that when I first discovered that the U.S. Government was selling its land for $2.50 an acre for miners to mine gold and silver, I was utterly awestruck and did not believe it. I found out that it was indeed true. That law is still on the books. The mining law was originally intended to encourage people to go west and help small mom- and pop-mining operations succeed.

As I delved into the mining law, I discovered that it ain't mom and pop at all. Who is it? Who is mining the billions and billions and billions of dollars worth of gold, silver, platinum, and palladium off of Federal lands? It ''ain't'' mom and pop. It is Bannister Resources, the biggest gold company in the world, who bought the gold for $2.50 an acre. They are still doing it. It is Newmont Mining Co., one of the biggest gold producers in the world. It is Crown Butte, and the list goes on. It is not mom and pop. It is the biggest corporations—not in America but in the world—who are mining not only gold but mining the U.S. Treasury which also happens to belong to the taxpayers of America.

So when I began studying the grazing issue I found that, No. 1, the amount of money involved is infinitesimal. It is about $2 billion worth of gold that is being mined off Federal land every year, for which we do not get a dime—$2 billion worth. All of the 22,000 grazing permits in this Nation only produce $25 million. I would be willing to forsake all of the grazing fees except for just the element of fairness. It is not that much money. But it is not fair.

So what is my amendment about? I invite you to look at a chart.

We permit our public rangelands to people on the basis of what we call an AUM. That is an ''animal unit month.'' Right now we receive $1.35 per AUM for every cow, or horse, or five sheep that graze on Federal lands under these permits. The fee was $1.85 in 1986. It is $1.35 now.

So who are these people that have the permits—these little mom and pop ranchers you have been hearing about?

Here they are. Here are the 91 percent of the small ranchers my colleagues on the other side say they want to protect. Count me in, Mr. President. I do, too. My amendment would cost less by the year 2005 than the amendment of the Senator from New Mexico would cost, so do not talk to me about who is being fair to small ranchers. These 91 percent of the permittees control only 40 percent of the animal unit months. They are not hurt under my amendment. They should have no squawk at all. Do not shed any tears for them because of my amendment.

What else does my amendment do? Look at the right-hand side of that chart. Mr. President, 60 percent—60 percent—of the animal unit months are held by this 9 percent. Nine percent of the permittees own 60 percent of the AUM's. If you want to think of it in

pure terms of acreage, 2 percent of the permittees own 50 percent of the 270 million acres.

Is that fair? You say yes. Let me add something else to the equation then. Who is that 9 percent of the permittees? There they are. This is just a smattering, just a small list. Anheuser-Busch, the 80th biggest corporation in America. In 1994, they were on Forbes list as the 80th. Anheuser-Busch has 4 permits controlling more than 8,000 AUM's. My amendment only raises the fees on people who have more than 2,000 AUM's. Yes, my amendment would affect Anheuser-Busch. My amendment would affect Newmont Mining Co,, the biggest gold company in this country. Newmont Mining Co. controls 12,000 AUM's. Small mom and pop operation. Poor little old rancher out there struggling to survive. Biggest gold company in the United States.

Who else? Hewlett-Packard. Maybe you have one of their computers in your home. Poor little old rancher Hewlett-Packard, we have got to protect them. Hewlett-Packard runs cattle on only 100,000 acres of public rangelands. They run cattle on those public rangelands because those lands adjoin their ranch.

What are we doing here? It is sickening. Here is a man—one Senator rose in the Chamber yesterday and said he is a wonderful man, a very engaging person, a good citizen. I do not know him. I am sure people who know him like him a lot—an 85-year-old billionaire, not a small mom and pop rancher, a billionaire, J.R. Simplot, from the State of Idaho. What does he have? Well, he is not all that big. He only has 50,000 AUM's. Mom and pop rancher?

Here is a Japanese company. They control 6,000 AUM's on 40,000 acres. You look at those. The list goes on and on. I have another list here. I am not going to bore you with all of them. The biggest corporations of the United States of America mining the U.S. Treasury, and who can blame them as long as they know this body is not going to do anything about it.

A Senator who is no longer here, a Republican Senator, whom I admired very much, when I first took on the mining issue I walked over to him, and I said, ''I need a Republican colleague to cosponsor this bill if we are going to change the mining laws of this country.'' I explained to him how the Department of the Interior actually issued deeds to people for $2.50 an acre that had billions of dollars worth of gold under it. I said, ''All you have to do is put up 4 stakes for every acre you want to claim. If you find gold underneath, it is yours for $2.50 an acre. How about joining me in this crusade?'' He said, ''I'd like to, but I think I will go to Nevada and start staking claims.'' At least he was honest about it. He was being facetious, of course,

All we are saying in our amendment is that Anheuser-Busch and Hewlett-Packard and people like that are going to have to pay an average of what you would pay if you were renting State lands. The States cannot afford to give away the public domain like we do. They do not own the public domain. They own some land. The State of Arkansas owns some of its lands. Your respective States own some of the lands there, too. If those little mom and pop operators go to the State of Montana or the State of Wyoming and say, ''I would like to lease some of this land for $1.35,'' they would laugh them out of the State capital building.

The Senator from Colorado just left the floor. You want a permit in Colorado? Not for $1.35 per AUM but $6.50. They are not stupid. Do you know what else? There is a line of people waiting for a permit in Colorado.

Then look at Wyoming. Go into Cheyenne and say, ''I would like a permit on some State lands to graze some cattle.'' No. 1, they would say, ''We are sorry; we do not have any land at the moment, but if we did it would cost you $3.50 an AUM,'' not $1.35 like ''Uncle Sucker'' gets. And in Montana, the home of my distinguished good friend across the floor, $4.05.

Our amendment says to that 9 percent, mostly America's biggest corporations, we would rather you leave the land and make it available to small people to make a living, but if you insist on keeping it, we want you to at least pay the weighted average for permits that the State lets in the State where your land is located. Who can quarrel about that?

Mr. President, I will close by just simply saying two things. You know who my amendment affects? Ten percent, 10 percent of the permittees, and they are the biggies. Only one State, Nevada, would have more than 10 percent of its permittees covered by my amendment. I did not know until I looked this over.

For the interest of my colleagues who may or may not be in the Chamber but who I hope are listening, here is how your State would be affected: Arizona, 10 percent; California, 8 percent; Colorado, 5 percent; Idaho, 7 percent; Montana, North Dakota, and South Dakota, 2 percent; Nevada, 39 percent; New Mexico, 10 percent; Oregon, Washington, 8 percent; Utah, 10 percent; Wyoming, 9 percent.

Is it any wonder people think campaign contributions play a role in what happens around here? There is no justification for allowing this to happen. Since 1981, the grazing fee for cattle grazing on private lands has gone from $7.88 to $11.20 per AUM. The fee on State lands has increased from $3.22 to $5.58, and Federal grazing fees in real dollars have gone from $2.31 to $1.61, to this year's $1.35.

I say to my colleagues, I would like to appeal not only to your sense of fairness but to your sense of compassion. At a time when 100 Senators committed to a balanced budget and we are cutting education, we are cutting environmental funds and housing funds and school lunches and Medicaid and Medicare, and everything that is necessary to give people at least a fighting chance at a piece of the action, a piece of the rock, we allow things like this to go on. It is unconscionable.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I yield myself 1 minute, and I want to yield to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I guess I am sorry the Senator has suggested anyone who does not agree with him is a victim of contributions. I think that is not a very appropriate remark.

Mr. BUMPERS. Senator, I want to apologize for that remark. I am sorry. There is a certain personal thing in that, and I regret it. I regret I said it. I am sorry.

Mr. THOMAS. Mr. President, there are a couple of things I think are important here. One is the predication of this idea. This amendment is based on the idea that there is a subsidy here.

Yesterday I reported on the Pepperdine University study, an unbiased study that indicates very clearly this is not a subsidy. If you come from this area, where we have 8 inches of rain instead of 40, you will find that this is not a subsidy and Pepperdine University says that Montana ranchers—this was in Montana—who rely on Federal lands do not have a competitive advantage over those who do not.

Second, it seems to me we enter here into a great deal of class warfare which I think is unnecessary. Yesterday, the Rock Springs Grazing Association was mentioned as one of these corporate robbers. Let me tell you what the Rock Springs Grazing Association is. It was started in 1909 in southwestern Wyoming to stop overgrazing which was taking place in the Red Desert, which, by the way, is the largest grazing district in the whole BLM in this country. The association breaks down roughly this way: 550,000 deeded acres are in here. This is what is called the checkerboard; 450,000 are leased from private and 900,000 are Federal permits in the checkerboard. They are all intermixed. There is no fencing. You cannot use one from the other. There are 11,000 there.

What is the association? It is 64 shareholders, 64 family ranchers, that is who it is. It is not a corporation. It is 64 family ranchers that use that.

So I think, really, when we take a look at this thing, as I said yesterday, this is a unique circumstance. It is very easy to come from somewhere else and say, ''This is the way it is at home.'' Well, this is not home. This is a unique aspect where your State is 80 percent owned by the Federal Government. We do have some feeling about it. It is our economic future.

I yield 4 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the manager of the bill. Let us just talk about it from an environmental standpoint.

Basically, what the amendment of my friends from Arkansas and Vermont does, or the amendments do, is throws us right back into this old class warfare again, the ''haves'' and the ''have-nots.'' Nobody is asking for that kind of situation.

There is no doubt in my mind, my friend from Arkansas is a dedicated and a wild environmentalist. Every figure that we can give you is backed up by facts, that there is more wildlife on public lands now than ever in the history of this country. When you take off grazing management—we cannot tell the antelope not to graze the same time the cattle do, or the deer, or the elk. They all have the same forage. They all get along on the same range. That is why we have more of them now.

But when the management of that resource goes away, do you know what goes away? Water. And, folks, nothing living goes out there in that country without water. Strictly from an environmental standpoint, pull all the cattle off, get all the people out of there, and watch that range turn into the way it was at the turn of the century, with nothing on it—no life, no water. Wind erosion is rampant. That is what we get into.

If these amendments prevail, the impact it has on cooperative—as my friend from Wyoming said. These things sound big, but they are a bunch of little folks who throw together enough to run their cattle and their sheep. Rock Springs, WY is a perfect example.

Another thing, we have two cooperative agreements, in Fleece Creek and Wall Creek. This is where environmental groups, U.S. Fish and Wildlife, Montana Fish and Wildlife, the Stock Growers, BLM, and the Forest Service, all got together and made out a grazing pattern and developed a plan, to where they can graze and where they cannot graze on what part of the year.

Do you know what? It is working. It is working on the ground. It is working because local groups got together and solved a problem, instead of going down this road of throwing everything back into the courts again, into an adversarial environment in which we have to do business, because it cracks up communities both within and from without.

I know there are folks around here, in the sound of my voice, who say as soon as some outsider comes into our town and tries to make a decision for us, what happens? Polarization.

Montana has three fees. There are different fees for different Federal lands, State lands—but, you know, there is a lot of difference in the lands, the carrying capacity, what they will produce, where they are, access. There is a multitude of factors that go into it before you set a rental. Private lands are pretty accessible. You have somebody going up those gravel roads every day. Some of these Federal lands you cannot even get to unless you are on horseback, and that is another cost that has to go into the grazing fees.

So there is the difference. If I take an acre out of Arkansas, maybe I want to give the same price for an acre in southeast Arkansas as I do for an acre in northwest Arkansas. Are they the same? Will they produce the same, just because it is designated a State land? I do not think so.

The same is true out where we live, too.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. So, from an environmental standpoint, this is an antienvironmental vote if you take everything into consideration, and I ask for its defeat.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I believe the Senator from Arkansas has yielded me time.

The PRESIDING OFFICER. The Senator yields to the Senator from Vermont?

Mr. BUMPERS. I yield such time as he may wish to use.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, this is not the first time we have had these issues raised. I have been here, now—this is my 8th year. I do not know how many times we have had this issue raised.

I remember when I first raised these issues in the early 1990's, I learned a lot about what the situation was in the West. In fact, I even traveled out to Wyoming and met with ranchers and saw the land and examined the situation. At that time there were assurances from those who were out there saying, ''Yes, we know we have to raise the grazing fees. We know that they are too low. We know that it is not fair, relative to those who graze on private lands and State lands.''

What has happened since that time? Have the rates gone up? Have they made an effort to try to remove the inequities between these beef producers and other beef producers who are grazing on State lands and private lands? No. The fee has gone down, whereas, the private land fees have gone up. The State land fees have gone up; the fees on the Federal lands have gone down.

I also just point out for those who wonder what happened between the time I offered this amendment yesterday and now—I want to thank Senator BUMPERS and Senator DOMENICI for incorporating my second-degree amendment into the original Bumpers amendment—it is that yesterday I had second-degreed the amendment of the Senator from Arkansas. They agreed that my concept of trying to help the small farmers out was a valid one and ought to be adopted. So that was done. So you have now the Bumpers-Jeffords amendment.

Mr. THOMAS. Will the Senator yield?

Mr. JEFFORDS. Yes.

Mr. THOMAS. Does the Senator recognize that under this bill the rate goes up 40 percent, under the bill as Senator DOMENICI presents it?

Mr. JEFFORDS. That may be. But in the interim it has gone down, so you have not gotten to ground zero yet.

Mr. THOMAS. This bill brings it up 40 percent.

Mr. JEFFORDS. But 40 percent of what, though? That is the problem.

Mr. THOMAS. Higher than yours.

Mr. JEFFORDS. But a lot lower than it should have been relative to what it has been, is my point. In fact, mine is low, if you consider that my amendment is to help the small farmers out. So in the sense that you want to help out the small farmer, as I do, then perhaps you would want to vote for this amendment so that you can improve that aspect of the amendment.

I do not have a problem with that, because that is not my problem. My problem is with giving a huge subsidy, which would happen without my amendment, to the corporate entities and the large owners that are going to get a huge benefit without any need or any rationale for it.

The Senator from Arkansas has gone through, and I went through yesterday, the people that are going to be benefited by this. Yesterday, you heard on the floor a great deal about the merits and detractions of the underlying bill. Whether or not we agree on the merits of the bill, I think the majority of this body can agree on the merits of this amendment, which is now included in the amendment you will be voting on, that is, the Bumpers amendment.

My amendment is very simple. It protects 90 percent of the ranchers. So, I do not understand why anyone can disagree with it. Small ranchers, who embody the history of the West, are going to get a benefit better than the underlying bill. But it also rectifies an ongoing injustice relative to the large users of the AUM's.

For 9 percent of the ranchers, the large, wealthy corporate ranchers that consume over 60 percent of the total AUM's—over 60 percent of the total AUM's—who forage on public land, this amendment will simply have them pay the same price—the same price—that they would pay if it were State lands, that the rancher using the rangeland next to them are currently paying to the States. Now, how in the world can that be inequitable, wrong or inappropriate to say that those on Federal lands who are huge corporate owners should not pay the same as they are paying on the State lands?

Organizations who have been calling for sound spending in the balanced budget, such as the Cato Institute—that is a conservative organization—believe it is time to change the fee structure. I was told several years ago,

''Yeah, we're going to change the fee structure.'' The Cato Institute has been promoting grazing fee reform for years, highlighting the need to adjust needs to reflect their true value so you would not have that inequity between those that are grazing on State lands and those that are grazing on private lands and the rest of the beef farmers of this country.

I spoke to this issue yesterday, as did my colleague from Arkansas, quite thoroughly, I might add. I want to reiterate that this amendment not only makes good budget sense, but it makes good common sense. There is no reason why a large rancher on Federal land should be paying up to five times less to use what is basically the same land that his neighbor is grazing just because he is sending his check to Washington instead of to the State capital.

The point has been made that there are a lot of wild animals grazing on this. There are a lot of wild animals grazing on the State lands and a lot of wild animals grazing on the private lands. So there is no inequity to be rationalized out by giving a lower fee on the Federal lands.

But there are other benefits of this amendment I want to discuss today. Farmer protection, land stewardship, and local input.

First, as I mentioned, this bill protects the small rancher by keeping the grazing fee he or she pays low. We are all aware of the plummeting beef prices and the economic hardships facing these ranchers. I firmly believe that we have a responsibility for the success of small ranchers. But I tell you, my dairy producers, they do not get a higher milk price when the price of grain goes up. No way. But they are trying to say now, when the price of the beef goes down, they should allow the price of the rangeland to go down. That does not happen to those on State lands or private lands.

Not only by keeping their fee low for the small farmers, but by raising additional revenue that we could return to the local governments—this money would go back to the local governments for range improvements, most of it—by increasing the fee to the large ranchers, additional revenue will come into the Range Betterment Fund, a program that has helped countless ranchers.

Second, by addressing the large ranchers, this amendment will begin to reduce the significant proportion of the environmental degradation taking place on the public lands. Studies have shown that it is the large ranchers who are causing ecological degradation of the public lands. So the ones we are giving the most benefit to are the ones that are causing the most damage.

Currently, the low Federal grazing fee encourages overstocking on Federal lands, which has been shown to be detrimental to the environment and the grazing lands. A comparison of the size of herds on Federal lands versus the average size on private and State lands shows that Federal lands bear a much higher number of large ranching operations than the other lands. Why? Of course; it is cheaper.

Third, this amendment brings the Federal grazing program closer to the local level. In the past years, on numerous issues, we have heard from State and local government that they want greater participation in the decisionmaking. This amendment accommodates this request by saying the fee will be at the State level. My amendment will make the system more equitable and make it more responsive to local ranchers.

Yesterday, Senator DOMENICI discussed how one program cannot fit all ranchers. But by leaving the fee schedule as it is in the Domenici bill, we are making one size fit all. This amendment will put more flexibility into the fee system. Large ranchers will be paying what their neighbors on State lands are paying, not what everyone else in the West is paying. As land costs and transportation costs, fee costs and beef prices in the State change, all things will be taken into consideration, and the State fee will change, and the Federal fee for large ranchers will also change.

Again, in summary, let me emphasize how this amendment not only makes good balanced budget sense, but also good environmental and economic sense. Although this amendment is fairly simple in its concept, it builds upon many of the themes in Senator DOMENICI's bill. It protects the small rancher and promotes good land stewardship, and it brings the Federal grazing program closer to the local level. It is time we face this issue. We have been talking about it for years and years and years with promises of review and promises of change and promises otherwise. What has happened? Nothing has happened. The fee is going down again.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I yield 4 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, in my comments here on the floor, I will simply make two points: First, this has been described repeatedly as having something to do with balancing the budget. We are being told how many millions—by implication, billions—of dollars of corporate welfare are going to the huge ranchers because of the Domenici bill. I would like to put that in context, Mr. President.

If the revenue projections of the Secretary's proposed raise in grazing fees are met, which I do not believe they will be, we will generate in increased revenue less money than it took us to put the subway in between the Capitol and the Hart Building. We are not talking about enough money to make any difference whatsoever in terms of the balanced budget circumstance. I repeat, Mr. President, it cost us more to renovate the subway cars running between the Capitol and the Hart Building than the administration will generate in increased fees if their projections are correct.

I do not believe their projections are correct for this very reason. That is a tiny amount of money as far as the Federal Government is concerned. The amount of increased grazing fees is an enormous amount of money for those families who are living, literally, on the edge right now. They will be unable to pay the increased amount called for by the Secretary, so they will go out of business. We will not only not get the increases the Secretary is projecting, we will not get any money at all.

I believe the Federal revenues will go down rather than up if the Domenici position is not maintained. I believe that we will see significant financial damage throughout all parts of the rural West. That is my first point.

My second point, Mr. President, is illustrated with this photograph. Some of you may have seen the pictures that were in full-page ads in the New York Times and the Washington Post and other national publications in which this part of the land was shown in a photograph. The question was asked, whose public lands are they? The implication was that we were getting degradation on the lands. I have heard that again here—degradation on the lands.

Well, I call your attention to the lower photograph. Maybe it is difficult to see across the Senate. It is very clear that the riparian areas in this part of rural Utah are substantially better off in the lower photograph, the more recent photograph, than they were in the first paragraph. What is the difference? The first photograph was taken before grazing was allowed in the area, before the cattle were allowed to get into the area, break up the hard crust of the land with their hooves, allow water to get below the ground surface, allow seeds that were in the air to take root and fertilize the ground with their urine and defecation. We see here lush, lush growth in the riparian area. We see a better environmental circumstance than we saw before the cattle were there.

I wish every Member of this body could have been here last night when the senior Senator from Wyoming [Mr. SIMPSON] had a series of photographs showing 100 years' difference in the State of Wyoming. In every case, the environment was substantially better 100 years later because cattle had been in it.

This is an environmental vote, Mr. President, and the proper environmental vote is to vote with Senator DOMENICI.

Mr. President, I appreciate the leadership shown by my colleague, Senator DOMENICI in bringing this legislation to the floor. I am pleased to join with many of my colleagues in support of this revised and significantly improved legislation.

Grazing of livestock on western Federal lands has been increasingly and unfairly referred to as a subsidized form of welfare. Yet, the western livestock industry is key to preserving the social, economic, and cultural base of rural communities in the West. This lifestyle helped open the West to productive development and responsible stewardship. Grazing is a healthy way to sustain and utilize renewable resources.

We are all familiar with the administration's highly controversial regulations, and the significant impact on the way grazing on public lands are to be managed. I believe these regulations pose a serious threat to the stability of the industry.

The Interior Department's Bureau of Land Management and the Agriculture Departments U.S. Forest Service manage 268 million acres, or 37 percent of the 720 million acres of public and private rangelands in the West. The State of Utah is 69 percent controlled by the Federal Government. We have 22 million acres of BLM lands and an additional 8 million acres of Forest Service lands. Detractors of grazing speak of continued rangeland degradation, yet the professional range managers for these agencies have admitted that Federal rangelands are in the best condition they have been in this century. Great strides have been made in improving the range lands through the use of partnerships and promotion of good stewardship. Furthermore, through shared stewardship with the livestock industry and the general public, populations of wildlife are increasing and stabilizing, and water quality on Federal lands has improved significantly. I believe that S. 1459 will eliminate the controversy caused by the administration's grazing regulations and help mitigate the firestorm they caused in the West.

I am as concerned about the public's right to be part of the planning and decisionmaking process as I am about the bureaucratic quagmire caused by frivolous appeals and protests. Our legislation provides for full public participation in the planning process, allows for protest by affected interests and encourages public involvement through the Resource Advisory Committees and the NEPA process. The general public has the opportunity to comment on actions and site specific NEPA documents, by attending scoping meetings, hearings, and by responding to requests for comments by the agencies.

Since the BLM and U.S. Forest Service offer service to the same list of customers, often from the same building. This legislation would cut bureaucratic redtape and simplify the management of livestock grazing by simply managing all Federal land grazing by the same rules, regardless of jurisdiction. This makes it convenient for the permittee and/or lessee and greatly reduces conflict while reducing the costs of Federal land management.

Grazing is only one of the many uses that occur on Federal lands. This legislation supports and strengthens the concepts of multiple use management, which is basic to the management strategies of both agencies. The privileges of all Americans to access and use these lands is protected. The investments made by the livestock operator in range improvements, which have significantly helped wildlife, are protected. Our legislation seeks to eliminate the on-going clash over water between State and Federal levels by simply recognizing each State's right to allocate and manage water in their jurisdiction.

Mr. President, I believe this legislation provides a vehicle for our professional Federal land managers to join with livestock men and women in managing our Federal rangelands. We can do this while protecting the rights and privileges of all Americans, enhancing wildlife and riparian values and maintaining the viability of the livestock industry in the West. Grazing on Federal lands is economically and socially important in my State and in the West. I encourage my colleagues to support this legislation in the hope that common sense can once again prevail in Federal land management decisions.

I ask unanimous consent to have a summary printed in the RECORD.

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

SUMMARY

State Land grazing fees can be higher because the states are generally not shackled by the regulatory burden carried by Federal Land management agencies.

In some western states, because of the checkerboard effect, state lands are managed by federal land managers by default.

SIZE OF RANGELAND PERMITS, BLM NATIONALLY

	Number of permits	Percent of total permits	Number of AUM's (millions)	Percent of total AUM's
<100 AUM's	8,600	45	1.6	12
>100–500 AUM's	8,600	45	5.5	41
>500 AUM's	1,900	10	6.2	46

Very few of the ''large'' ranchers (over 2000 aums in Bumpers amendment) are owned by major corporations such as Turner Broadcasting or Prudential. However, many of the family ranches in this category are incorporated for tax purposes, thereby meeting the definition of ''corporate ranches.''

The majority of these ranches (over 2000 aums) are family owned corporations and most make 100% of their income from federal land grazing.

Because their sole source of income is from federal lands and tend to be heavy indebted, they are probably the most susceptible to even moderate increases in fees.

These ranchers tend to be the best stewards of BLM lands because they live on the land, not in Los Angeles.

These ranches tend to invest heavily in federal land multiple use range improvements and generally have the lowest management costs to the federal land managers.

Bottom line: If they fail, there could be significant ecological changes on federal lands, major range improvements will not occur and costs to the federal government could increase due to the higher cost associated with management of numerous small permits.

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

Mr. President, the Senator from Montana a moment ago discussed a large grazing association, individual ranchers, and he said that they would be considered somebody who had more than 2,000 AUM's.

Senator, our bill specifically—specifically—takes care of that. Your association in Montana would be judged according to the AUM's of each individual member, not the association.

No. 2, my good friend from Utah, and I have utmost respect for him, began his statement by saying that we talk about this amendment producing millions and billions in balancing the budget. I have said time and time again the amount of money in this would not wet a whistle. If my amendment passed, it might accidentally produce up to $13 million a year.

But, Senator, I have also said the issue here is not money except in the context of fairness. It is not fair for us to have a law on the books under the guise of helping small ranchers make a living out West, and allowing the biggest corporations in America to slurp up that land and deprive the very people you say you want to defend from grazing permits.

That is the ultimate fairness we are talking about. That is all that my amendment does. My amendment affects less—repeat, less—than 10 percent of the 22,000 permittees in this country. Who are they? Need I repeat it? The biggest corporations in America, slurping up the lands that ought to be used by your small ranchers who need the land, who could make a living on it.

Class warfare? Somebody used that term a moment ago. How foolish can you get? We are not talking about class warfare. We are talking about a basic, elemental fairness. Some day these issues are going to catch on with the American public. Right now, the American public does not have a clue about grazing fees.

I might say they are beginning to hone in on these mining claims. That is getting to be a topic across the country. It has only taken 7 years to raise the voters' awareness slightly on that issue. Not one single State except Nevada will suffer a raise in rates for more than 10 percent of the permittees in that State. Montana and the Dakotas all combined, only 2 percent of their permittees.

I hope that the Senators from Montana and from the Dakotas certainly would vote for my amendment because they would never know it passed out there.

Let me just say, Senator JEFFORDS and I may not prevail, but it will be sort of like my fights with Betty Bumpers. Those I win are just not over. I plead with my colleagues to think very seriously about whether you want to go home, and on those rare occasions when somebody says, ''Senator, how did you vote on the grazing fee bill,'' you will have a good answer. If

you vote against this amendment, you are going to have some tall explaining to do. I yield the floor.

Mr. CRAIG. Mr. President, I yield myself 6 minutes.

Mr. President, let me tell the Senator from Arkansas how I am going to vote. I am going to vote against the Senator from Arkansas and his amendment and the amendment that he has modified. In doing that, I will vote for fairness and equity and balance in the sale of a publicly held resource, the public grass of the public land States of this Nation.

What the Senator from Arkansas did not tell you is that he has never asked for a two-tiered rise in the sale of the trees of the Ozark's St. Francis forest. The reason is because he thinks it is fair that the largest timber companies in the world and the smallest man with a sawmill in his backyard ought to pay the same price for trees.

The only thing the Senator from Arkansas has done, and I agree with him, is say the small mill operator ought to be given some advantage through small business set-asides. I think we have agreed with that over the years. But the tree he buys or that Boise Cascade buys is sold on the market at the same price.

Now, when it comes to selling the grass of the public lands, that grass should be sold in a fair way. Those who are buying it ought to be able to purchase it in a fair way. Should we ask that a blade of grass bought by a small rancher be less in value than one bought by a large rancher? No. I think when the Energy and Natural Resources Committee of this Senate—who took it as their responsibility this year to revise grazing law, grazing policy, and we did. I say to the Senator from Arkansas, we heard you. We heard the American people that public land grazing policy ought to be adjusted and changed.

We introduced a bill earlier this year. It was not as pleasing to some as it ought to be. The Senator from New Mexico and I pulled that bill back, along with our colleague from Wyoming and other Western States, reviewed it, and reached out to a variety of public interest groups.

They made 27 different recommendations, and we pooled those recommendations together. The legislation you have before you today does a variety of things, but one thing it does is it raises grazing fees. It puts in place a new formula. It brings about a fairness and equity that every permittee that is a rancher, large or small, who has grazing on public lands, agrees with, and that is that the fees ought to go up. But what I do not believe in—and I do not think the Senator from Arkansas wants to do it—is to establish class warfare in the selling of public resources for the public good.

We do not say to rich people who go to the U.S. parks, ''Oh, I am sorry, you are a millionaire, so you have to pay $2 more to use the campground.'' Maybe we should. Maybe the Senator from Arkansas ought to propose that. What about the backpacker that pays the fee to enter a wilderness area? Should they pay more if their portfolio says they are a multimillion dollar person? I think not.

We in this country have always spoken to fairness, equity, and reasonable values. But what the Senator has offered is not fair, not equitable, and, in my opinion, it is class warfare. It makes great headlines in the newspapers.

So if it is none of those things, what is it? Why is the Senator asking for this kind of dramatic change from the policy that the committee he serves on has crafted? I do not think it is anything to do about money, and he has admitted that. Whether you charge the big multimillion-dollar ranchers much, much more for the going market rate of grass than you would the smaller—the Senator from Utah said it would not even pay for the subway the Senate purchased a year ago. And if it would not, then what is the issue? The issue is power and control, to get a few more folks off the land so we can have a different image or a different idea as to how the lands ought to be managed. That is what we are really talking about here.

I sincerely believe—coming from a public land State, where ranching is an important part of our economy—that it is good public policy to have a sound grazing policy in our country that says that grass ought to be grazed in a reasonable fashion, that it is a resource of our country that ought to be utilized for the development and the growth of red protein, for the consumption of our country and for the health of our citizens. We have always held that value in this country. What we have done over time is change the way the lands are managed, and that is fair. We should not be managing the grazing lands of the West the way they were managed in 1935, and we are not. The public is telling us today that they ought to be managed differently in 1996 than they were in 1995. Our legislation does that.

So we accept change. We should accept change. But I plead with the Senator from Arkansas to accept fairness and equity. Public resources, whether it is the campground, whether it is the trail, whether it is the log, minerals, or grass, what we are talking about here is that it should be managed responsibly, and it should be marketed in a fair and equitable fashion.

We have never in this country engaged in class warfare, nor should we now, whether it is the sale of public grass, the sale of the public tree, or the public resources. I plead with my colleagues in the Senate to vote down the amendment of the Senator from Arkansas.

Mr. CAMPBELL. Mr. President, raising the grazing fees under the Bumpers amendment is fundamentally unfair to ranchers. This proposal does not fully consider the investments that ranchers already have made in building their lots.

In addition, the profit margins for many ranchers is small, and many ranchers already have fallen into bankruptcy. Raising the fees as this amendment proposes to do will make things even more difficult for ranchers and may force more ranchers to exit the business during the next few years.

Mr. President, a look at the increasing losses suffered by ranchers paints a bleak picture. In the business of ranching, analysts consider the industry average for the ''estimated calf break-even'' prices in tracking trends.

In the industry, we refer to the ''calf break-even price'' to mean the cost of supporting a cow to produce a calf for a year divided by the weight of the calf. There are many costs associated with supporting cows, such as summer pasture, winter feed, breeding costs, health costs, veterinary visits, and medications. Producers in the northern regions, including my home State of Colorado, have even higher winter feed costs and have to pay more out-of-pocket expenses for the winter.

In the fall of 1993, the estimated industry average calf break-even price was $81.95 per 100 weight. The average profit was $42 per head.

Since then, however, the industry average shows increasing losses.

In 1994, the break-even price was $80.78 per 100 weight, but there was a $12 per head loss.

In 1995, the break-even price was $80.41 per 100 weight, but the losses increased to an average of $59 per head.

For 1996, industry analysts already are predicting another year of losses which will be even to or greater than the losses incurred in 1995.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which shows the industry average for the ''estimated calf break-even'' prices and the average losses sustained by the producers. I also ask unanimous consent to have printed a second table in the RECORD which reflects the average sale price and profit or loss per hundred weight.

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

TABLE 1—COW/CALF PRODUCER PROFITABILITY

TABLE 1—COW/CALF PRODUCER PROFITABILITY

[Industry average for costs versus returns]

	Number of permits	Percent of total permits	Number of AUM's (millions)	Percent of total AUM's
1993	$81.95	[2] $42		
1994	80.78	[3] 12		
1995	80.41	[3] 59		
1996	TDB	([4])		

[1] Estimated calf break-even prices (per 100 weight).
[2] Profit.
[3] Loss.
[4] Projected loss is even to or greater than less in 1995.

TABLE 2—COW/CALF PRODUCER PROFITABILITY

[Industry average sale price and profit/loss per hundred weight]

Year	Est. calf break-even (per 100 weight)	Avg. sale price (per 100 weight)	Profit/loss (per 100 weight)
1993	$81.95	$94.50	+$12.55
1994	80.78	78.36	−2.42

TABLE 2—COW/CALF PRODUCER PROFITABILITY—Continued

[Industry average sale price and profit/loss per hundred weight]

Year	Est. calf break-even (per 100 weight)	Avg. sale price (per 100 weight)	Profit/loss (per 100 weight)
1995	80.41	63.43	−16.98
1996	TBD	TDB	(1)

[1] Projected loss is even to or greater than loss in 1995.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes, 25 seconds.

Mr. BUMPERS. Mr. President, I yield to my distinguished colleague, Senator JEFFORDS, 2 minutes.

Mr. JEFFORDS. Mr. President, if you only listened to the facts right now, you would come out with completely different conclusions than you would from the positions people have been taking here. Let us remind ourselves, as far as this class warfare argument, just yesterday all of my friends voted in favor of the product liability bill, which has quite a different situation for small and big business. Why? Because small business obviously gets a greater hit, with a smaller amount of money. Well, the measure we are dealing with now will have a fee lower for the small farmers, the small users. All your small farmers—the only ones you are going to benefit, or the only ones my friends arguing so strongly against me are going to benefit, are the large corporate guys, the ones that do not need any help, the ones getting a benefit far above what the present price is for State lands, which we would charge them for private lands.

So why in the world do my colleagues, who want to give all their smaller farmers a lower rate, want to vote against the amendment that would do that, when it only charges the wealthy and huge corporate ranchers the same as they pay on State lands? It does not make any sense at all. I do not understand it. It is just because we are so used to taking positions on one side or the other, and you cannot recognize when we are doing something to benefit you. It is purely to establish a system of equity and sense in the fee system.

I urge all my colleagues to vote for the Bumpers-Jeffords amendment. I yield the remainder of my time.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. DOMENICI. How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes, 30 seconds. The Senator from New Mexico has 1 minute.

Mr. BUMPERS. Mr. President, the Senator from Idaho raised a question about timber. I do not understand the relevance of it. We do set aside timber for small business people. Even so, timber is sold on a competitive basis.

If you want to start leasing 270 million acres of public rangelands for grazing on a competitive basis, I may or may not vote for that, but we do not do that. Do you know how you get a permit? You have to own land. Hewlett-Packard may own 400 acres of land, which they have to do in order to be eligible for a permit. If they have a 400-acre ranch that they own themselves, they can run cattle on 100,000 acres of Federal land.

I am telling you something else. You could not pry these permits from permittees with a wedge. They literally hand these permits down from generation to generation. Under the current regulations, the term of a permit is 12 years. The Senator from New Mexico, his bill originally considered 15 years—is it 15 or 12 now?

Mr. DOMENICI. I believe it is 12.

Mr. BUMPERS. Twelve years is a long time. You cannot compare timber sales, which are let competitively, to a permit which you give some corporation like Anheuser-Busch or Hewlett-Packard, simply because they own a few hundred acres in their own right, give them 50,000 to 100,000 acres to raise cattle on for $1.35 a month per cow.

Everybody here knows what this is—corporate welfare, pure and simple, just like the Market Promotion Program where we give McDonald's money to advertise the Big Mac in Moscow. That is more of the same. Here we are trying to make just a small dent and say that these big corporations who own 60 percent of this 270 million acres pay at least what the State would charge you if you were renting lands from the State.

Why is it that the Government only receives $1.35, and that is way under what any State in the Nation charges for the same thing? It is politics. It is corporate welfare. And it is grossly unfair. I plead with my colleagues to come in here and search their consciences about whether this is right or wrong.

Should we allow this practice to continue? As I say, these things are so patently unfair. They never go away, Senators. They never go away. Let us address it now. If my amendment is not perfect, we will go to conference and make it perfect.

My fee is actually less than the fee of the Senator from New Mexico in the year 2005. We are not talking about what we are charging the small ranchers; we are talking about what Hewlett-Packard, Newmont Mining, Anheuser-Busch, and the biggest corporations in America ought to pay.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. DOMENICI. I wonder if I could get 1 additional minute. Does Senator BUMPERS object?

Mr. BUMPERS. Not at all.

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

Mr. DOMENICI. Mr. President, I want to give two reasons why you should vote against Senator BUMPERS' amendment. First of all, let me suggest that if this were an issue of politics, if this were an issue of how many people are ranchers and cowboys in the State of New Mexico versus those that are not, the politics would be to vote for the Bumpers amendment and put all the small ranchers in New Mexico out of business because there are not very many of them. This argument about the big corporate users—I am not here trying to protect them. They will protect themselves. I am here to protect the small guy.

Let me tell you, in Arizona, New Mexico, parts of California, and in other States, this amendment that is pending will say to ranchers with 176 animal units who use it year long, ''You are a big rancher, and you pay up to $10 in some States, and you are out of business.'' That is what this amendment will do. For another huge portion of them, 354 head will qualify as being large under that amendment that we are debating. They are not big ranchers. They will go broke under this formula.

And last, my second point, Senator BINGAMAN, who has been working on this for a long time, has a bill, and what do you think his fee schedule is? His fee schedule is exactly the same as that in the Domenici bill. I think he has looked at it. He does not agree with everything that we are for, but he does agree that the fee schedule that is being sought by Senator BUMPERS is outrageously high for many, many ranchers in the United States. And if you want them to quit, fold up their tents and go home, vote for the amendment that the Senator from Arkansas has before us.

Mr. BUMPERS. Mr. President, I ask unanimous consent to be granted 30 seconds.

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

Mr. BUMPERS. Mr. President, Karl Hess, Jr., a senior fellow at the Cato Institute—that is not exactly the citadel of liberalism down here—says:

> Domenici's bill is bad for ranchers, bad for public lands, and 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.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. Mr. President, I move to table the Bumpers amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay

on the table the amendment, as modified, of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—52

Abraham	Dole	Kempthorne
Ashcroft	Domenici	Kyl
Baucus	Dorgan	Lott
Bennett	Faircloth	Lugar
Bingaman	Feinstein	Mack
Bond	Ford	McCain
Breaux	Frist	McConnell
Brown	Gorton	Murkowski
Bryan	Gramm	Nickles
Burns	Grams	Pressler
Campbell	Grassley	Reid
Coats	Hatch	Shelby
Cochran	Hatfield	Simpson
Conrad	Heflin	Stevens
Coverdell	Helms	Thomas
Craig	Hutchison	Thurmond
D'Amato	Inhofe	
Daschle	Kassebaum	

NAYS—47

Akaka	Hollings	Pell
Biden	Inouye	Pryor
Boxer	Jeffords	Robb
Bradley	Johnston	Rockefeller
Bumpers	Kennedy	Roth
Byrd	Kerry	Santorum
Chafee	Kohl	Sarbanes
Cohen	Lautenberg	Simon
DeWine	Leahy	Smith
Dodd	Levin	Snowe
Exon	Lieberman	Specter
Feingold	Mikulski	Thompson
Glenn	Moseley-Braun	Warner
Graham	Moynihan	Wellstone
Gregg	Murray	Wyden
Harkin	Nunn	

NOT VOTING—1

Kerrey

So the motion to lay on the table the amendment (No. 3556), as modified, was agreed to.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent Amy Lueders, a congressional fellow, be accorded the privilege of the floor.

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

Mr. BINGAMAN. I also ask unanimous consent that Philip Kosmacki, who is a fellow in Senator WELLSTONE's office, be granted the privilege of the floor for the remainder of the debate and voting on S. 1459.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, Senator BINGAMAN is to be recognized for an amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Might I say, from the Republican side, there are no time limitations on this amendment. I do not believe we want to speak a long time on it. There are a lot of Senators who would like to get some votes behind them here today. I am going to do everything I can to accommodate, without jeopardizing Senator BINGAMAN and those who support him having their opportunities to speak on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3559 TO AMENDMENT NO. 3555

(Purpose: An amendment in the nature of a substitute to the Domenici substitute to S. 1459, the Public Rangelands Improvement Act of 1995)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN] for himself, Mr. DORGAN, Mr. REID, Mr. BRYAN, and Mr. DASCHLE, proposes an amendment numbered 3559 to amendment No. 3555.

Mr. BINGAMAN. 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:

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

Mr. BINGAMAN. Mr. President, this is a substitute amendment I am offering on behalf of myself, Senator DORGAN, Senator REID, Senator BRYAN, and Senator DASCHLE. I know there will be at least three other Senators who wish to speak in favor of this substitute.

Mr. President, there are some basic differences between the bill as proposed, Senate bill 1459, and the substitute that I have just sent to the desk and which we are going to vote on here at some point. Senate bill 1459 deals with BLM land and Forest Service land.

Let me just say generally what I believe it does in regard to each of those. On BLM land, it repeals all the existing regulations the Department of the Interior has in place with regard to grazing on BLM land. It would also put in statutory form a significant amount of the policy that has previously been handled by regulation in the Department of the Interior with regard to BLM land, grazing on BLM land.

Then it states that with regard to any subject that is not covered by this new statute, Senate bill 1459, it would reinstate the old regulations which were developed during James Watts' administration in the early 1980's and which have been in place since that time. So that is what it does on BLM land.

On Forest Service land, it changes the statutory law that the Forest Service has operated under for grazing in our national forests for at least 60 years. It changes it in a way that, in my view at least, encourages more use of the national forest for grazing rather than less use of the national forest for grazing. That is the underlying bill, Senate bill 1459.

The substitute I and my colleagues have offered here has a very different purpose. Its purpose is to identify the portions of the new BLM regulations that have raised legitimate concerns among people who are affected by them, and it proposes that we legislate new statutory policy in those areas. The goal of the amendment is to ensure that the public maintains adequate input into the process of policymaking on our public lands, ensure that land managers have adequate authority to maintain the health of our public lands and, of course, maintain the use of our public lands for all of our citizens.

The substitute that I want to address here works to accomplish these goals. I believe it will provide real stability for permittees and lessees as well. In some detail, I would like to describe, first, what the substitute does and then some of the things that it clearly does not do.

First of all, what the substitute does. I have a chart here, Mr. President, that tries to identify the key policy changes contained in this substitute and the issues we have tried to address. As I said before, what we have tried to do is listen to the concerns of people who are permittees and lessees, listen to the concerns of others who have need to use the land or desire to use the public land, and put in statute those things we believe need to be statutorily provided for because they are not adequately covered by existing regulations.

We otherwise leave in place the existing regulations on the BLM land, and, of course, we do not apply most of this bill—all but three provisions of this bill do not apply to the Forest Service. We allow the Forest Service to continue to administer the lands under the existing law that they have in place.

The first thing we have changed is that we provided that ''interested publics,'' as described in the existing regulations of the Department of the Interior, are replaced by a definition of ''affected interests.'' Now, what does this mean?

One of the complaints we heard from ranchers about these new Department of the Interior regulations was that those regulations expanded the group of people who were entitled to be consulted or notified about grazing decisions. The old regulations provided that, in order to be notified, you had to be a so-called affected interest, as determined by the Bureau of Land Management.

Under the new regulations, anyone who is part of the interested public—that is the phrase that is used in the new regulations; the ''interested public''—anyone who is part of the interested public has a right to be notified.

In our view, this was a legitimate concern by ranchers. They did not believe that anybody who just had an interest should be given equal standing to be notified. What we have done in this substitute is return to the old language in the old regulation instead of the broader definition of an ''interested public.'' We believe that that is an appropriate change in the law that responds to a legitimate concern that was raised and brought to our attention.

The second item here is regarding NEPA, the National Environmental Policy Act. A concern was raised, again by permittees and lessees, that the application of NEPA had become so pervasive by the land management agencies that many of the actions and decisions which the permittees and, in fact, the agencies considered to be fairly routine and not posing any threat to the environment, they were being required to go through long procedures under NEPA, and it was slowing down the process of getting a response from the agencies.

Let me point out that this is not something you can blame on Secretary Babbitt. There is a lot of criticism of Secretary Babbitt from many corners here in this debate. But he cannot be blamed for this. Neither can Dan Glickman, our Secretary of Agriculture. This requirement that applies NEPA to all of these different activities applied before those two individuals ever came into office. It is not the result of regulations that have been adopted; it is the result of the law that we in the Congress passed.

The question is, how do we deal with the problem? Senate bill 1459 tries to deal with the problem of NEPA application to all of these routine activities by essentially saying that NEPA only applies in the preparation of a land use plan and saying that, after that, any action or decision related to grazing is not covered by NEPA and therefore NEPA does not have to be complied with with regard to those other items.

In our view, that exemption is too broad. We propose a much more limited exception for NEPA. We say that renewal and transfer of grazing permits, and only the renewal and transfer of grazing permits or leases, can be done without complying with NEPA; that that can only happen where it is determined by the Secretary that the renewal or transfer will not involve significant changes in management practice or use and that significant environmental damage is not occurring or imminent. But where he can determine there is no significant change in management practice or use and no significant damage is imminent, then clearly he can go ahead and renew a lease or transfer a lease or a permit without complying with NEPA.

We have done one other thing, Mr. President, with regard to NEPA. That is, we have included in the substitute a provision that directs both the head of the BLM and the head of the Forest Service to prepare a list of NEPA so-called categorical exclusions for nonsignificant grazing activities. The effect of having categorical exclusions for nonsignificant grazing activities will be to expedite the process. This is not a new loophole or a change in NEPA; it is a clear congressional direction that they should, under NEPA as it now exists, go ahead and use these categorical exclusions.

In our view, this is a much more limited and targeted way to deal with the problem of routine concerns that are not involving significant damage to the environment. It addresses the specific problem. It does not blow a major hole in the application of NEPA to everything that relates to grazing except that at the land-use-plan level.

The next item I want to mention is that in our substitute we reinstate grazing advisory boards. Again, Mr. President, this is a change in the existing regulations. The new regulations that were adopted this last year eliminated grazing advisory boards. They became, essentially, defunct. They had not been appointed, and the Secretary did not reestablish those in the new regulations. We have done what I believe the underlying bill does, and that is to provide for the reestablishment of these grazing advisory boards.

In my view, it is appropriate to do so because they would provide a significant forum that ranchers, permittees, and lessees could use to have input. Half of the membership is to be made up of permittees and lessees, and half to be made up of other local individuals chosen by the Secretary.

Another change that we have adopted in this substitute, another provision, is that we do adopt the grazing fee formula that is in S. 1459, but we have put in a stabilizing provision. We have put in a minimum fee of $1.50 per animal unit month. This would involve some slight increase from $1.35, which is what the formula now results in, to $1.50 per month. Then the fee would go ahead and be whatever fee was higher than that, if the new fee that Senator DOMENICI devised would call for that.

Quite frankly, I do not know if that is the exact right level of the fee. I do not think that the main issue here is how much money can be obtained from people for use of this land. I think that is a very secondary issue. The main issue here is what laws do we put in place to preserve the health of the rangeland.

The next provision deals with indirect control. The indirect control provision is removed from the affiliate provisions. This is a fairly arcane item. The concern here is that looking at renewals, permittees were being held accountable for actions of people who were not under their control. That was the concern that was brought to us.

To the extent that problem exists, we have corrected it in our substitute. The new regulations that are in place can look at actions of persons under the indirect control of the permittee. Our substitute bill makes it clear that the BLM could only consider the actions of the permittee and persons under that permittee's direct control in deciding whether or not to renew that lease or that permit. That is a very small item that was called to our attention and seemed legitimate.

The next item is the surcharge exemption. In cases where subleasing is occurring, the new regulations provide an exemption from any surcharge only for sons and daughters of the permittee or the lessee. We heard the complaint from permittees and lessees that that was too narrow a provision, that there should be an exemption from surcharges for other immediate family members, as well. So we have put a provision in saying that the surcharge exemption should be expanded to include a spouse, a child, or a grandchild. Again, we have proposed a specific solution to a specific concern that was drawn to our attention or brought to our attention.

The next item on our list is for fallback standards and guidelines. The substitute that we are proposing does not require any minimum national standard or guideline. Instead, the Secretary, in consultation with the resource advisory councils, the grazing advisory boards, appropriate State and local government and educational institutions, and after providing an opportunity for public participation, will establish statewide or regional standards and guidelines. We believe that is more acceptable to many of the people involved. That seemed like a reasonable resolution of that problem from our perspective.

The final item I have is the resource advisory councils and the grazing advisory boards are to be involved in developing criteria and standards for conservation use and temporary nonuse. Our substitute expressly provides for conservation use. That is a major difference between our bill and the underlying bill.

The resource advisory councils and grazing advisory boards should be consulted when the Secretary develops criteria and standards. Conservation use can be conducted if the agency approves the use, because it is necessary to promote rangeland resource protection, and the use is consistent with the land use plan. A permittee under our proposal does not need to be engaged in the livestock business to practice conservation use.

When I spoke yesterday about the underlying bill and read the letter from the Nature Conservancy where they expressed their concern about this in the underlying bill, the substitute makes it clear that they do not need to pass a test, a threshold test, of being in the livestock business in order to attain a permit and engage in conservation use.

Now, what we have done is to leave the decision to the land management agency as to whether or not to permit or to allow a permit to be transferred to a person who wants to use it for a conservation use. In my view, that discretion is appropriate. It is important this issue is resolved both for the permittees and the lessees who reside in our States.

The underlying bill authorizes coordinated resource management agreements which could be, presumably, used for conservation purposes. It appears that under the underlying bill, a rancher could agree to enter into a conservation agreement with other groups, but those groups—groups such as the Nature Conservancy—cannot by themselves hold a permit and enter into a conservation use. We try to correct that problem.

Mr. President, this is a fairly good description or a fairly complete description of what is in our bill and a summary of the problems that were brought to our attention as a result of the new regulations of the Department of the Interior. We did solicit concerns from permittees and lessees and others who had problems. With the exception of these provisions, we do allow those regulations to remain in place.

We had several speeches on the floor yesterday about how both the Department of the Interior through BLM and the Department of Agriculture through the Forest Service were, in the view of some, trying to run the ranchers off the land; they were trying to end this way of life that the cowboy has had historically in the West. I have heard those speeches, Mr. President. I have heard them now for several years. I just need to say for all my colleagues to hear that I do not think that reflects the reality that I see in my home State.

I do not dispute that there have been instances where one or both of those agencies have overstepped, or where permittees and lessees have been unfairly treated, but I also do not dispute that there are some provisions in the existing regulations of the Department of Interior that should be changed. We have tried to change those in this proposed substitute.

I want all of my colleagues to know that what we are trying to do in the substitute is to correct specific problems that have been pointed out to us. We are not trying to create new problems. It is a very difficult balance that is required between those who graze on the land and those who want to use the land for other purposes. I believe the agencies themselves have been trying to find that balance, sometimes ineffectively, but they have been trying to.

I believe Senate bill 1459 will bring imbalance to this relationship. For that reason, I do not support it. I think our substitute is preferable. I will briefly recite the concerns I have with S. 1459 later in the debate, Mr. President.

I see I have a colleague here from North Dakota anxious to speak. I yield the floor.

Mr. DORGAN. Mr. President, I commend the Senator from New Mexico, [Senator BINGAMAN]. I want to follow his statement with some observations of my own about the substitute that he offers with myself and others today on this issue.

I view this issue not only from a national perspective, but also, especially, from the perspective of western North Dakota. That is where I was raised, where I grew up. It includes the grasslands and badlands and a lot of wonderful territory. I have, when I was younger, ridden a horse with my father through most of the badlands and much of western North Dakota. I have spent a lot of time on horseback, riding across those wonderful tracts of land. I do not have any interest, in any way, in injuring the scenic value, in interrupting the multiple use, or in preventing the American public, who owns much of this land in western North Dakota, from having full access to and full use of the land.

But I also know from having been there, especially when I was younger with my father, and since then as a public official, I have been there visiting ranches and going to meetings with ranchers and others. I also know there are a lot of people who live out in western North Dakota, who make their living out on a family ranch, who invest a little money, maybe raise some cattle, do not quite know what the price will be when they get to the point where they are going to sell cattle. They have an enormous risk. They rent some land to graze on. They pay a grazing fee to the Federal Government and run some cattle on that land. Most of them have an interest in treating that land well. They understand that stewardship. Most of them are environmentalists, in my judgment. Most of them care about wildlife and care about the shape that land is in.

I thought it would be interesting to read for my colleagues a letter from Merle Jost, from Grassy Butte, ND, because there is a lot of hyperbole about these issues. People stand up and wave their arms and talk about the Bingaman substitute, the Domenici bill, or this or that, or the other approach will destroy wildlife, destroy hunting, destroy the scenic beauty. I have heard all of these things. I have some feelings about what we ought to do and ought not to do today. But I want to say to you that on behalf of a lot of people out in my part of the country, who are trying to make a living and do a good job and be good stewards of the land, they also care about the same things that many of us care about in here, that stand up and talk about wildlife. Here is a letter from Merle Jost:

As I write this letter, the deer are sneaking into the bird feeder—guess I'll have to put out more sunflower seeds.

There goes another bunch—after the pheasant food—more of that. There goes a flock of sharptales—to dine on my oat bales.

The antelope are in the alfalfa field again. Oh, well, spring coming; they will soon scatter. My neighbor to the north is feeding 200 turkeys these days. He deserves a medal—turkeys are hell.

My neighbor to the east has 30 deer a night—eating ground feed out of his augers.

I see a lot of press conferences screaming about ranchers wrecking this and that or destroying this and that. He said, ''We support wildlife.'' He is right. Anybody that knows much about ranching could exist with the wildlife in western North Dakota. This is an issue for a lot of people, an issue for ranchers. It is an issue for people who also want to use that public land for hiking, for hunting, for a whole range of issues. That land will be, and ought to be, open to multiple uses.

We are here because, especially in my part of the country, ranchers who are involved in the use of that land for grazing purposes—that is one of the uses—have had some difficulty with respect to the management of that land. Let me give you an example. One permittee, the McKenzie County Grazing Association, has been denied a permit for a dozen years to construct a crossfence along a pipeline corridor in this allotment. He was going to construct it at his expense. A dozen years, no permit. The Forest Service agrees that the fence would improve the range conditions. But only now, after pressure from the association, are they going through the scoping process.

Another permittee is unable to construct a water pipeline into a crested wheat-grass area, which the Forest Service also agrees would result in better range conditions. Why? Because, after 3½ years, the Forest Service has not been able to do a biological survey. It is not that somebody says it is not a good idea. It is a good idea and ought to be done. But the landlord is not able to do the survey, does not have the money, does not, apparently, have the will, or is not interested in the speed to do a survey. So 3½ years later, something that probably ought to be done, and will be done at the expense of the rancher on public lands, is not even started. Ranchers say, ''Wait a second, why can we not get answers and have better stewardship on the part of the managers of this land?'' It is a reasonable request.

When those of us who evaluate these things look over these kinds of complaints—I have concluded that we ought to respond to them. There ought to be a better management scheme and management system on these public lands so that in those areas where we have grazing use, those who are grazing these lands, if they need to have a water pipe come in, or have a water tank moved, or construct a fence someplace, you ought not have to wait 18 months or 12 years for answers about that. That is what this is about. It is not about anything more than that.

I have seen editorials in the last couple of days that talk about this is a land grab, and that this is giving public property to the ranchers, this is turning the keys over to the ranchers, it is

trying to disrupt multiple use, and it means turning our back on wildlife. That is not the case.

Now, we have before us a couple of choices today. One is the Bingaman-Dorgan substitute, which we now offer on the floor of the Senate. The other is the underlying Domenici bill. Let me say this about the Domenici bill. It has changed some, and I think along the way it has been improved some. I think it could be and should be improved more. But the fact is, it has moved. This has been a process over a series of months where there have been a series of changes. The Bingaman substitute, which we offer, I think, is a better solution. They are, in fact, almost identical with respect to title II. The substantial differences in the substitute are in title I. Let me go through a couple of points with respect to the substitute and why I think it is a better approach.

First of all, it is a better way to construct law. It is a shorter piece of legislation. The Domenici bill started with the proposition they were going to—I said in the committee that the Domenici bill is really a letter to Secretary Babbitt. There is a better way to write to him than to write 95 pages of codifications of regulations. I do not think you ought to codify regulations in law. I respect the fact that there are some problems with the Babbitt regulations. What Senator BINGAMAN and I are trying to do is determine, with the ranchers and others, what are the problems, and then address the solutions to the problem. That is the best way to legislate. That is what the substitute does.

We, I think, come to a better conclusion and a more appropriate conclusion on the issue of public participation. These are, and will be, multiple-use lands. Hunters have a right to these lands; hikers have a right to these lands; and a myriad of other users have a right to these properties, and that will remain the circumstances under the legislation we have proposed. They will remain in a situation where they will have access to these decisions, and they will be consulted as affected interests on the major decisions, and the significant decisions about the use of these lands.

We also recognize that we are addressing some language in this legislation to respond to real problems ranchers face. We do this, as Senator BINGAMAN said appropriately, in a manner designed to solve problems, not create new problems. I think that our approach is an approach that addresses legitimately the problems that ranchers have described to us—and they are real problems—but doing it in a way that does not cause additional problems and does not diminish the opportunities of other multiple users to use this property.

One of the issues that we were at odds about, which was never resolved in a whole series of negotiations we had, was the issue of conservation use. I firmly believe that conservation use ought to be available. If an organization such as The Nature Conservancy wants to have a permit on 500 acres in North Dakota for its own reasons and has decided it does not want to graze cattle on that, I think that ought to be allowed. It is explicitly prohibited in the underlying Domenici substitute. That is one of the areas we were simply never able to resolve.

Would I want there to be a circumstance where someone came in and said they were going to take all of that grassland in western North Dakota and make it conservation use and graze nothing on it? No, I would not want that. The fact is that too much of western North Dakota is already becoming a wilderness area without a designation because too many people are leaving. We need more people coming to our part of the country. My home county, which is in western North Dakota, has lost 20 percent of its population in the last 15 years.

So, would I think it is appropriate for us to have a circumstance where an organization comes in and tries to buy it all up and says, ''By the way, we bought it for the purpose of deciding not to graze it''? No; I would not support that. But do I, on the other hand, believe that we ought to expressly prohibit someone from taking a small tract of land for the purpose of trying to nurture some specific kind of wildlife and then say to them that they cannot get a permit and decide not to graze that? I do not think that is appropriate either. We have had circumstances, even in our State, where it has been to the benefit of all of the surrounding ranchers that a conservation use on a small acreage has helped all of the other surrounding ranchers who are grazing other acreage, with respect to wildlife production.

So I think the expressed prohibition in the Domenici bill is inadvisable.

In the substitute that Senator BINGAMAN and I have offered, in title II, we incorporate a portion of title I which deals with a conditional NEPA exemption for permit renewal and transfers. We think that makes sense. We think what you ought to do is invoke NEPA when you have significant actions. We think that when you have insignificant actions, such as a permit transfer renewal, which is not a significant action and which would not affect the condition or circumstances of that land, we think that NEPA should not be traded.

So those are the kinds of things that we have included in this substitute. I have mentioned three of them. But there are about 10 that make this substitute a much more advisable piece of legislation for this Senate to enact.

I feel very strongly that the kinds of things we have done in this substitute are the kinds of initiatives that are designed to address the problems that have been brought to us by ranchers, but to address the problems in a way that does not cause other problems or does not restrict in any unfair way others who want access to and have every right to have access to this property.

Let me conclude, without going through all of the details of the substitute because I think Senator BINGAMAN has done an excellent job of that, by ending where I began.

I would not come to the floor of the Senate supporting any initiative under any condition if I felt it was an attempt by anybody to grab land for one specific interest in western North Dakota. These lands are owned by the public. The public has a right for multiple use of these properties. That right shall remain. But I also understand, having grown up there, that this land has been populated for many, many years by a lot of families out there struggling to make a living raising cattle. One use of this land has been grazing, and the circumstances under which this land has been managed have in some cases been acceptable but in other cases been deficient. Both of us, Senator BINGAMAN and I, as well as Senator DOMENICI, are offering initiatives today to say we would like to address those problems. We address them in different ways. I think ours is preferable to Senator DOMENICI's. I say that, at the end of the day, I hope the Senate will have spoken in a way that says these are real problems, here is a solution that is appropriate and is a satisfactory solution that solves the problems without creating additional problems.

Mr. President, with that, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Might I ask Senator BINGAMAN if he has any idea of how many more speakers he might have?

Mr. BINGAMAN. Mr. President, in response, I know that Senator DASCHLE wanted to speak for a very short period, and I know that Senator REID asked to be allowed to speak for up to 45 minutes. Senator REID had a meeting at 3, and he will get here as quickly as he can. We just sent word to see if Senator DASCHLE is able to speak now.

Those are the only two that I am aware of that want to speak. There may be others.

Mr. DOMENICI. Did the Senator indicate that Senator DASCHLE would like to speak now?

Mr. BINGAMAN. I indicated that we are trying to check to see when he wants to speak.

Mr. DOMENICI. We do not need very much time at this point.

Does the Senator from Idaho want to speak to the water issue? Could he take a short amount of time in his succinct way to address this important issue?

Mr. CRAIG. No more than 5 minutes.

Mr. DOMENICI. I yield 5 minutes to the distinguished Senator, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank my colleague for yielding.

Mr. President, I will be succinct. But I do think that we have a great concern

about Senator BINGAMAN's substitute and how he deals with water. It is very clear in our legislation that the States have primacy in all water issues and that the Federal Government must comply with State water law. We know that Congress after Congress has affirmed this very position. In the Democrat substitute that Senator BINGAMAN has offered, it declares that new water rights shall be acquired, perfected, maintained, and administered in connection with all livestock grazing in accordance with State law.

The key word here is ''new'' water rights. The Democrat substitute makes no provision against the extortion of water rights as a condition to grant a grazing permit or leased range improvements, cooperative agreements, or range improvement permits as provided in the Republican substitute, nor does the Democrat substitute require that the Secretary follow State law with regard to water rights ownership and appropriation as provided in the Republican substitute. Both substitutes protect valid existing water rights, but the operative word here is ''new.'' Let me repeat, ''new'' water rights.

What about all water rights? What about existing water rights? Does anyone seriously believe that this Secretary of the Interior, who I think helped write this legislation, is not concerned about water and trying to grab back as much water as he can off the lands where valid and existing water rights have already existed?

In the 1995 appropriation act, the Secretary of the Interior tried directly to assert Federal ownership and control over all water rights on Federal lands. This time he plans to do it indirectly through this kind of legislation by talking about dealing only with new water rights and leaving it up to his solicitor to interpret the language of excluding all existing water rights.

Mr. President, this is a concern that I hope, if my interpretation of it is wrong, the Senator from New Mexico, the junior Senator, will correct. We know where Secretary Babbitt is. He is very clear, and he has even sidestepped NEPA and the ESA to stage a media event with his friends and special interests in the Grand Canyon with an artificial flood event that could jeopardize important ruins, threaten endangered species, and jeopardize blue ribbon trout fisheries.

I say this in all sincerity. I hope that the junior Senator from New Mexico could clarify for me because it is very important that we stay within State law on this water issue; that we stay with ''existing and new water rights.'' I believe his legislation speaks only to ''new,'' and that must be clarified. I hope he can do that.

I yield back the remainder of my time.

Mr. BINGAMAN. Mr. President, let me just respond to the questions because I think what has been raised is a classic red herring. In the West, many more people have been killed for water than for infidelity to their spouse, and I think this is obviously a hot button issue. We have provided as explicitly and as clearly as we can understand the English language that valid existing water rights are protected. We say on page 11, line 14, ''Valid Existing Water Rights.'' That is the title of the sentence, or the section. It says, ''Nothing in this title shall be construed as affecting valid existing water rights.'' Period.

I do not know how to make it any clearer than that.

In the previous sentence, we say, ''No Federal reserved water rights.'' We say, ''Nothing in this title shall be construed as creating an express or implied reservation of water rights in the United States.''

So we have covered the exact concern that the Senator from Idaho is raising.

In the previous sentence we say:

> New water rights shall be acquired, perfected, maintained, or administered in connection with livestock grazing on public lands in accordance with State law.

That is appropriate. Clearly that is what we intended the law to be. And we have covered valid existing rights in section (c) of that same section. I do not understand what the issue can be. If there is a more plain-English way to say that valid existing water rights are not affected than to say ''nothing in this title shall be construed as affecting valid existing water rights,'' I would like to hear it.

Mr. CRAIG. Will the Senator yield?

Mr. BINGAMAN. I am glad to yield.

Mr. CRAIG. If the Senator had said ''all'' water rights, I would agree with him. The Senator did not. His amendment explicitly singles out ''new'' water rights. It is very important that we have that understood for the record, and it is important, I think, if we are to protect these State rights and individual rights, that language comply with the bill of the senior Senator from New Mexico because it clearly sets out that whole issue.

Is there a reason for a singling out of ''new'' versus the interpretation of, and excluding all existing rights?

Mr. BINGAMAN. Mr. President, what I said before was that we have the section, section 112, broken down into three subsections. The first section deals with new water rights. The second section deals with Federal reserved water rights. The third section deals with existing water rights. So we have covered all three. I do not understand what the problem is. We have covered existing water rights in section (c). We have covered new water rights in section (a). We have covered Federal reserved water rights in section (b). What is the problem?

Mr. CRAIG. It is this Senator's opinion that by selectively singling out ''new'' water rights, you leave open to opinion by a very unfriendly solicitor and by a very unfriendly State water rights Secretary this issue. I think the question must be closed or you place those water rights in jeopardy.

Mr. BINGAMAN. Obviously, differences of opinion are what makes for horse races, Mr. President, and the Senator from Idaho can believe what he will about what the language provides. I can tell him that my intent was and our intent was in drafting this language to make it crystal clear that with regard to existing water rights, with regard to new water rights, with regard to Federal reserved water rights, we were not changing the law. And that is what we say.

Mr. CRAIG. Yes. Will the Senator yield?

Mr. BINGAMAN. I am glad to yield.

Mr. CRAIG. I think the Senator has answered my question.

The Senator has argued an interpreted point of view. We can stumble around on interpretations when it comes to western water. The Senator and I must be in agreement with exactly what is said or the Solicitor of the Department of the Interior will jump squarely into that hole.

Now, I believe the language of the senior Senator from New Mexico is much clearer. It says, ''No water rights on Federal lands shall be acquired, perfected, owned, controlled, maintained, administered or transferred in connection with livestock grazing permits other than in accordance with State law concerning the use and appropriation of water within the State.''

The Senator and I both know that water is critical in the West and water is especially critical as it relates to the grazing on these arid public lands, and who controls that water oftentimes controls the grazing. We already know the position of this Interior Department on water. They want it. They want to control it. In 1995, the Secretary went directly at us on that. We must not allow this to be interpreted. I hope that the Senator could agree with the language that appears on page 19, section 124 under ''Water Rights of the Underlying Bill, S. 1459.''

Mr. BINGAMAN. Again, Mr. President, I think the Senator from Idaho is pointing out a problem that does not exist. I think we have made it very clear that with regard to existing water rights, with regard to new water rights, with regard to Federal reserved water rights, there is nothing in this bill and there is nothing intended in this bill that is to change the law with regard to it. That is exactly what we have said. That is exactly what we mean.

There is no hole for the Solicitor of the Department of the Interior to jump into. There is no ambiguity here that needs an interpretation. Nobody in the committee raised this issue. The Senator chairs the appropriate subcommittee. This was not raised. This language has remained unchanged through the markup. Nobody has raised this concern until right now on the Senate floor. I do not think it is a valid concern. That is my response.

Mr. CRAIG. Will the Senator yield for one more question?

Mr. DOMENICI. Mr. President, I will yield another minute.

The PRESIDING OFFICER. The junior Senator from New Mexico has the floor unless he yields.

Mr. BINGAMAN. I will yield the floor.

Mr. DOMENICI. I yield 1 minute to the distinguished Senator, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I only say to the junior Senator from New Mexico that his language was not at issue because it was not the document that makes it to the floor of the Senate coming out of the committee for the one area of the committee of jurisdiction that I was responsible for.

All I say is I believe there is a difference. I believe there is an opportunity to interpret. I think it ought to be closed, and the way that can be closed is for the Senator to accept the language in section 124 of the language of the senior Senator from New Mexico. If the Senator will do that, I then have no argument.

Mr. DOMENICI. Wait a minute. The Senator will have no argument with that provision.

Mr. CRAIG. I thank the Senator for the clarification—with that provision.

Mr. BINGAMAN. Mr. President, I respond that if we could pick up the Senator's vote for our substitute, we clearly would be willing to consider that. But I should say that our language is, in my mind, very clear and clearer than the language in the underlying bill. So I suggest that the Senator accept our language rather than we accept his.

Mr. CRAIG. Returning to my time, when you speak of no water rights, that is all. That is inclusive. And when we speak specifically of no action, no water rights unless they are in accordance with State law, you have broken it out and allowed interpretation. I know this solicitor and I know this Secretary of Interior, and I know westerners do not trust them. And this is one Senator who does not trust them either. I do not want to give them a chance to play interpretive games with western water.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Does the Senator from Wyoming desire a couple of minutes?

Mr. THOMAS. Just a couple of minutes.

Mr. DOMENICI. I yield 2 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, in general terms, it seems to me that what we have been doing in Congress for a year, year-and-a-half and continue to do is to try to find a way to cut through some of the kinds of regulations, maintain the effort without all of the difficulties, and one of the places—and I have worked very closely with it—is NEPA. I think we have to remember that NEPA was designed and developed as a process for major Federal action, major Federal action. That is precisely what we have done in the Domenici bill, is to hold that to major Federal action.

Now, the problem that has happened in the past, particularly with the Forest Service—we did it this year; we had to go through with some legislation—was that it was uncertain, it was uncertain, so the lawyers over at Justice and over at the Department of Agriculture said to the Department, said to the Forest Service, ''Look, you have to do it. It doesn't say to in the law, but it is uncertain, and the Secretary may decide or may not decide.'' And that is how we ended up with all the NEPA things on grazing allotments. We have been through that the whole year long.

This substitute continues with that kind of uncertainty, and it says you do not have to do it if the Secretary does this, if the Secretary does that. We will end up right back as the subject of lawsuits.

Mr. President, that is precisely what we are trying to avoid, and the substitute puts us right back in that field where in the other one we have tried to make it clear that the NEPA requirement is there, the NEPA process is there for land use planning, the NEPA process is not there for those rather mundane, daily decisions that are made on grazing allotments and the kinds of things that in no stretch would constitute major Federal action.

That is where we are. So I just think that the whole point of this thing is to try to do away with that ambiguity. And the fact is that this substitute puts it right back there.

I do not understand what the sponsor was talking about on surcharge. There are two opportunities within the Domenici bill for subleasing. One, of course, is in the case of death or illness. The other is with a cooperative agreement, which we have had. You have to have an agreement with the agency to have subleasing. We want to continue with that. It is a very important part of grazing in our part of the country and our bill does that. This one does not talk about subleasing. It simply talks about surcharges.

So I think that moves away from what we are seeking to do. It is a matter of conservation use. There is an opportunity for conservation use. I think, though, if you are going to have a land use plan which requires grazing, which is part of the community, and part of what upholds these communities is grazing, then to say maybe you do not need to have any grazing, that you dissociate base land—we went through our map yesterday. There is a very real relationship between base land and winter feed, for wildlife or livestock, and these leases. The idea that you can come in from Cincinnati and have a lease, here, with none of the other portions that go with it, is not realistic. That does not reveal much understanding of the way these lands are interdependent.

So I think the Domenici bill, in these cases, deals both with conservation nonuse—it allows that, with an agreement with the agency—it allows for subleasing, and it deals with the surcharge. But most important of all, it clarifies this area of NEPA process.

Mr. President, I feel very strongly that the substitute simply weakens this process that we have been through for so long a time.

I yield the floor.

Mr. DOMENICI. Does the Senator desire some additional time? I will be pleased to yield 5 more minutes, because we are waiting for Senator REID. He will not be here for some time, so we are going to use up some time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. I yield 5 minutes.

Mr. THOMAS. Mr. President, I know we are talking here about the whole question of our bills. I do want to talk about how important it is that we have passage of this bill and I am pleased that, in the process of the discussion, it has been demonstrated that there is not a great deal of difference here. We have already talked about the fact that these fees do not amount to a great deal, in terms of money. But we are talking here, now, about trying to establish a long-term economy in our States. We are talking about stability in the area of grazing. We are talking about moving some of the decisions more close to the States and to the users.

Of course this is public land. I understand that. That is why we are so careful and so clear in the Domenici bill, to say this is multiple use. There can be no question about that. This question of dominant use is simply not a valid observation.

But we do need to begin to involve more closely, people who are in the area. For instance, Secretary Babbitt came out to the West all last year and the year before. We had these series of meetings. He talked to all these folks and, yet, came back with his proposal last year that was exactly the same as it was when it began.

We need to involve, for instance, land-grant colleges in the development of the policy that is involved here. We need to involve State departments of agriculture. And we are there to do that. We need to make it a situation where communities can depend upon this economy. It is one that is very important.

I think, most of all, what is not understood generally, and I know why—because it is unique to the West—is that these lands are interdependent. These are low-production lands, for the most part, these BLM lands. They do depend on winter feed. They depend on deeded land for winter feed. They depend on deeded land for water. Sometime earlier this afternoon someone

was saying you could have 400 acres of base land and lease 100,000 animal units. That is not the case. You cannot do that. You have to have someplace to take care of this livestock in the wintertime.

So we are looking for some balance here. I think we have worked at this, now, for more than a year. We have made considerable accommodations. Both the Senators from New Mexico have worked at this, and I salute both of them.

We have some basic difference. One of them, I think, is bureaucracy. I think we are seeking to reduce bureaucracy. Frankly, I think the substitute increases bureaucracy. We do not need to deal with that. We need to deal with NEPA. It is there, clearly there. I am the chairman of the subcommittee that is taking a look at the NEPA process and we need to find ways to reduce some of that bureaucracy.

I met with the new supervisor of the Black Hills Forest 2 weeks ago. They are in the midst of a forest plan. He has documents higher than his desk, the things they have done.

The people on the ground are beginning to understand that we need to reduce that NEPA process. Not do away with the purpose, not do away with input, not reduce the opportunity for people to participate, but not to have that process in the minutia of the management of a grazing unit.

We also need to do something with the forest. I think the Domenici bill treats it very well. It says ''substantially the same.'' Our folks feel very strongly about that. There is no real reason to have two unique opportunities here. We have not told them to be exactly the same. We said you should be substantially the same.

So, I think we have made a great deal of progress here. Frankly, other than the water thing, the department does not want this because they like what they have. But I can tell you they have not moved very fast on the implementation of their regulations. If we do not make some changes now, a year from now, if they are still there, Babbitt is still there, you will see a real rush to change. I believe that very strongly. Now is our opportunity to soften some of those kinds of things that we think are difficult and troublesome.

We have this opportunity. So I really feel very strongly about the efforts that we have made. We have accommodated the other side to a great extent. And now we have a few areas in which we have different views. I think the one we just talked about in water is a different view. I happen to have the idea that States rights are very important in water. We have part of that in the agriculture bill that is going on right now. The water, when you live in a State where much of the water comes from snow pack, and much of it on the forest, then you have to have some real strong State rights in water. We make some progress, we make some progress in that.

I certainly encourage my colleagues to support this bill. I think we can pass it here in a very short while. I hope we do not accept the substitute and go back into this maze of NEPA regulations that are not necessary to have the proper outcome.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to say to my good friend from Wyoming, I kind of got myself carried away for a bit, because all the previous debate was under a time limit. But we are not under one now. So, nobody has to ask for time. They just have to get the floor.

As a parliamentary inquiry, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I want to speak for a few minutes and I want to say to anyone on the other side who arrives, who wants to speak, in the interests of an early evening I will try to cut it short when anyone arrives who wants to speak.

First, I would like to say that an awful lot has been said across this land about the National Environmental Policy Act as it applies to grazing leases. We have heard across this land those who side with the environmentalists, or those who are at least joined together in an effort to minimize the use of the public domain by the grazing community—we have heard talk about the National Environmental Policy Act as it applies to grazing as if it were the Bible for environmental protection. I mean that in both contexts of the Bible—specific and ancient. Neither is true.

The Bureau of Land Management, the entire Bureau of Land Management, does not use National Environmental Policy Act statements to control, manage, or evaluate the public domain.

Let me repeat. They do not use them. Frankly, I commend them. Just because there is a request for a National Environmental Policy Act implementation, or a NEPA statement, does not mean that it is the best, that it is even the prescribed, that it is even close to being the appropriate way to evaluate the environmental impact and the overall management, or land use as it pertains to managing a permit. The reason is because nobody had in mind when they drew up NEPA that we would even consider applying NEPA to a grazing permit and its renewal.

I say that because I have read the early history, and I cannot find anything in it that refers to such. Mr. President, do you know what it says? It says, if there is a major Federal action, then NEPA applies.

I cannot believe that with thousands upon thousands of grazing permits that anyone really believed that every time one of those was going to be renewed that it was a major Federal action. Again, the Bureau of Land Management does not use them. Frankly, the reason was precisely stated on the record at a hearing. No. 1, they are not very good for this kind of evaluation. No. 2, they are very, very expensive, anywhere from $50,000 to $1 million. And No. 3, they are very, very time consuming, anywhere from a quick turnaround of 6 months to a year and a half.

Frankly, accolades to the Bureau of Land Management for saying that does not even apply to grazing permits on the public domain lands.

How many times has it been written across this land by those who oppose the Domenici bill that you are taking away environmental protection because you are abolishing and abandoning NEPA? Let me repeat, NEPA does not apply today to the issuance of Bureau of Land Management grazing permits, and I have just told you why, because there is nothing magical about it being the only evaluating tool around to determine whether a 50,000-acre grazing permit in a State which might have 20 million acres or 30 million acres—there is nobody saying that is a major Federal action.

Let us move over to the other part of the public lands, the Forest Service. The best that can be said about NEPA and the Forest Service is that there has been a gradual movement in this administration in the last 3 years to use NEPA on public lands of the Forest Service where grazing is involved. It was used sparingly for the very reasons I just stated. But there are those who want no grazing on the public domain. They have had mottos to speak of how long cattle can be on the public domain. ''Cattle free in '93'' was a cry not too many years ago. I am glad they have not won yet, but we have been moving in that direction.

That kind of entity will begin filing lawsuits against the Forest Service, and sure enough, we will get some court someplace that will interpret this to mean NEPA applies to even the renewal of a grazing permit, and then they will come and tell us that is the law.

The law is what Congress says is the law. We are asking Congress in this bill to make sure the Bureau of Land Management's policy remains intact. We are also asking that with reference to the Forest Service and the Bureau of Land Management that there be one major use for NEPA, and it is big and it is important, and it is appropriate in its full implementation.

NEPA will be applied to the Forest Service and the BLM when the land use plan is developed for a national forest that is being reviewed for all of the various competing uses. A full environmental impact statement will be obtained; all the citizens will be involved. As the plan is put together, there will be rights to go to court, to litigate. But we contend in this bill, contrary to what my friend, Senator BINGAMAN, provides, we provide that beyond that, you use other tools to evaluate, not

NEPA. I do not think that is antienvironment.

Senator BINGAMAN chooses to say there may be other cases. It is left up to the discretion of the Secretary. Frankly, I do not want to do that. This whole problem is before the Senate because of this Secretary of the Interior. That is why we are here, because Secretary Bruce Babbitt declared a war on the ranchers and decided that he would go all one way. How am I going to sit here with the understanding that he might be around for a while and give him the authority to determine when we are going to use environmental impact statements on the public domain when we have a bill right here before us? This is the place to decide it. We determine the law. I do not believe we should open that approach to the thousands of permits on the public domain. It is not the right tool.

Because I am standing here saying that does not mean for one second that I am for degrading the public domain. I am saying that a NEPA statement can be used for long delays, for reasons never intended by the act and, in particular, by those who would like to see ranching off the public domain. I do not want to sit here and hide under a tent and say that does not exist, because it does.

But I want to make one more point, one more time. The environmental impact statement approach to assessment is not currently being used on the BLM land day by day for issuances or renewals, and it is being used sparingly by the Forest Service. If there ever was a time when we had an opportunity to take a look at this, it is right now. Let us see how we really ought to apply it and how it ought to be done.

Frankly, I am so tired of having people interpret the bill that I have written and write reports and use this famous word ''may.'' ''It may have an impact.'' They do not tell you it will. That last report by the Congressional Research Service, if you read it, they have about six or eight mays—m-a-y. They do not say it will, they say it may.

I would like to say, as I read my friend and colleague's bill, I can find a lot of ''mays'' that I am sure he did not intend. But if I sent it over to the Congressional Research Service and said, ''You look at it my way,'' they will say, ''Maybe it does the following and maybe it does the following.''

For instance, in our bill, we unequivocally state that nothing in this legislation shall change the rights, privileges and all the other things that you talk about for hunting and fishing. We put it in because we kept getting bombarded that we were trying to take away fishing rights and hunting rights. I might say that provision is not in the bill you produced, the bill before the Senate. It may be that since that provision is not in there, there may be a serious negative effect against trout fishing and hunting under the BINGAMAN substitute.

I hope everybody is listening carefully to what I am saying, because that is the way the underlying bill we have before us has been treated more times than not. I can go through and cite a number of others. The substitute before us does not iterate or reiterate that multiple use is the order of the day, if I understand from the staff who have read it. It does not say that.

Senator BINGAMAN would say, I am sure, it does not have to be in there. I would say, like some of those who have reported on the Domenici-Craig bill, ''Well, since it isn't in there, it may be intended to have a negative impact on multiple use.''

I am not suggesting Senator BINGAMAN intended that. But neither do I believe others ought to insinuate that our bill does that when they have some difference of opinion, or when they approach the interpretation from a position that I do not have.

I do not intend to go through Senator BINGAMAN's bill in detail. But I want to say one more time—and perhaps a better way than yesterday; and it is good that the distinguished Senator from Rhode Island is in the Chamber because I have talked to him about this issue for a number of times—let me say to the U.S. Senate, sometimes we come to the floor and talk politics and sometimes we exaggerate our position and sometimes we state or understate, depending upon how the debate proceeds, but this Senator, from the State of New Mexico, one of the most beautiful States in America, this Senator who has seen more wilderness created in New Mexico under bills that I have introduced than any in history, I do not intend to spoil the public domain nor to turn it over to one of the myriad of multiple users.

If I thought for a minute that the bill I have before the U.S. Senate was calculated to make the public domain worse or to degrade it, or to take away the power of the Forest Service managers and the BLM managers, I would tell everybody to vote against it today. I am not here for that reason. I am here simply because I am convinced that multiple use can be made to work. It is the law of the land. I think it should continue to be. But I do not believe ranching can continue under the regulations established by Secretary of the Interior Bruce Babbitt.

I believe if those stay in effect there will be no more ranching. For those who would say, wait a minute, Senator, it has been in effect for 6 months, well they are written such that none of the impact will occur for a long time. If the Secretary has time to implement them, he will not implement them until after the election. I do not say that very often. But I believe that from the very soul of myself that this Secretary made a mistake when he adopted the so-called ''Babbitt Rangeland Reform '94 regulations.'' If I were a poet I would phrase something about that.

Anyway, we are going to do away with Secretary Bruce Babbitt's set of regulations and substitute some that we think will manage the range properly, and do three very important things—stabilize the public domain from the standpoint of the ranching community so that they are not on a constant roller coaster depending upon the administration, depending upon the regulator, depending upon who gets them into court under some lawsuit.

We will try to stabilize it at a level and we will see, once and for all, can ranching as a way of life exist in the public domain in America? This may be a debate about whether you want to have any more cowboys out in the West that are true, or whether you want them all to come from Hollywood. This may be the debate. There will be plenty of it in Hollywood because it is a fantastic culture. The lifestyle is tremendous.

I did not come from that lifestyle. I did not know anything about it when I became a Senator. In fact, I was from a place where you could be city folk in the State of New Mexico; that was Albuquerque. Anywhere else, because the towns are all smaller, I probably would have been somewhat associated with ranching. I was not, but I have been since then.

I believe we ought to stabilize that environment without jeopardizing the other multiple users. I think there is a chance of doing that. The only thing that stands in the way is a vote here in the Senate and a pen in the hand of the President of the United States. He will have the last shot when we get this bill through here. I hope we can get this accomplished.

My third point is, that for those who insist that the ranching community are abusers of the public domain, that the community is not a conservation community, for those who insist that they are the ones who will ruin the range and the other people will preserve the range, that they are the ones against wild animals and habitat, let me suggest they are the best conservationists around. Let me suggest, but for their actions, habitat would disappear in many areas of America. Not just a little bit, but in a manifold manner it would start disappearing.

Those who live and work on the land provide the water, they provide the management, and yes, a few riparian areas have been overgrazed because of the water being short in other areas, but most ranchers take as good a care of the resources as they possibly can. So I am here because I have confidence that this system will work, but I do not have one bit of confidence that multiple use will be preserved with equanimity and fairness for all to use if we leave the Babbitt regulations in place. It is just that simple.

I commend my friend, Senator BINGAMAN, my cohort from New Mexico, because to some extent he agrees. He does not come before the Senate saying we want to leave every one of Secretary Bruce Babbitt's regulations in place. He has selectively decided

some of them must go. I believe our bill is fairer for the ranching community and is more apt to add stability to the range and protect the other users.

So this may be the last word I have on this. I would not have spoken this long if there were Members on the other side ready to speak. I see Senator BRYAN is here. I yield the floor, and I thank the Senate for listening.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair, and I thank my friend, the distinguished senior Senator from New Mexico, for yielding the floor.

Mr. President, most of those who are privileged to represent the West on both sides of the political divide recognize that we need to enact responsible grazing legislation that balances the concerns of the livestock industry with the concerns of the conservation community. It is in seeking that illusive goal of balance that we find ourselves operating from a slightly different approach.

In my view, notwithstanding the best efforts of the distinguished senior Senator from New Mexico, his bill fails to achieve that balance and, in my view, would seriously threaten the multiple-use concept which has governed public land policy for decades. It is for that reason that I rise this afternoon to support the substitute amendment offered by the distinguished junior Senator from New Mexico, which I believe represents a preferred course of action. The Bingaman substitute is a thoughtful, balanced approach to correct what is wrong with the current grazing regulations.

Let me just also note for the RECORD, Mr. President, that each summer on the occasion of our recess I spend most of that recess traveling throughout rural Nevada. Today Nevada, paradoxically, is the fastest growing State in the country, although 87 percent of the total land area is under Federal jurisdiction. It is also one of the most urban states in the country, with most of the population located in the metropolitan Las Vegas area, which today exceeds 1 million people, and in northern Nevada in the so-called Truckee Meadows, embracing Reno-Sparks. One might logically say it extends to Carson City and Douglas County, that they are as well in a metropolitan area.

Although rural Nevada represents a small part of the population, I have been concerned, since the time I first assumed statewide office in 1979 as attorney general, with the concerns of those good people who choose, as our colleague and friend, Senator DOMENICI, points out, a lifestyle which has been part of the heritage of the West and part of the heritage of our State.

Their concerns are legitimate. They are good people. They work hard. They want to protect a livelihood and a lifestyle which is terribly important to them. It is for that reason, Mr. President, for the last 6 months I have been a participant in a bipartisan group of western Senators and their staffs in an effort to reach a consensus on grazing legislation.

Notwithstanding the hours of effort made on both sides of the political aisle, it is my view the negotiations failed because of the approach insisted upon by the distinguished senior Senator from New Mexico, that is, his insistence on using S. 1459, his bill, as a baseline for discussions. Because of that methodology or that approach, which sought to codify a series of old grazing regulations, superimposing a new series of regulations and statutory provisions as well, it became very difficult to modify his bill, and ultimately we failed to achieve a consensus in working out an issue which we all share a legitimate interest in resolving.

I would note that some improvements were made to the Domenici bill, as a result of our discussions. But I have never been of the view that Congress should micromanage grazing policy to the extent that is provided for in the Domenici bill. For example, the bill limits public participation in grazing decisions by listing seven arbitrary instances in which an ''affected interest''—those are words of art—occur and individuals are entitled to be notified of a proposed grazing decision. It denies the public the opportunity to protest a grazing decision; it exempts on-the-ground grazing management decisions from the National Environment Policy Act; and finally, it does not target specific, troublesome regulations for repeal, rather, it contains a blanket repeal of all the current BLM grazing regulations.

What we are presenting here today in the Domenici bill in many respects takes a step back from the policies originally established during the Reagan administration under the tenure of Interior Secretary James Watt. To put that in some context, the former Secretary has been accused of many things, but he has never been accused of being an environmentalist. I believe we ought to make the necessary changes to the so-called rangeland reform proposals that have been offered under Secretary Babbitt.

Efforts to limit the public's right to be involved in grazing decisions will not, in my opinion, bring stability to the ranching industry, nor will it improve rangeland conditions. It will only lead to continued turmoil and lawsuits that are a drain on the resources of both the ranching community and the Federal Government.

By way of contrast, the substitute amendment offered by Senator BINGAMAN, which I am pleased to cosponsor, reflects a balanced approach that, in my opinion, addresses the legitimate concerns of the ranching industry. I repeat, again, I believe that there are many such legitimate concerns.

It also addresses the equally valid concern and interests of the conservation community. It does not arbitrarily repeal the current grazing regulations and replace them with an inflexible statutory scheme which, in my view, S. 1459 would create.

For example, in response to concerns raised by Nevada ranchers and others, the Bingaman substitute waives the application of NEPA for permit renewals and transfers unless significant changes are made. It contains expedited NEPA provisions where grazing activities would not have a significant effect on the environment. I believe those are positive and instructive changes that meet some of the concerns raised by the Nevada ranchers. It also reinstates the grazing advisory boards and expands the surcharge exemption to include spouses and grandchildren, or children which Nevada ranchers have raised.

On the other hand, however, in response to concerns expressed by conservation groups, those who enjoy the public land for outdoor recreational use, whether hunting, fishing or hiking, these organizations, as well, have legitimate interests. I believe the Bingaman substitute protects public involvement in grazing decisions and requires that other public land values, as important as grazing is, it is not the only important public land value that needs to be protected, but wildlife is given equal consideration in the decisionmaking process in the goal of achieving a balance, recognizing that we want to be fair to Nevada ranchers, we want to make sure they are able to continue to use the public lands as they have for generations and to provide for themselves and their families.

We also need to recognize that the West has changed. The demand made upon public lands for outdoor recreational uses have grown exponentially over the years, as Nevada in my own lifetime has gone from a State whose population the year I started school in Las Vegas in 1942 had slightly more than 100,000. We used to say, somewhat tongue-in-cheek but true, that every person, every man, woman, and child in Nevada, could be comfortably seated in the Los Angeles coliseum in 1942. Today, it is the fastest growing State in the Nation. Our population, small by contrast with some of our larger States, is 1.6 million. So the uses of public land, where we strike that balance, is very important to this Senator in making sure that public recreational values are considered in the decisionmaking process, as well as grazing interests.

In addition, the substitute offered by Senator BINGAMAN specifically authorizes conservation use so that nonranching entities can hold a permit and rest an allotment if the practice is not deemed inconsistent with the land use. Conservation use, as a management practice, is particularly important to us in southern Nevada. It is an integral part of the Clark County's Habitat Conservation Plan, a plan devised in response to the concerns advanced by

many about the federally listed endangered species, the desert tortoise. Without that habitat conservation plan, a moratorium might very well have gone into effect with potentially catastrophic economic impacts for those of us who make southern Nevada our home. That habitat conservation plan was a compromise achieved as a result of the ability to use conservation use as a management practice.

Another important provision of the Bingaman substitute concerns the use of the portion of grazing fees that are returned to the States and dispensed to local grazing boards. The substitute provides that these funds may only be used for on-the-ground range improvements and for the support of local public schools in the counties in which the fees were generated. Currently, those fees are subject, in my opinion, to an abuse, an unconscionable abuse, in that these moneys are currently being used to finance lobbying activities and litigation.

Nye County, NV, has used more than $40,000 of these funds to finance a legal battle against the BLM, where they have asserted a claim of ownership over all of BLM publicly administered land in Nye County. This is indefensible. I acknowledge that my friends and neighbors in Nye County have every right to avail themselves of the Federal court system to make these claims, but they do not, in my view, have the right to rely on federal grazing fees returned to local grazing boards to fight these causes. Those ought to be confined to on-the-ground improvements for public schools in the county in which the fees are generated.

The Bingaman substitute, in my view, strikes an appropriate balance by reinstating the grazing boards but prohibiting this outrageous behavior and improper use of these funds.

As I began, I mentioned over the year I have had a chance to visit extensively with Nevada's ranchers and to hear their legitimate concerns about the new grazing regulations, concerns that I feel should be, but are not, addressed by the legislation before us today. The ranchers I have met with are honest, hard-working people who asked Congress, in essence, to set ground rules for grazing on public lands that will bring a sense of stability to the ranching community. If stability is of paramount concern to the ranching community, it is my view that S. 1459 is not the answer.

Finally, Mr. President, let me conclude by reminding my colleagues that the administration has promised to veto S. 1459 as it is currently written. Our only hope, if we are interested in achieving that stability and balance to which I have addressed myself earlier this afternoon, is to enact a balanced piece of legislation which the administration can sign into law.

For those reasons, I strongly encourage my colleagues to join me in the Bingaman substitute so this issue can be put to rest and a sense of stability can be brought to our friends and neighbors in the ranching communities. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Montana.

Mr. BURNS. I thank the Chair. My statement will not be very long, but I just wanted to make a couple of comments. We just completed debate on the salvage timber, and the package offered by Senator BINGAMAN is, at best, described as yet another example of a mindset that prevails here in Washington, DC.

Yesterday, I stated in this body that in order to answer that question, we, this generation—this generation—if we are to hand over to the next generation, our children and our grandchildren, a better Earth than we were handed, a world that will sustain them and their daily needs for food and fiber, we have to approach the way the Federal Government writes rules and regulates them.

In the salvage logging debate, there were examples of actions taken by local authorities to protect the integrity of the law and the intent of the law. It has, in my State, brought some peace to the woods. There are examples of how land managers went the extra mile involving the local groups in the decisionmaking process of salvage. The involvement was loggers, environmental groups, local government, and land managers themselves. We should really congratulate the region I director of the U.S. Forest Service, because he used that process to determine a timber sale and used the same guidelines that we have always used, adhering to current environmental law. As dedicated as he is to the forest, he used all of those, and the result was that local folks signed off on the salvage sale.

Forest health is the goal, and it was then. Salvage is part of that goal. It is a dual goal. Loggers have gone back to work, mills are turning out wood products again for Americans—all Americans—and we are having and using forest resources that have been tied up in the courts for a long time.

Decisions that are made on the ground work best. Yet, this substitute calls for decisions to be made thousands of miles away from the resource that is now being used by all Americans, we all benefit.

At this point, I want to associate myself with the words of my friend from Iowa last night, Senator GRASSLEY, in his brief statement made on this floor. There are times in this country when we who are involved in agriculture get a little bit timid about what we do, telling the people what we do. Well, I am here to tell you it is about time, and this country better wake up and realize what the production of food and fiber does for this Nation. Yes, we like to call ourselves agriculturalists, proclaiming the importance of it. I think we get timid because we go under the false assumption that everybody understands and knows the importance of agriculture and knows that we produce the largest segment of the GDP in this country, over 20 percent. Yet, that GDP has produced a raw product by less than 2 percent of the population. It is also the largest export this country has. In other words, we feed the world.

Now, why do we so distrust the direction in which the present Secretary of the Interior is taking us? Can I cite one example? Wolf reintroduction into Yellowstone Park. Hearings all over the West. We did not hear a lot of support for that. Yet, it has caused some polarization of groups that actually share the same goal in my State—share the same goal of a better world and, yes, the environment. But the actions of the Federal Government and the arrogance of this particular occurrence have damaged the relationship within and without the communities in Montana. Not only is it expensive, spending your tax dollars, but if you contrast that, exactly the same thing is happening in Glacier National Park. But that is a natural migration of wolves from Canada. That does not seem to get any headlines in the newspaper. In that area of Montana, there is hardly any contact between man and wolf because, basically, both have learned the hard reality of the rules of survival. One never hears of that occurrence. Yet, we have wolves up there in Glacier Park and in the Bob Marshall. But one hears of the artificial introduction of that animal into that Yellowstone Park, which, in my opinion, is doomed to fail.

There are different fee rates. In my opinion, there is one main problem of this debate. We are trying to find the answer to a very, very difficult question. I say this: We are trying to recommend a policy of ''one size fits all,'' when there are differences in the lands, the topography, thus, the production capability of the lands. Those differences are huge.

I guess that is why I so strongly recommend that we allow all the major decisions to be made on the ground locally, to involve local people. There is no way that we, in Montana, run and manage our range the same way as they do in New Mexico, Colorado, Nevada, or anywhere else. There are different soils, different growing seasons, different weather conditions, different patterns, all dictating managing our range differently. It is just like privately owned land. All Federal lands and locales are not alike. The management scheme has to be different to attain the same result. Anyone who has ever had anything to do with land understands that. I understand that. I was raised on a small farm of 160 acres, with two rocks and one section of dirt in northwest Missouri. Every acre was not the same on that little 160 acres either. But you knew how to handle them. You farmed each one sort of differently in order to get the desired results.

That is hard to explain to folks who have not had a personal relationship

with the land or a real understanding of it. Most times, they do not care about the knowledge, or the common sense, or even less caring and respect for the thousands of families who have the sense, knowledge, history, and responsibility to manage this land that sustains them, and the rest of America, as well.

Let us not go backwards. Let us make those decisions on the ground. The Bingaman substitute takes us backward. Let us force people to sit down and talk, but let us base our decisions on the right decisions and on what has to happen on rangeland. Take the management. If hunters are worried about access, in the Domenici bill there is express language dealing with access. If you are worried about wildlife, we have already given you the figures that we have more wildlife today than ever in the history of this country. Water quality, that, too. Once you take the management of the land away—and this could well do it because there are folks who do not have a real good understanding—then we are in real trouble in the communities that derive a living from this resource. It is resource management.

So what I suggest and what I tell my colleagues is to defeat the Bingaman substitute and let us pass the Domenici bill, because there have been so many hours and so much work that has gone into this bill, working with the administration and with everybody concerned. No, everybody will not get everything they want. But everybody is going to want what they get. Let us put people into the equation whenever we start talking about resource management on public lands because real people are involved and will be impacted.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I rise in support of the Bingaman substitute. In August of 1994, as a member of the Interior Appropriations Subcommittee, when we were attempting to work out differences with the House, we had adopted in that conference a measure that was debated long on this Senate floor. In fact, the debate went on for several weeks. Four or five cloture votes were held on that matter. I believe we got 57 votes on several occasions, but we were never able to reach that magic figure of 60 to terminate debate and go forward with a revision of the grazing law. Had we done so, Mr. President, we would not be here today debating whether or not the Babbitt regulations were good or bad. We would have been working under a series of rules that would bind one administration to another. Ranchers would have had some defined rules in law to work under. They would have been able to obtain loans on their property, and there would be peace and quiet in ''Ranchland U.S.A.'' The problem is, however, Mr. President, that there were those who felt it was better not to adopt that.

Following the unsuccessful effort to invoke cloture, even though the majority of this body and the other body approved the compromise, Secretary of Interior Babbitt issued a series of regulations that are now in effect. The proposed compromise that was debated so long and hard here in my opinion was better than the Babbitt regulations, much more defined, not nearly as complicated, direct to the point, and would have allowed the ranchers of western America to be able to determine how they should run their properties. There were many months that went by before the regulations were promulgated. They were phased in. The ranchers even today really do not know for sure what the impact of those regulations are going to be. They are all in effect. They certainly are not as disastrous as prophesied by a number of people.

I say this: I think what has gone on this past year has been constructive. It has been educational, I think. I extend my appreciation to the western Senators, particularly Senator CRAIG THOMAS and Senator JOHN KYL. Those two Republicans and this Senator were appointed by the western Senators to try to come up with a compromise. We were making great headway when the House ducked grazing reform and reconciliation, and had the work terminated that we had done. But even that was not a failure because the work that I did with the Senator from Wyoming and the Senator from Arizona was helpful in the next wave of negotiations that we had. Senator DOMENICI's first bill that was offered had around 65 pages in it. After indicating to him that the bill was too complex, too broad, he came out with another draft about half that size. That is what we have been working from.

We have made progress. There are matters in this Domenici bill that are ones that I asked to be put in that bill. I appreciate that. Progress has been made. That is one reason that the debate today is not as acrimonious as it was in August 1994. The debate is constrained. It is deliberative and constructive. I have listened to almost all of the debate that has taken place, and I think it is something that the Senate should feel good about.

But I reiterate that we would have been better off, there would have been finality, if we had adopted the compromise of August 1994 that came out of Interior appropriations.

We are now faced with reality. We have been told by the administration that if the Domenici bill is adopted it will be vetoed. I think it is quite clear that, if it is vetoed, the veto will be sustained. That is one reason I feel so strongly about the alternative, the substitute, that has been put together by a group of western Democratic Senators. I believe that we could prevail upon the President not to veto that bill.

I understand the importance of livestock grazing in the western part of the United States. The small town that I was raised in southern Nevada had both mining and ranching. I worked as a boy and as a young man for those permittees of grazing in the southern part of the State around Searchlight. I did all kinds of things for them. Most of it was manual labor. But I understand—having gone out and taken water to cattle, taken feed to the cattle, cleaned out wells, generally helped those ranchers maintain their ranch on this very arid land—how important it is.

Most all ranchers, Mr. President, are hard working, good citizens—really the epitome of what is good about our country. They have great respect for the land. They consider it their land. I have no problem with that. But, Mr. President, we have talked today about western ranchers in a flattering way. And I repeat that the vast majority of those in the ranching community are good citizens. There are some who are not. There are the so-called proverbial rotten apples that spoil the barrel. What did they do? There are all kinds of things that these few rotten apples do. One is they deny access to public land. Others do not have a concern for the continued health of the land.

Mr. President, in 1986 we debated in this body the Forest Service Wilderness bill for the State of Nevada. There had been 25-plus years since the Wilderness Act was passed. And Nevada basically had not done their work. I worked on that for a long time. Even though I started in the House of Representatives before I came here, after Senator BRYAN arrived in the Senate we were finally able to get it passed preserving in Nevada beautiful land.

Nevada is the most mountainous State in the Union. Most people think it is arid with no greenery on it. That is not true. We have great mountain meadows and streams. We have animal life, antelope, and mountain sheep. We even have mountain goats in Nevada, and beaver, and eagles. It is beautiful country. After the wilderness bill was passed some ranchers in Nevada blocked off their land. As an excuse for not allowing hunters onto public lands they said it was because of wilderness. It is simply not true.

We have, for example, in northern Nevada a public land rancher who has blocked access to public lands on a road that was public in the mid-1800's to the mid-1980's. This same individual has harassed hunters on public land that come near his land. Also, this individual rides his horse onto public lands in an effort to disrupt hunting. Not coincidentally this same individual operates a guide service, and has a financial incentive to disrupt public hunting. He wants it to be private hunting. It is only one rotten apple. But it is enough to spoil the barrel.

Another example that has been brought to my attention is a grazing permittee in northern Nevada who, armed with a rifle, harassed hunters on public lands.

Mr. President, we need to ensure that the legitimate users of the public lands are not prohibited from hunting on these public lands, nor prohibited from using these public lands, nor even discouraged from using these public lands.

We need legislation that will provide land managers with the flexibility to protect the environment with multiple use without placing an administrative burden or undue restriction on hunters.

Mr. President, as my colleague from the State of Nevada indicated, when he started high school there were less than 100,000 people in the State of Nevada. We are now approaching 2 million—not large by the standards of the State of Pennsylvania, the State represented by the Chair. But it is a big State in our mind, and we have tens of thousands, now in the hundreds of thousands of hunters throughout the State of Nevada. It used to be, when my colleague and I were young men growing up in Nevada, that rangelands were used basically by no one other than cattlemen, but it is not that way anymore. There is competition for those lands: off-road vehicle users, all-terrain vehicle users, snowmobilers, backpackers, cross-country skiers, and family outings to go on picnics. There is lots of competition for those public lands in addition to the hunters and fishers and the ranchers.

We need to make sure that those people who ranch on public lands treat them the way they should treat the lands. They are not the lands of the individual rancher. They are public lands and should be treated accordingly.

As I have indicated, in the past, ranchers have had the public lands to themselves. The West is different today with many competing uses for these public lands. We cannot go backward. Today, in Nevada, we have had a tremendous increase, as I have indicated, in the number of hunters and other people who want to use the land. Because of these competing interests, it is essential we get a bill that provides for a balanced approach to multiple use. The Domenici proposal does not adequately provide for this.

Now, Mr. President, as I complimented my friend from Wyoming, my friend from Arizona, I also compliment the senior Senator from New Mexico. He has come some ways in this bill, and I appreciate that very much. I also compliment the junior Senator from New Mexico who I think with this alternate proposal has done a good job in really framing the issues before this body.

As I have indicated, a balanced approach to multiple use is not adequately contained in this bill. It elevates a single use of the public lands above other multiple uses, and it reduces the agency ability to protect the rangeland environment and limits citizen involvement in public lands management.

It is not my goal to prohibit livestock on public lands, although that is how some opponents of the Domenici bill were characterized yesterday. I think that I have had as much experience as most western Senators, more than others, in grazing land, ranch land generally. It is not my ultimate goal to prohibit livestock grazing. I think we should maintain it. I think grazing livestock, if done right, makes land healthier. It makes it better. But it has to be done right. And we have to allow the land managers to make sure that those few rotten apples that are going to spoil the barrel are taken from the barrel, they have the ability to take the rotten apple out of the barrel.

That is all we are asking in this alternative, this substitute. The substitute represents a compromise designed to provide a balance between providing stability to the livestock industry and the need for the BLM and Forest Service to have the flexibility necessary to responsibly manage Federal grazing lands and ensure multiple uses of the public lands.

My concerns with this bill of my friend, the senior Senator from New Mexico, I will talk about. The alternative prohibits use of the State's share of grazing fees for litigation, ensuring that the money is used to benefit the land or community, that is, making improvements in the land, riparian improvements, other improvements on the land. Currently, in Nevada, the State's share of Federal grazing fees is being used to sue the Federal or State government like the Nye County case, the so-called Sagebrush Rebellion II case. I have to tell you, frankly, Mr. President, everyone knew in the beginning that case was a loser. You would not have to graduate from Harvard Law School; I do not think you would have to graduate from Harvard elementary school to understand that that effort was doomed to failure.

In spite of that and the demagoguery that went forward based upon it, they used these moneys which were intended to be spent on the land in Nevada, improving water holes, fixing streams, building a road maybe—that is not what they used it for. They used in Nevada almost $300,000 of Federal moneys for legal counsel, foundation, associations, lawyers generally. This money was wasted, a total waste.

The bill that has been propounded by the senior Senator from New Mexico makes a provision for that. It does a good job. It is not as good as the substitute, but it is fine. It says those moneys can still be used for lawyers for administrative hearings. I do not think they should be able to use them even for that, and we have plugged that hole in the substitute.

The money that comes from these grazing fees that is returned to the States, Mr. President, I want used to improve the land, not to be spent on litigation or lobbying activities.

As I have indicated, the Domenici bill restricts the use of the State's share of the grazing fees, but it provides a number of loopholes. It may allow States to continue to use Federal moneys for lobbying and administrative appeals. We need these moneys used to improve the land.

The Domenici bill excludes grazing activities, management actions and decisions from NEPA.

The substitute that I am cosponsoring represents a compromise between sportsmen and ranchers. The renewal or transfer of permits is not subject to NEPA unless it will involve significant changes in management practices or significant environmental damage is occurring or is imminent.

This is not good enough. For example, when a rancher's permit comes up for renewal, if he or she has been a good steward of the land and has maintained the health of the land, that renewal will not be subject to NEPA nor should it be. If, however, as a result of an ongoing drought caused by nature or bad management practices of the rancher environmental damage has occurred or is occurring, renewal would be subject to a NEPA review.

That does not sound unreasonable. It also provides a mechanism to exclude grazing actions such as moving a fence or moving a stock tank from NEPA. That is what the alternative does, that is what the substitute does, when the activity is determined to have a significant impact on the environment. That is the way it should be.

The Domenici bill does not provide for public participation up front in the decisionmaking process. What this is going to cause is a lot more litigation because you cannot stop people from filing lawsuits, and that is what they will do early on. So what we need is to continue some semblance of administrative proceedings on these decisions that have been made. This will avoid litigation.

Yesterday, in the debate, it was stated that the Domenici bill does not take away rights from fishermen and hunters. I respectfully submit that perhaps the Domenici bill might not limit sportsmen's right to access. It does, however limit their access to the process. Sportsmen and other users of the public lands are precluded from involvement in the development of grazing decisions. They should be involved, because, Mr. President, they have rights to that public land. It does not involve the public up front in the decisionmaking process, and it should.

The substitute that I am cosponsoring allows persons defined as ''affected interests'' to be consulted on significant grazing actions and decisions taken by the Secretary. No formal, complicated process is mandated. What it does, though, is strike a reasonable balance between the Secretary's regulations, which would include involvement by the ''interested public,'' and the Domenici bill, which provides for participation only after a draft decision has been made.

In the Domenici bill, only permittees and lessees are able to protest proposed management decisions. This is wrong.

All other citizens could be excluded from taking an active role in a protest and appeal process. This restricts the ability to resolve conflicts early and, I believe, cheaply. So, in our substitute, affected interests are allowed to protest proposed decisions, allowing these conflicts to be resolved earlier and more informally, without litigation.

I also say that there are some who think, if you just eliminate this affected interest ability to challenge some of these administrative decisions, they are not going to challenge them. They will do it, but they will do it in the courts.

The Domenici bill limits the managers' ability to tailor and develop terms and conditions to protect winter forage for elk and deer, nesting habitat of game birds, water resources for wildlife, and water quality, and healthy riparian interests. Only allotments under an allotment management plan can have terms and conditions attached. But this will not work, because only 20 percent of the permits are currently under an allotment management plan.

So, under their proposal, 80 percent of the permits simply would not be under terms and conditions. And it would limit the manager's ability to do anything about tailoring and developing terms and conditions to protect the things that I have already outlined.

Allotment management plans look to the lands in a specific area and prescribe the livestock grazing practices necessary to meet multiple users' objectives. They can be costly and time consuming to complete. So we cannot decree that 100 percent of them be done. But, to the contrary, we cannot take away the managers' ability to put reasonable conditions on the land. The substitute balances the need for the BLM to have adequate authority to properly manage the public lands to ensure their long-term health with the need for ranchers to have some stability in terms and conditions of the grazing permit that we have talked about.

The proposed substitute ensures that ranchers will not be subject to arbitrary changes in the terms and conditions of a grazing permit. I think that should make the ranchers feel secure. One of the things we talked about when we had this long debate in August of 1994 was the fact that we needed to give the ranching community stability. We needed to give the ranching community certainty, so they could go forward and borrow money, make improvements. Here it is, almost 2 years later, and things are more uncertain than they have ever been. I respectfully submit, my friends who so badly want to get the Domenici bill passed, for what? The President is going to veto this bill. No matter what happens when we get it out of the House, the President said he is going to veto it.

I think we would do much better if we came with a bill that would be approved, that will be voted for by a majority of the Democratic Senators from the western part of the United States, and I am sure we could have some influence on the President to sign the bill.

Mr. President, the Domenici bill impedes permittees from employing proven restoration techniques, such as conservation use, by threatening permit loss if they do not make grazing use under the terms and conditions of a grazing permit.

What this means is that if someone wants to purchase a grazing permit, they cannot do it unless they want to ranch on it, unless they want to graze on it. It was stated last night that the minority chose to make nonuse of public lands a dominant use. This simply is not true. I recognize what the benefits of conservation nonuse can provide to the environment, and I believe it should be an option available to permittees.

In Southern Nevada, because of an endangered species problem, an animal called the desert tortoise, construction basically was brought to a grinding halt in the Las Vegas area.

Mr. President, we were able to work out our problems very quickly. One of the ways we were able to work out our problems under the terms of the Endangered Species Act was we had a conservation nonuse program. Clark County, NV, where Las Vegas is located, along with the Nature Conservancy, holds allotments in conservation nonuse for the benefit of this endangered species and allowed us to get back to work in building the most rapidly growing city and State in the United States.

Under our substitute, conservation use may be approved for periods up to 10 years if consistent with the land use plan. This is important. I will also suggest I do not know what my friends on the other side of the aisle are worried about, or I should say my friend the senior Senator from New Mexico, because under the present rules and regulations in the law, there is not a big line forming for people to sign up for conservation nonuse. It is used infrequently, but when it is used, it is important.

I repeat, there is not a long line of institutions or people saying, ''I want a conservation nonuse permit.'' It does not happen very often, but when it does, it is important.

If the Domenici bill were approved, it, in effect, would deny citizens of this country the ability to hold a grazing permit. I think that is wrong. In our substitute, permittees do not have to be in the livestock business to hold a permit.

Another problem I have with the bill of my friend from New Mexico is it requires managers—that is, someone from BLM or Forest Service—to provide 48 hours of advance notice to the rancher that they are going to take a look at the land. It inhibits the ability to manage the land. It also limits the flexibility of the manager to do complete monitoring. Mr. President, who are they trying to protect? They are trying to protect one of the bad apples. That is the only type of individual who would be concerned about someone coming on their land to see if they were grazing too many cattle in a riparian area or whatever else they were doing to degrade the environment.

So the substitute I am cosponsoring with others does not require advance notification for monitoring or inspection.

Also yesterday, it was stated that proponents of the Domenici bill were not here to defend the chief executive office's tycoons who bought some of this land out West. I acknowledge that. I think that is probably true. The subleasing provisions, though, of the Domenici bill limits the ability of the Forest Service and BLM to manage subleasing.

What do I mean by this? What I mean by this is if someone named Tom Jones has a grazing permit, under our provision, if he wanted to sublease this to his children or grandchildren, he could do it. But if he wanted to sublease it to Bob Jones from the State of Arizona or the State of New Mexico or someplace else, he would not be able to do it. The permit should run to the permittee and should not give them the right to start leasing Federal land and making money on it. That, in effect, is what they have been doing. It should be stopped. We should not allow subleasing unless it is to family members.

I would also suggest, Mr. President, that the Domenici legislation requires excessive amounts of costly time for monitoring rangeland studies and other delays before management actions that protect the environment can be implemented. That is not the right way to go. Agencies do not have the money nor the manpower to monitor all allotments. Our substitute allows agencies to rely on both monitoring data—and that means things they have actually seen—monitoring data, information they have collected, and also objective data that they have seen in making their decisions.

The Domenici bill excludes groups such as Ducks Unlimited, Trout Unlimited, and other hunting and fishing groups and State agencies from entering into cooperative agreements for the development of a permanent range improvement or development of a rangeland.

Mr. President, 5,000 cooperative agreements for range improvements are currently issued to nonpermittees. And 503 of these are in Nevada alone, representing about 15 percent of all range improvement permits and cooperative agreements in the State. The DOMENICI bill would dramatically limit agencies to leverage funds for range improvements. That is something we should not allow to happen.

The substitute that I am cosponsoring allows nonpermittees to enter into cooperative agreements.

Mr. President, in short, the Domenici substitute is certainly better than the

first draft we got of the bill. I say here that I appreciate the work that has been done by all western Senators. I am especially grateful to the staffs of all western Senators who have spent hours and days and weeks trying to come up with this. And there has been a spirit of cooperation. I wish we could have arrived at a bipartisan bill. We could not. But the issues have been narrowed significantly as a result of our sitting down and spending this endless time together.

In conclusion, Mr. President, what I believe that the substitute offers is balance. It provides balance between multiple uses and ensuring that no one use is put on a higher plane than any other.

The bill by my friend, the senior Senator from New Mexico, does not provide this balance. It elevates a single use of the public lands, grazing, above other multiple uses. That is not right. This is not what public lands are all about.

I extend my appreciation to the junior Senator from New Mexico for his tireless efforts in coming up with what I think is a veto-proof bill, one that we should all join in supporting, get it out of the House, get it signed and allow Nevada ranchers and other western ranchers to get about their business.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, for the last 2 days we have discussed the merits and shortcomings of the Public Rangelands Management Act. It is apparent that this is a complicated debate, riddled with hyperbole and misunderstanding.

Let no one misunderstand, however, the context within which this debate has been conducted. There exists today throughout the West a palpable sense of economic anxiety that has its roots in the issuance of new grazing regulations by the Department of the Interior 2½ years ago; regulations that fueled fear among ranchers that they face a campaign by the Government to permanently remove them from Federal lands.

This apprehension about Government insensitivity to the economic realities of ranching is tangible in my State of South Dakota and widespread throughout the West. Moreover, it has been aggravated by a prolonged period of extremely low cattle prices coupled with record high feed costs.

There is no doubt in my mind, Mr. President, that ranchers' frustration with current Federal grazing policy is justified. Their grievances are both procedural and substantive.

It was apparent that the regulations issued by the Interior Department in 1993 were conceived and issued in a manner that discounted the views of ranchers who earn their livelihood from public land.

Those rules clearly reflect the dominant views and interests of other users, including environmentalists, conservationists, sportsmen and other recreationists. While these groups all have legitimate interests in the quality of Federal land management, the new rules simply do not strike a fair balance among competing uses.

Like the first law of thermodynamics, every political action has a political reaction. The political reaction in the West to the new grazing rules was one of outrage and protest. Many in the ranching community understandably began to demonize these regulations. The legislation we are considering today was conceived in reaction to those rules.

But unlike the laws of physics, in politics the appropriate reaction is not always an equal and opposite reaction. Often a political reaction does not solve problems, but rather only recasts them.

That is the case with S. 1459. And that is why I will oppose the bill, and why I have worked with many of my Western States Democratic colleagues to develop an alternative to it.

The Bingaman substitute solves many problems for ranchers without harming the interests of other users of Federal lands. For grasslands ranchers in South Dakota and elsewhere, it would create a separate management regime apart from the National Forest System—a system that is ill-suited to dealing with the unique requirements of Federal rangeland.

Moreover, the Bingaman substitute overrides the language in the current regulations with respect to the United States Government perfecting all the water rights on Federal land. It places NEPA analysis in its proper perspective, ensuring that agency resources are spent evaluating the impacts of decisions that truly will effect the environment. And, it establishes a realistic fee formula with which ranchers can live.

In other words, the Bingaman substitute addresses the legitimate concerns of ranchers in the West. It represents a better way of addressing prevailing concerns about Federal grazing policy.

I do not question the commitment or motives of my colleagues who developed the committee bill. They have attempted to redress a serious matter through a serious effort. But their product moves Federal policy too far back in the opposite direction to the detriment of other public policy goals.

S. 1459 strikes me as an overreaction to a very real threat to American ranchers. It will not bring us closer to a reasonable and balanced compromise. It will simply shift the equilibrium. If this bill is enacted, I suspect it will not be long before we are back here on the Senate floor debating the same issue from the opposite perspective.

Mr. President, while we need grazing reform, S. 1459 shifts the balance past the sensible middle ground we should be seeking. Let me elaborate.

To begin with, S. 1459 curtails public input beyond what I consider to be reasonable or necessary by restricting the ability of the public to be involved in the development of grazing proposals and to challenge specific decisions.

What does this mean for users of Federal lands: campers, hikers, and scientists to name a few?

It means that those who may know and use the land will have their opportunity for input into the decisionmaking process restricted, despite the fact that they may be able to offer very credible and useful advice. It means that recreational users will no longer be able to challenge a decision they feel precludes them from having access to lands they have a right to use.

In contrast, Senator BINGAMAN's alternative retains the rights of ranchers and other interested parties to protest management decisions—a provision that exists in current law.

This is a very important point. The opportunity for public comment, protest, and appeal has become one of the most contentious elements in the grazing policy debate.

The history of public involvement by various interest groups has not always been constructive. Appeals and protests have not always been used to offer useful advice or to ensure that decisions are faithful to the letter and spirit of the law. On occasion, they have been used to delay and derail reasonable decisions, sometimes on the basis of flimsy or irrelevant evidence or argument.

Despite this acknowledgment, I am voting today to protect the public's right to comment on decisions that affect the public's lands. The course that some propose—to curtail comment process—is one that I do not feel can be justified by the historical evidence. Only through the unfettered competition of ideas will we be able to ensure development of the very best policies. No process of government should be sheltered by legal artifice from the force of a compelling argument. The management of our public lands demands no less a standard.

I am also concerned that S. 1459 creates an unworkable system for holding title to range improvements. The Bingaman alternative retains the title to permanent range improvements in the name of the United States, while the committee bill would share the title between the United States and the ranchers. Under the substitute, ranchers are compensated for their expenses if they give up the permit or the land use changes and they can no longer graze the land.

Further, S. 1459 restricts the ability of those outside the livestock business to obtain permits for conservation purposes. No longer would a Nature Conservancy be able to obtain permits and rest the land in conservation use. It simply is not fair to prohibit nonlivestock entities from obtaining permits to use Federal lands.

The Bingaman alternative amendment allows anyone meeting basic requirements to obtain permits and rest

the land in conservation use. The Nature Conservancy does this with 24 permits now and the Republican bill would curtail this ability.

In addition, S. 1459 significantly restricts the flexibility of the land managers to ensure adequate flows of water on Federal lands. If this proposal is enacted, the Federal Government will no longer be able to protect fish and wildlife populations on Federal lands. Under the substitute, no such punitive restrictions would be imposed.

Taken together, and particularly when read in the context of the objectives of the bill, these provisions persuade me that S. 1459 goes too far in one direction and fails to strike a reasonable balance among the multiple uses of public lands. It is not a solution to favor one group of users of the public lands over another. To manage this resource in a fair and equitable manner, a careful balance must be struck that responsibly addresses the legitimate concerns of all the public land users.

Passage of S. 1459 will not end the debate over grazing in the west. In its current form, this legislation will be vetoed, and that veto will be sustained. Under that scenario, we will not have accomplished anything except to have provided more grist for the political mill.

The Bingaman substitute will not please everyone.

Environmentalists may feel that in some respects it is too generous to the ranching community, while ranchers may feel that it does not adequately insulate them from appeals, protests, red tape and the whims of the Federal Government.

I believe it strikes a fair balance.

The Bingaman substitute will protect the public's right to participate in grazing management decisions. It will ensure that Federal land managers have the authority and flexibility to guarantee sound stewardship of the land and protection of fish and wildlife populations. It will allow conservation organizations the opportunity to obtain permits and rest the land.

In short, Senator BINGAMAN offers a sound, fair, and moderate amendment that will establish security for western ranchers, while genuinely protecting the interests of other users of the land. And, I believe, it can be signed into law.

I sincerely want to resolve this issue—for the permittees and lessees who reside in our States; for the communities that rely on the livestock industry; for the users of the public land; and for the American public in general. The uncertainty surrounding the management of the public lands must be clarified.

I believe the Bingaman approach will allow us to achieve our common goal—healthy public rangelands. I urge my colleagues to support the Bingaman substitute.

Mr. PRESSLER. Mr. President, ever since Department of the Interior Secretary, Bruce Babbitt, proposed Rangeland Reform '94, I have worked with other western Senators to pass meaningful legislation addressing the concerns raised in Secretary Babbitt's proposal. The bill before the Senate is the result of those efforts.

While we were able to postpone implementation of Secretary Babbitt's misguided reforms for some time, Rangeland Reform '94 is now operative. It became effective August 21, 1995. Ranchers are expecting and should get relief from those regulations. We must pass S. 1459.

Ranchers in South Dakota have told me one thing: Rangeland Reform '94 must be changed. Many of those reforms could have a detrimental impact on ranching operations in South Dakota. The Secretary's reforms are shortsighted, weigh in too heavy on the side of environmental extremists and could drive many hard-working ranchers off the land.

Hardest hit would be our young farmers and ranchers. Many have just started ranching on their own. These young farmers and ranchers are our future. They are agriculture's future. Yet they are the ones that could be most hurt if Rangeland Reform '94 is allowed to stand. I have heard from a number of ranchers who are more concerned with Rangeland Reform '94 than they are with low cattle prices. Now that is quite a statement. It clearly shows why this bill must be passed.

The legislation before us today represents nearly 2 years of hard work by many Senators and a vast number of individuals of different interest and professions who are most affected by Federal rangeland policies. I also want to commend the Senate staff who worked to develop our reforms into legislation. They worked late into the night and on weekends.

I do want to note that the bill has been significantly modified since it was first introduced last year. Every effort was made to reach a bipartisan consensus. Over the last 6 months Western States Senators from both sides of the aisle worked hard to reach a compromise that could ultimately be passed.

S. 1459 has bipartisan support and strong support throughout the country. I ask unanimous consent that a letter describing this support be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. Mr. President, many South Dakota organizations support this bill. First of all it is strongly supported by South Dakota ranchers. It is also supported by the South Dakota Public Lands Council, the South Dakota Farm Bureau, the South Dakota Sheep Growers Association, and the South Dakota Stock Growers, to name a few.

Let me outline specifically what this bill would do. Under S. 1459:

Ranchers who depend on the use of public lands would be able to continue operating in an economically viable manner.

Multiple-use management objectives would be achieved.

The rights of sportsmen, like hunters and fishers, would be protected and their use of Federal lands would not be restricted.

Water rights for livestock management grazing would be in accordance with State laws.

Local input from virtually every key interest into the management of public lands would be assured.

I urge my colleagues to keep in mind the fundamental goal of the legislation to remove a clearly objectionable rangeland policy.

If left alone, Rangeland Reform '94 will have a detrimental effect on ranching operations in South Dakota. Many of these reforms are short-sighted, take away local input and control, and could drive many ranchers off the land.

It is clear that extreme environmental groups support Rangeland Reform '94 and are waging a baseless scare campaign on S. 1459.

Supporters of Rangeland Reform '94 are spreading the laughable charge that this bill would hurt wildlife and restrict hunting on Federal lands.

I say this is laughable because it simply is not true. All one has to do is read the bill which specifically states:

> Nothing [in this title] shall be construed as limiting or precluding hunting or fishing activities on national Grasslands in accordance with applicable Federal and State laws, nor shall appropriate recreational activities be limited or precluded.

I originally had two important improvements to S. 1459. One was included in the bill and the second I intend to offer as an amendment. South Dakotans made it abundantly clear of the need for local and public input. I worked with Senator DOMENICI on an amendment to require consultation with State, local, and other interests in land-use policies and land-conservation programs for the national grasslands.

All users of Federal lands should have a voice in land-use policies. This added input will provide needed suggestions on better grazing practices that will protect the land and enhance wildlife management.

After discussing this with Senator DOMENICI, my amendment was included in S. 1459 as reported. I thank Senator DOMENICI and Senator CRAIG for working with me on this proposal.

The second improvement is designed to address concerns expressed by sportsmen. South Dakota is probably the best hunting and fishing State in the Nation. I know there may be others who may disagree, but I will gladly promote South Dakota as a sportsmen's haven.

Sportsmen have expressed concerns that S. 1459 could limit use of Federal lands for hunting, fishing, and other recreational purposes. My amendment would reinforce Federal policy to protect the interests of sportsmen who

hunt and fish and use our public rangelands for sport. My amendment would preserve the rights of hunters, fishermen, and other sport enthusiasts to use Federal lands.

I hope this amendment can be accepted and made part of the bill.

Mr. President, the Congress needs to pass S. 1459. The bill would address the problems with Rangeland Reform '94, provide needed stability to farmers and ranchers, and help preserve the social, economic, and cultural base of rural communities in the western States. Current use of Federal lands could be greatly restricted in future years without S. 1459. I urge its adoption.

EXHIBIT 1

MARCH 14, 1996.

Hon. LARRY PRESSLER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER: The undersigned organizations represent the diverse interests of millions of citizens who currently participate in the multiple use of America's public lands. On their behalf, we strongly urge you to support S. 1459, the Public Rangelands Management Act. This bill is the result of innumerable hours of bipartisan negotiations. It fosters balanced multiple use management of our public lands, resource protection and public participation. We have the following reasons for asking your support for this legislation:

The bill maintains widespread public participation in the management of federal lands. For the cost of a postcard, any individual or organization may qualify as an ''affected interest'' under the bill simply by writing to the Secretary to express concern for the management of grazing on a specific federal grazing allotment. They will then receive notice of and an opportunity for comment and consultation on proposed decisions made by the Secretary of the Interior affecting that particular federal parcel. Public participation extends down to the level of designation of allotment boundaries, development of allotment management plans, increasing or decreasing the use of the land by permittees, issuance and modification of permits and reports evaluating monitoring data applicable to a permit.

The legislation maintains the ''multiple use'' of public lands. There are those in the environmental community who would have you believe this bill somehow establishes ranching as a dominant use. You need not accept the word of these environmentalists or our word; the legislation speaks for itself. The bill states simply and clearly that ''multiple use as set forth in current law has been, and continues to be, a guiding principle in the management of public lands and national forests.'' Section 102 states that nothing shall affect valid existing rights, reservations, agreements or authorizations. The bill specifically states that nothing in the bill shall be construed as limiting or precluding hunting or fishing activities on federal lands in accordance with applicable federal and state laws, nor shall appropriate recreational activities be limited or precluded. The canard raised by these environmentalists that this bill would somehow lock in current livestock usage levels is simply wrong (see Section 101(a)).

The issue of NEPA compliance is important. The National Environmental Policy Act was well intended for the protection of the environment with regard to major federal actions. Unfortunately, over the decades since its passage, NEPA has been used by obstructionists as a tool to put a stranglehold on any use of federal lands. The statutorily required major federal action has devolved to the digging of a single post hole on federal lands. Everyone familiar with current agency interpretations of NEPA realizes the system is badly broken. The reality is that agency officials are not getting out on the land and monitoring multiple use; they are desk bound by NEPA paper shuffling and the fear of litigation. The NEPA provisions in the bill will protect the environment, restore the original intent of NEPA and free up federal land managers to do their job, all while saving the public money.

The Public Rangelands Management Act is a major cost saver for the federal government. The Congressional Budget Office has scored the new grazing fee formula contained in the bill and determined that enactment would decrease direct federal spending by about $21 million over the 1996 to 2000 period. CBO estimates that offsetting receipts would increase by about $28 million over the same period. The western livestock industry supports this new formula at a time when cattle prices are at a 13 year low. Ranchers are stepping up to the plate and expressing a willingness to pay more during the hard times.

If enacted, S. 1459, the Public Rangelands Management Act will be the first major revision of federal lands grazing activities since the 1934 Taylor Grazing Act. The time has come to restore common sense to the management of the federal lands and to allow ranchers utilizing those lands to continue the production of food and fiber. Support responsible land management, prudent resource conservation and continued multiple use of national lands. Please support S. 1459.

Sincerely,

Agricultural Retailers Association; American Chianina Association; American Farm Bureau Federation; American Forest and Paper Association; American Gelbvieh Association; American Horse Council; American International Charolais Association; American National Cattle Women; American Sheep Industry Association; Arizona Cattle Feeders' Association; Arizona Cattle Growers Association; Arizona Farm Bureau Federation; Arizona State Cowbelles; Arizona Wool Producers Association; Association of National Grasslands; Black Hills Regional Multiple Use Coalition; California Cattlemen's Association; California Farm Bureau Federation; California Public Lands Council; California Wool Growers Association; Cochise Grand Cattle Growers; Colorado Cattlemen's Association; Colorado Cattle Feeders Association; Colorado Farm Bureau; Colorado Public Lands Council; Colorado Woolgrowers Association; Dixie Escalante Rural Electric Association; Empire Sheep Producers, NY; Florida Cattlemen's Association; Gem State Hunters Association; Idaho Cattlemen's Association; Idaho Dairymen's Association; Idaho Farm Bureau Federation; Idaho Food Producers Association; Idaho Hunters' Association; Idaho Mint Growers Association; Idaho State Grange; Idaho Wool Growers Association; Independent Petroleum Association of America; Indiana Sheep Breeders Association; Iowa State Grange; Kansas Sheep Association; Michigan Cattlemen's Association; Michigan State Grange; Mississippi Cattlemen's Association; Montana Association of Grazing Districts; Montana Farm Bureau Federation; Montana Public Lands Council; Montana Stockgrowers Association; Montana Wool Growers Association; National Association of Counties; National Association of State Departments of Agriculture; National Cattlemen's Beef Association; National Grange; National Lumber and Building Material Dealers Association; National Mining Association; Nebraska Cattlemen; Nevada Cattlemen's Association; Nevada Farm Bureau Federation; New Mexico Farm and Livestock Bureau; North Dakota Lamb & Wool Producers; North Dakota Stockmen's Association; Oregon Cattlemen's Association; Oregon Farm Bureau Federation; Oregon Sheep Growers Association; Ozona Wool & Mohair; Public Lands Council; Regional Council of Rural Counties, California; Rocky Mountain Oil & Gas Association; Roswell Wool, New Mexico; South Dakota Public Lands Council; South Dakota Sheep Growers Association; South Dakota Stockgrowers; Southern Timber Purchaser's Council; Tennessee Cattlemen's Association; Texas Sheep & Goat Raisers Association; Texas & Southwestern Cattle Raisers Association; Utah Cattlemen's Association; Utah Farm Bureau Federation; Utah Wool Growers Association; Utah Wool Marketing; Washington Cattlemen's Association; Washington Farm Bureau; Washington State Grange; Wilderness Unlimited, California; Wyoming Farm Bureau Federation; Wyoming Stock Growers Association; Wyoming Wool Growers Association.

Mr. HATCH. Mr. President, I rise today in support of S. 1459, the Public Rangeland Management Act. I am proud to be a cosponsor of this bill. And, I congratulate Senator DOMENICI and others who have worked so hard to balance the many interests involved in this legislation.

Livestock grazing has always played a major role in our western lifestyle, providing a number of important economic, social, and cultural benefits to all Americans. Utah's rangelands are a renewable resource that can be used and reused without sharing the land. In fact, grazing has become a natural part of the ecological system. A 1990 report from the Bureau of Land Management states that ''Public rangelands are in a better condition than at any time in this century.'' [''State of Public Rangelands 1990'', U.S. Bureau of Land Management, emphasis supplied] This is true because livestock grazers, armed with the latest available knowledge, have become wise users of the resources available to them.

There have been instances in the past of overgrazing to the detriment of the land and the local ecology; today these cases are the exception. Now we hold those who abuse our lands responsible for their actions.

Mr. President, let me state clearly that the Public Rangeland Management Act provides no relief or protection to bad actors on our rangelands. Instead, it reinforces all environmental laws as they relate to grazing on public lands. This is as it should be.

But, Mr. President, I am extremely concerned for the plight of livestock producers in Utah and throughout the United States. I am not aware of any cattle producers in Utah who are making a profit. There are a number of factors contributing to this devastating

trend. But when I ask them what we can do to help, they unanimously plead for stability—stability in the fees they are charged and stability in the laws and regulations they must obey.

In Utah most of the livestock producers are small family-owned cattle and sheep operations. An increasing number of these families who have paid for grazing permits on public land, will be unable to afford to use the. They will simply be unable to survive under the difficult regulations promulgated by the Secretary of the Interior known as Rangeland reform 94. Even the possibility that these regulations will be implemented has been sufficient cause for many lenders to hold back their money rather than provide necessary loans to ranchers. Lenders know the business, and they know that Secretary Babbitt's proposal is bad for the industry. Without the necessary credit these families have little hope for survival.

Mr. President, it breaks my heart to watch as families, who have been in the livestock business for generations—in some cases since before Utah became a State—are forced to pull up their stakes and fold up the family business. These families have withstood terrible winters, devastating droughts, the depression, and other economic downturns. But faced with an all powerful, antipathetic Federal Government, their ability to endure is coming to an end.

Considering the serious situation of our livestock industry, one might wonder how far S. 1459 goes to provide for their relief.

Some fear that S. 1459 exempts grazers from some environmental laws. There is absolutely no ground for this fear. The language in this bill could not more clearly reinforce all environmental laws, and it does nothing to impede future changes or additions to current environmental law.

Some who oppose the bill believe it would restrict the use of permitted lands from sportsmen and recreationists. They are dead wrong. Senator DOMENICI went so far as to add an amendment to this bill stating plainly that multiple use of permitted land would not be inhibited in any way. Mr. President, those who continue to criticize the bill for this reason must oppose the idea of grazing on public lands altogether, because it is clear that this concern has been addressed.

Mr. President, even with the difficulty faced by families in the livestock industry, there are still those who argue that we do not raise grazing fees high enough. The truth is that this bill raises grazing fees by 30 to 40 percent from current law, generating millions more revenue for the Treasury than in the past.

These critics point to the higher fees that are charged for forage on private lands. But, there can be little comparison made between grazing on private land and grazing on public land. On one hand, the private landowner must provide all the livestock management services as well as continual forage. Of course private owners charge more, they provide all the necessary services for grazers and must maintain them. On public lands, it is the grazers who are required to install and maintain stock water ponds, fences, and other improvements at their own expense.

Before he was named as Secretary of the Interior, Bruce Babbitt said that ''multiple use has run its course.''—Public Lands Reform Vital, Denver Post, Mar. 9, 1990. This view is certainly disheartening to use in the West, and I, for one, regret that Secretary Babbitt has set in motion a number of challenges to multiple use. The Rangeland Reform '94 plan is amount the most difficult.

Besides putting grazing fees at a level that is sure to run a host of ranchers off of public lands, Secretary Babbitt's Rangeland Reform '94 proposal would lay down a long list of new standards and regulations that address all public grazing in a one-shoe-fits-all approach. This approach just does not make sense. Every grazing district throughout the country has its own set of challenges and resources that must be dealt with to ensure sustainable use of the that area.

S. 1459, the Public Rangeland Management Act, would set into law a framework for managing our lands according to each district's specific needs. And I might add that it would do so while keeping all current environmental protections in full force and effect. This bill would also set into law a fee formula that, although much higher than current law, would provide stability for families in the livestock business and their creditors. Fees should not be set by political appointees who come and go, and who bring with them differing philosophies of public land management.

Again, I commend Senator DOMENICI, Senator MURKOWSKI, and all my colleagues who have worked to develop this compromise legislation. This bill is long overdue. When this process began the need for these reforms was great. Since then, that need has taken on great urgency. We must pass this bill without delay.

Mr. KEMPTHORNE. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I would be pleased to yield for a question.

Mr. KEMPTHORNE. It is my understanding that the grazing bill S. 1459, the Public Rangelands Management Act does not affect the issue of grazing on national parks and national wildlife refuges.

Mr. DOMENICI. The Senator from Idaho is correct.

Mr. KEMPTHORNE. The reason I ask that question is that on many national wildlife refuges, including at least two in my own State, grazing is a traditional use of refuge lands originating in some cases before the land was acquired by the Fish and Wildlife Service.

Mr. DOMENICI. Have grazing rights been continued on those refuges?

Mr. KEMPTHORNE. It has taken a lot of effort to get the administration to admit that grazing rights on the refuges were retained by the previous landowners when the land was transferred to the Fish and Wildlife Service. As things stand right now, there may be room for some optimism that grazing will continue both as a retained right, and as a wildlife management technique.

Mr. DOMENICI. I thank the Senator from Idaho for his observation.

Mr. KEMPTHORNE. I thank the Senator from New Mexico.

Mr. HATFIELD. Mr. President, I support Senator DOMENICI's Public Rangelands Management Act. I had hoped to support a substitute or a series of amendments to address the concerns I expressed in the Energy and Natural Resources Committee meetings. However, we are faced with an amendment that fails to address my concerns and a substitute that goes beyond the changes that I believe we called for in the Domenici bill.

I am concerned with two aspects of S. 1459—public participation and flexible management. We could have done a better job in these two areas.

Affected interests should be consulted and allowed to protest and appeal decisions;

Site-specific NEPA analysis should be allowed when it is determined to be useful; and

A permittee or lessee should not have to be engaged in the livestock business and own base property in order to practice conservation use.

The substitute makes an attempt to address these two areas, but fails in other respects:

It continues to advocate two distinct range management programs, one for the Forest Service and one for the Bureau of Land Management;

It fails to adequately address the water rights issue; and

It does not adequately credit permittees for their rangeland investments.

I oppose the amendment offered by Senators BUMPERS and JEFFORDS for the following reasons:

It would create two classes of rangeland users without improving natural resource management;

It would become an administrative nightmare for the regulatory agencies; and

It is bad policy for Government to ''reward'' small operators or ''penalize'' large operators. The goal is to charge a fair fee to all.

I therefore will support Senator DOMENICI's bill. I see it as a reasonable, if flawed, attempt to bring closure to this longstanding issue.

The long and often contentious rangeland management debate reflects the profound ties that we as a Nation feel for our public lands. These ties are more than economic or sentimental. They are true bonds we hold to our Nation's past and its future.

The decades of debate have not been wasted. They have produced information that is leading to new management strategies and cooperation where

previously rancor prevailed. We now have an inspiring number of coalitions of ranchers, conservation groups, and State and Federal agencies working together voluntarily to improve rangelands.

In Southeastern Oregon's Trout Creek, for example, permittees are working together with Oregon Trout (a private conservation organization) and State and Federal agencies to improve riparian areas and resolve conflicts between big game and livestock. Their efforts have been very successful in improving range conditions on private, State, and Federal lands.

The Malapai Border Project in my esteemed colleagues' State of New Mexico offers another example of cooperative management. Here, permittees, the Nature Conservancy, and State and Federal officials have come together voluntarily to solve regional ecosystem problems. Through their efforts, we hope to stop the encroachment of brush into grasslands.

These and other examples should encourage us all. The condition of our grasslands is improving and should continue to do so if we work together.

It is interesting to observe the evolution of grazing fee proposals. For years grazing fees provided the hot button for all sides of the argument. Ranchers let us know loud and clear that their fees were high enough. Today, by-and-large, they support the legislation before us, which would increase the fees. This change of heart reflects a better understanding of the issues and a desire to respond to others' concerns.

We need to capitalize on this spirit and ensure that it grows. It is too easy to focus on remaining differences and go away convinced that they are too great to resolve. If we do this, we will inspire the cooperation necessary to resolve the remaining differerences.

It is my hope that my Senate colleagues will work in conference, in cooperation with the House and the administration, to make the adjustments necessary to address my continuing concerns.

Mr. KEMPTHORNE. Mr. President, the final analysis is clear. Rangelands need grazing in order to be healthy. Given that understanding, do we work with the stewards now on the land to improve range health, and find the right balance of grazing? Or do we focus instead on regulations that will have the end result of driving many of those stewards off the range?

The second alternative is unacceptable to me, and should be to all of us here. But under the regulations now in place, that is the direction we are headed. Innovative managers, like conservation award winner Bud Purdy from Picabo, ID, are seeing their children leave a generations-old tradition because of the uncertainty of depending on Federal lands. And this all despite his nationally recognized conservation projects.

We should be encouraging, not discouraging, private enterprise and individual initiative. We should be looking out for the best interests of the public in the long term. Creating vast empty wastelands is not in the best interest of the American public, and it is the responsibility of this body to set policy that will plot the course to protect environmental health and economic stability for rural communities.

Mr. Chairman, as you might have guessed, this debate is a source of great frustration for me. The focus of this Congress, and supposedly of the administration, is to reduce and simplify government, to serve the public better by decreasing overhead cost, reducing needless oversight and review, and improving cooperation with the private sector. But the regulations which the administration implemented last August fly in the face of those goals.

We have to ask ourselves what our priorities are. Ranching is a primary industry across the West. Do we want to tap into the resources that industry has to offer, to encourage conservation and cooperation, to foster stewardship and local management? Or do we want to micromanage the top down, effectively pulling the rug out from under fragile rural economies?

Mr. President, there are efforts underway as we speak to support rural America. The President is supporting an aggressive rural development program that is being included in the farm bill. But does it make sense to undertake a significant rural development program on the one hand while implementing regulations that will stifle development on the other?

Mr. President, I believe the answer is clear, and further, that Senator DOMENICI's bill is the better path to achieving those goals. I urge my colleagues to support this bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. There are no other Senators on our side desiring to speak on this matter. I will speak maybe 3 to 4 minutes.

Mr. President, let us talk a minute about public input into decisionmaking. Senate bill 1459, as introduced, has been criticized for its provisions regarding public involvement in management decisions regarding grazing activities on the Federal land.

In fact, Mr. President, under the Domenici substitute amendment, public involvement has been expanded. For the first time the public will be given an opportunity to comment on reports by the Secretary of the Interior, and Secretary of Agriculture, summarizing range-monitoring data. The only area where the role of the public has been somewhat diminished is in the area of protests. Let me talk about that a minute.

Under the Domenici substitute, protests cannot be filed by so-called affected interests on very limited types of decisions, such as proposed decisions on applications for grazing permits or leases or relating to terms and conditions of grazing permits or leases or range improvement permits. Other types of protests are allowed, as are appeals of final decisions under the Domenici substitute.

The reason for limiting protests, Mr. President, is very simple: We have found that we need to reduce the potential for filing vexatious and frivolous objections by individuals not even remotely affected by proposed decisions on specific grazing allotments. We want the Government to work better, not worse. We want decisions to be implemented without being protested, then appealed and delayed, and then delayed some more.

Mr. President, the substitute defines an affected interest to include individuals and organizations that have expressed in writing to the Secretary concern for the management of livestock grazing on specific allotments for the purpose of receiving notice and an opportunity for comment and informal consultation on proposed decisions of the Secretary affecting allotments.

As a result of being affected interests, an individual or organization, can receive notice of and the opportunity to comment on summary reports of resource conditions as well as proposaled and final decisions. They can also appeal final decisions, assuming they have standing to appeal.

If an individual, organization is an affected interest, notice of a proposed decision will allow a reasonable opportunity for comment and informal consultation regarding the proposed decision within 30 days, for designation or modification of allotment boundaries, development, revision or termination of allotment management plans, increase or decrease of permitted use, issuance, renewal of transfer of grazing permits, modification of terms and conditions, reports, evaluating monitoring data and the issuance of temporary nonrenewable permits.

In addition to all of the above, Mr. President, public participation occurs in the following areas under this substitute: First, resource advisory councils; second, grazing advisory councils; third, all the FLPMA processes, development of land use plans and amendments thereto.

The NEPA process, where it is used in land use planning, it is used to its absolute maximum. It is also applicable in the development of standards and guidelines.

It is not accurate, nor is it fair, to argue that 1459 or the substitute amendment to it significantly diminishes public participation in management decisions affecting grazing allotments. The intent of our legislation is to ensure fair and frequent public participation by interested individuals, but to curb frivolous and vexatious attempts by outsiders to micromanage —not macromanage, but micromanage—grazing on the public domain from a distance of 2,000 miles away.

In short, our bill attempts to keep those who would file with a 32-cent

stamp, from Boston, on a postcard, from spawning administrative and judicial litigation. That brings livestock grazing and economic activity in the West to a halt. This happens with more frequency than you might imagine. We think we have the right amount, which is a very significant amount of public participation, in the right type of decision points.

In some areas, our bill goes further than the Bingaman substitute; in others, it does not go as far. But I believe public participation is maintained in a very broad way and is very significant in this bill.

Mr. President, I have a number of responses in writing that I have written out with reference to other contentions that have been made here on the floor. I do not think, in the interest of time, that I will go through each and every one of them. But there are some significant differences in conservation partnerships that are allowed, cooperative partnerships, than have been stated here on the floor.

The only thing that concerns us and that is epitomized in our bill, is after the land use plan is put together, we do not permit those who would like to get rid of grazing to come in and pick the very best land and say, ''We'd like to take all the cattle off. We have enough money to pay for it. We would like to turn it into nothing more than a nongrazing area.''

We think there are other, better ways to improve conservation measures without doing that to the public domain. I might indicate that even in States which have a very, very broad-based approach to conservation uses, instead of just pure grazing, this idea of going and picking leases, picking the best of leases and taking them out of grazing and putting them into an exclusive conservation use, has been denied at the State level, not only in New Mexico but in other States.

Mr. President, another criticism of S. 1459 is that it provides for cooperative range improvement agreements with permittees and lessees only. Had Senator BINGAMAN read the Domenici substitute amendment, he would have known that his criticism of S. 1459 is utterly baseless. Section 105(b) directs the Secretary, where appropriate, to authorize and encourage coordinated resource management practices. Such practices shall be for the purposes of promoting good stewardship and conservation of multiple use rangeland resources. And, such practices can be authorized under a cooperative agreement with a permittee or lessee, or an organized group of permittees or lessees.

Language was specifically added at the urging of some conservation groups to provide that such cooperative agreements could include other individuals, organizations, or Federal land users irrespective of the mandatory qualifications required to obtain a grazing permit required by S. 1459 or any other act. This was done so that non-permittee or non-lessee conservation groups could voluntarily make improvements on the public rangelands.

So, Mr. President, contrary to what Senator BINGAMAN claims, a cooperative agreement is not limited to just permittees and lessees. Anyone can enter into a cooperative agreement with a permittee or a lessee and voluntarily make range improvements on grazing allotments.

I hope, Mr. President, that Senator BINGAMAN isn't suggesting that we should discourage or prohibit this type of voluntary rangeland stewardship, because one of the groups that urged us to change section 105 voluntarily makes $3 million in range improvements each year, based on funds raised at dinners and benefits. If Senator BINGAMAN wants to make it the policy of the United States that we should not allow this type of voluntarism, I think our colleagues should be skeptical about supporting his substitute.

Next, Mr. President, it has been said that S. 1459 denies the right of affected interests to protest grazing decisions on public land and national forests by providing that only an applicant, permittee, or lessee may protest a proposed decision. Again, Senator BINGAMAN should read the Domenici substitute more carefully. Either that, or he must be confused about what the Domenici substitute actually does. Section 151(b) of the Domenici substitute requires the authorized officer to send copies of a proposed decision to ''affected interests.''

Section 155(b) requires the Secretary to notify ''affected interests'' of seven different kinds of proposed decisions: first, the designation or modification of allotment boundaries; second, the development, revision, or termination of allotment management plans; third, the increase or decrease of permitted use; fourth, the issuance, renewal, or transfer of grazing permits or leases; fifth, the modification of terms and conditions of permits or leases; sixth, reports evaluating monitoring data for a permit or lease; and seventh, the issuance of temporary nonrenewable use permits.

Section 151(c)(3) states that any notice of a proposed decision to an affected interest must state that ''any protest to the proposed decision must be filed not later than 30 days after service.''

The only limitation on protests is found in section 152, which states, ''an applicant, permittee, or lessee may protest a proposed decision under section 151 in writing to the authorized officer within 30 days after service of the proposed decision.''

If there is a limitation on the filing of protests by affected interests, Mr. President, the Domenici substitute does not allow affected interests to file protests on very limited types of decisions, such as proposed decisions on an application for a grazing permit or lease, or relating to a term or condition of a grazing permit or lease or a range improvement permit. Each of these types of issues, Mr. President, involve the contract-like relationship between the permittee or lessee and the United States. In our view, these are the type of decisions that do not warrant armchair quarterbacking and second-guessing by those who want to micromanage livestock grazing on the public lands.

Other types of protests are allowed—as I have already more than adequately explained—as are appeals of final decisions, under the Domenici substitute.

On this one, Mr. President, Senator BINGAMAN is wrong again. So is the Congressional Research Service attorney who analyzed the bill for Senator BINGAMAN.

Next, Mr. President, Senator BINGAMAN claims that under S. 1459 only ranchers would qualify to appeal a final decision affecting the public lands. This is false. Persons who are aggrieved by a final decision of an authorized officer can appeal such a decision, so long as the agency's standing requirements can be met. The same would be true for a judicial appeal of a final agency action.

The reference to the Administrative Procedure Act simply clarifies that a person must actually be aggrieved—actually injured—as set forth in the APA and case law interpreting it. This does not mean that someone whose interest might be affected, or who might suffer some unknown injury at some point in the future can sue.

Mr. President, what we are trying to do here is to eliminate frivolous and vexatious administrative and judicial appeals by those who are not actually adversely affected by a land manager's decision, but who oppose grazing on public lands or have some particular ax to grind.

Senator BINGAMAN seems to think that being an ''affected interest'' should automatically confer rights to bring administrative or judicial appeals of final decisions. He cites the language in section 154 that states ''being an affected interest as described in section 104(3) shall not in and of itself confer standing to appeal a final decision upon any individual or organization.''

Mr. President, under the administrative case law of the Interior Board of Land Appeals, a clear distinction has been made as to the appeal rights of ''affected interests'' as opposed to those ''whose interests may be adversely affected.'' The IBLA has ruled in several cases, Mr. President, that being ''deemed'' to be an ''affected interest'' does not automatically confer upon a person a right to appeal. The Interior Department's regulations state that only a person ''whose interest is adversely affected by a final decision may appeal to an administrative law judge.'' (Donald K. Majors, 123 IBLA 142, 146 (1992)).

Mr. President, the Domenici substitute is consistent with the Interior Department's regulations.

Senator BINGAMAN also claims that S. 1459 exempts on-the-ground management from NEPA. NEPA has been eliminated in site-specific situations. He cites a CRS analysis that states that elimination of site-specific analysis is a significant change in current law and procedures. In place of NEPA, S. 1459 proposes a review of resource conditions.

The Domenici substitute states that grazing permit or lease issuance, renewal, or transfer are not ''major federal actions'' significantly affecting the environment under NEPA. This will spare the Government the time and expense—1½ years per EIS at a cost of about $1 million per EIS—of doing full-blown EIS' on the more than 20,000 grazing permits and leases on BLM and Forest Service lands.

Also, the Republican substitute places NEPA consideration of grazing activities at the appropriate place: at the land use or forest plan level. The Republican substitute does not trivialize the NEPA process by requiring an EIS for simple decisions such as where to locate a watering tank or whether a fence should be built.

What Senator BINGAMAN and the CRS analysis ignores is that the measure of whether NEPA analysis is done on ''site specific management'' is whether ''site specific management''—and it is not clear what Senator BINGAMAN means by this term—constitutes a major Federal action significantly affecting the quality of the environment within the meaning of NEPA. The Bureau of Land Management does not now perform NEPA analysis on grazing permit renewals, so this is not a significant change from current procedures.

Current law does not require NEPA analysis on ''site specific management.'' Current law requires NEPA analysis of major Federal actions significantly affecting the environment. For Senator BINGAMAN to say that S. 1459 eliminates NEPA analysis of site specific management is a gross mischaracterization of the process and of what NEPA requires. And, as I already mentioned, decisions on the location of a stock watering tank or construction of a fence cannot possibly be considered ''major Federal actions.''

Finally, Mr. President, Senator BINGAMAN is trying to dupe everyone into believing that the Domenici substitute eliminates NEPA analysis of grazing activities, and places instead a simple review of resource conditions. The facts about what the Domenici substitute does are these: first, NEPA analysis would be required at the BLM land use plan—also known as the resource management plan—level and at the Forest plan level. NEPA is not eliminated. Let me repeat—NEPA is not eliminated.

Mr. President, let me just say that the Bingaman substitute would not require the completion of any analysis under NEPA on renewals and transfers unless the Secretary determines that the renewal or transfer would involve significant changes in management practices or use, or that significant environmental damage is occurring or is imminent. Nowhere does the Bingaman substitute specify what ''significant'' is.

Second, Mr. President, the Domenici substitute would require monitoring of resource condition at an interval of no less than every 6 years. This is not required now. Neither BLM or the Forest Service conduct monitoring with any regularity, if at all.

Third, notwithstanding Senator BINGAMAN's complaints that monitoring data consists of very specific measures of vegetative attributes, or that, in many cases, it is not available, the Domenici substitute will ensure—for the first time—that adequate monitoring data are available to BLM and the Forest Service. Why is this so important? Because—for the first time—monitoring can help guide the agencies in determining whether grazing activities or land management practices should be changed to protect the public rangelands. The substitute of Senator BINGAMAN would do no such thing.

So, Mr. President, how in the world can Senator BINGAMAN criticize the Domenici substitute?

Last, Mr. President, Senator BINGAMAN claims that, under S. 1459, the public is not given a say in range improvements.

While no specific provision is made in the Domenici substitute for a public say in range improvements—just as the Bingaman substitute does not specifically give the public a role in range improvements—an opportunity for such input would be welcomed through input from the resource advisory councils and grazing advisory councils.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just summarize my response on a few of these areas, and then I think we will have concluded the debate as far as I am aware on this substitute amendment.

I wanted to talk briefly about three issues. First, the NEPA issue that was raised by several of my colleagues, and the difference between our bill and the underlying Senate bill 1459 on NEPA application; second, the opportunity to protest, which Senator DOMENICI was just referring to; then the question that was raised earlier in the debate about why our own substitute did not have a specific provision reserving the right of people to hunt and fish or otherwise use the public lands.

First on NEPA, let me state my understanding of NEPA. The statement I think was made earlier by my colleague that NEPA today is not applied or used in the management of the BLM lands. My understanding is very different, Mr. President. My understanding is the National Environmental Policy Act sets up a procedure which applies to all of the Federal land management agencies and essentially says that when you take an action or make a decision, you need to determine by virtue of the National Environmental Policy Act whether there is an impact, a major Federal impact on the environment.

You can do it one of three ways. If you are fairly confident that there is no impact on the environment to speak of, and it is clear that what you are doing is consistent with decisions you have otherwise made, you can make an administrative determination, and that is in compliance with NEPA, but you are complying with NEPA, as I understand it, by making an administrative determination that nothing more is required. If you think possibly a more serious impact on the environment might be involved you can, instead, make an environmental assessment, and only once you have made an environmental assessment and determined that there will be a significant impact on the environment are you required to do a full-blown environmental impact statement.

Now, whether you do an administrative determination or whether you do an environmental assessment or whether you do the full-blown environmental impact statement, the BLM in this case is complying with NEPA, so the notion that the BLM is not in compliance with NEPA in the way they presently operate and the way they have historically operated is just wrong. In fact, when you look at the CEQ regulations—not the new regulations that Secretary Babbitt promulgated—in the CEQ regulations, it is made very clear that based on regulation 1501.4, based on the environment assessment, the agency will make its determination on whether to prepare an environmental impact statement.

My understanding is that the BLM did comply with that. In most cases they determine that they should do an environmental assessment before renewing leases. We are trying to address that in our substitute, as I have explained here, and I think everybody concedes we are saying that NEPA should not apply when you are just renewing a lease, when you are just renewing a permit, unless there is some evidence that there is a change in the management or some evidence that there is danger to the land involved or to the environment. That is the first point on NEPA.

On the opportunity to protest, under our bill, under this proposed substitute we are offering, the department will determine whether or not a particular group or person is an affected interest. Not everybody who writes in or contacts the department is necessarily an affected interest. If a third-grade class in Hartford, CT, wants to write and they say they are an affected interest on the land in a ranch in New Mexico, it is very doubtful that any Secretary would determine that they were an affected interest under the language of

our substitute. We have made it clear that the Secretary is given discretion as to look at whether or not a group is, in fact, affected.

If they are affected, we provide they have an opportunity to protest. Now, the CRS report, which I know some are critical of, let me state I think they make a very good point here. They say a protest is 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 committing itself to a final course of action.

That is all we are saying. We are not saying that someone should have legal rights as such, except to state their position and do so at a stage in the process before a final decision is made. That is not permitted under the underlying bill. It is permitted in our substitute. I think, clearly, it should be permitted.

Again, it should be permitted for those who are determined to be affected interests—not for the so-called interested public, which is what the current Department of Interior regulations refer to. We have corrected that. We agree that is an overly broad category, the interested public. So we have said in the case of an affected interest, if you are determined to be an affected interest you should have a right to protest before they finalize the decision.

The other area I wanted to particularly point out, I know my colleague had said that someone could raise an objection to our bill on the grounds that we did not specify that hunting and grazing are, in fact, permitted. Well, we did not. I point out that the reason we did not is that in our bill we made it very clear that our legislation is not an amendment to all of the different statutes that are being amended in the underlying legislation. The underlying legislation, by its very language, section 102, page 5, says,

> The Act applies to the Taylor Grazing Act, Federal Land Policy Management Act, Public Range Improvement Act, Organic Administration Act of 1897, the Multiple Use Sustained Yield Act of 1960, the Forest and Rangeland Renewable Resource Planning Act, the National Forest Management Act.

Since they are saying that all of those acts are modified or changed to the extent necessary by this, they then have to come back later in that same section 102, and say nothing in this title shall limit or preclude the Federal language from being used for hunting, fishing, recreation, watershed management, et cetera.

We did not have that same proviso in there because we are not affecting those acts. Nothing in our bill affects those earlier acts. We are proposing very limited statutes which have the effect of correcting regulatory provisions that we had concerns about. That is a basic reason why we did not repeat that same provision that the Senator from New Mexico has in his earlier bill.

I gather he wants to speak in response to that.

Mr. DOMENICI. I just wanted to say, Senator, and ask you if you would turn to the section called Applications of the Act on page 5. It says, ''This act applies to,'' and then it says, ''(1), the management of grazing on Federal land by the Secretary of Interior under * * *'' So it is the management of grazing as affected by these acts.

All I said about your failure to include the provision was that somebody, if they wanted to treat your bill like they have treated my bill, would say, why does it not have in that language that says it in no way would affect, and all I said was somebody might write—since that is not there, maybe it affects them in some adverse way.

I do not believe with that language which says ''grazing on Federal land,'' that we are changing these acts. It is the management of grazing on Federal land.

Mr. BINGAMAN. Mr. President, let me respond that there are a great many groups and individuals around the country very concerned about preserving hunting and fishing rights. To my knowledge, none of them have raised concerns about whether our legislation impinges upon those or our proposed substitute impinges upon those rights, or fails to adequately protect those rights. I think those concerns have been raised about the underlying bill. Senate bill 1459, not about our substitute. So I think this is a problem which is not real, in my view.

Mr. President, I will conclude my comments by just going back to the basic point that I think needs to be understood by our colleagues. In putting together our substitute, which we are getting ready to vote on, we sent a letter to my colleague, Senator DOMENICI, in September of last year. It was signed by myself, Senators DORGAN, DASCHLE, BRYAN, and REID, all five of us, who have spoken here on this issue. We sent a letter saying that, in our view, the only way we should go forward and develop legislation that would do what needs to be done here is to identify the problems that exist in the new grazing regulations and then legislate corrections to those, legislate solutions to those, correct the specific problems that have been pointed out. Do not go beyond that and create new problems.

I believe that we have done that in the substitute. We have tried to strike a balance between those who graze the land, the authority of those who graze the land, and the authority of those who want to use the land for other purposes. I believe that balance is very important to maintain. I fear that the underlying bill gives us an imbalance, which we will be back here trying to correct in future years, if the underlying bill were to become law. With that, I believe we have concluded debate on this.

I yield the floor.

Mr. DOMENICI. Mr. President, before I move to table the Bingaman amendment, I want to say to Senator BINGAMAN, and other Senators who have worked with him on that side of the aisle, obviously, even with reference to the Domenici amendment, your work has not been in vain because we changed it rather dramatically in response to various meetings we held with Senator BINGAMAN, and the other Senators he mentioned. A number of changes have been made since he suggested them, and the major one was made because of a suggestion Senator BINGAMAN made—that we not provide by statute to wipe out all of the regulations and say these are the regulations. We left many of the old regulations in place, which he recommended we do. I thought that was a major change. That it reduced the bill by two-thirds in length, if nothing else, should be good. Many of us think we ought to have fewer words rather than more. In many areas we have complimented their efforts.

We believe that the Domenici amendment will create the balance, and that it will create more of a certainty for the ranching community to continue to exist. At the same time, it will protect all the other interests.

With that, Mr. President, I move to table the Bingaman amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BURNS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—57

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Baucus	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	Wyden

NAYS—40

Akaka	Daschle	Harkin
Biden	Dodd	Hollings
Bingaman	Dorgan	Johnston
Boxer	Exon	Kennedy
Breaux	Feingold	Kerry
Bryan	Feinstein	Lautenberg
Bumpers	Ford	Leahy
Byrd	Glenn	Levin
Conrad	Graham	Lieberman

Mikulski	Pell	Sarbanes
Moseley-Braun	Pryor	Simon
Moynihan	Reid	Wellstone
Murray	Robb	
Nunn	Rockefeller	

NOT VOTING—3

Bradley	Gregg	Kerrey

So the motion to lay on the table the amendment (No. 3559) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. As I understand it, there is a request for the yeas and nays on final passage.

Mr. PRESSLER. Mr. President, I still have an amendment.

Mr. DOMENICI addressed the Chair.

Mr. LOTT. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE. As I understand it, the Senator from South Dakota has an amendment.

Mr. DOMENICI. We are going to fix that right now and then vote on it.

Mr. DOLE. There has also been a request for final passage on the Taiwan resolution which has been agreed to. That can be the second vote, and then everybody can vote and leave.

UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 165

Mr. DOLE. Mr. President, I also ask unanimous consent at this time that when the Senate receives from the House House Joint Resolution 165, the continuing resolution, it be deemed considered read three times, passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays on final passage of S. 1459, the grazing bill?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. And on Taiwan.

The PRESIDING OFFICER. And on Taiwan? Without objection, it is so ordered.

The yeas and nays were ordered.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. Could we have a bit of order.

The PRESIDING OFFICER. May we have order, please. All conversations should be removed to the cloakrooms.

AMENDMENT NO. 3560 TO AMENDMENT NO. 3555

(Purpose: Amendment To make clear the intent of title II to preserve sporting activities on the National Grasslands)

Mr. PRESSLER. 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 South Dakota [Mr. PRESSLER] proposes an amendment numbered 3560 to amendment No. 3555.

Mr. PRESSLER. 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 section 202(a)(3), after ''preserving'' insert ''sporting,''.

In section 202(b), strike ''hunting, fishing, and recreational activities'' and insert ''sportsmen's hunting and fishing and other recreational activities''.

In section 205(f), strike ''HUNTING, FISHING, AND RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding hunting or fishing activities'' and insert ''SPORTSMEN'S HUNTING AND FISHING AND OTHER RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding sportsmen's hunting or fishing activities''.

Mr. PRESSLER. Mr. President, my amendment is designed to address a concern expressed by sportsmen in South Dakota. South Dakota is probably the best hunting and fishing State in the Nation. I know there may be others who may disagree, but I will gladly promote South Dakota as a sportsman's haven.

Mr. WELLSTONE. I object.

Mr. DOMENICI. Could we have order, Mr. President.

The PRESIDING OFFICER. Could we have order. And the Chair will withhold comment.

Mr. PRESSLER. Mr. President, this amendment reinforces Federal policy to protect the interests of sportsmen who hunt and fish and use our public rangelands for sport. My amendment would preserve the rights of hunters, fishermen and recreationalists to use Federal lands.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. PRESSLER. I will yield.

Mr. FORD. The longer the Senator talks, the less chance this amendment has of passing.

Mr. DOMENICI. I thank the Senator.

Mr. PRESSLER. Mr. President, I hope this amendment can be accepted and made a part of the bill.

Mr. DOMENICI addressed the Chair.

Mr. President, I wonder if the Senator would agree for a moment to set his amendment aside.

Mr. PRESSLER. I will.

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

MODIFICATIONS TO AMENDMENT NO. 3555

Mr. DOMENICI. I send to the desk a Pressler amendment and two other technical amendments in behalf of Senator CAMPBELL and Senator DORGAN and one in behalf of Senator BURNS. They have been approved by Senator BINGAMAN in behalf of the minority. I send them to the desk and ask that my amendment be modified to include those amendments.

The PRESIDING OFFICER. Without objection, the underlying amendment is so modified.

The modifications are as follows:

In section 202(a)(3), after ''preserving'' insert ''sporting,''.

In section 202(b), strike ''hunting, fishing, and recreational activities'' and insert ''sportmen's hunting and fishing and other recreational activities''.

In section 205(f), strike ''HUNTING, FISHING, AND RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding hunting or fishing activities'' and insert ''SPORTSMEN'S HUNTING AND FISHING AND OTHER RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding sportsmen's hunting or fishing activities''.

On page 7, line 7, strike paragraph (7) in its entirely and insert a new paragraph (7) as follows:

''(7) maintain and improve the condition of Federal land for multiple-use purposes, including but not limited to wildlife and habitat, consistent with land use plans and other objectives of this section. ''

On page 9, line 10, after ''Service'' insert' ''in the 16 continguous Western States''.

On page 21, line 17, strike ''and'' and insert in lieu thereof ''or''.

On page 21, line 21, strike ''A grazing permit or lease shall reflect such '', and insert in lieu thereof ''The authorized officer shall ensure that a grazing permit or lease will be consistent with appropriate''.

On page 18, line 23, strike ''or'' and insert in lieu thereof ''and''.

On page 6, strike the present text in lines 9–13 and insert in lieu thereof the following: ''Nothing in this title shall affect grazing in any unit of the National Park System, National Wildlife Refuge System or on any lands that are not federal lands as defined in this title.''

On page 13, line 22: add the following subsection:

''(4) State Grazing Districts established under state law.''

On page 29, line 20: add the following subsection:

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

On page 31, line 13: add the following subsection:

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

AMENDMENT NO. 3560 WITHDRAWN

Mr. PRESSLER. Mr. President, I withdraw my amendment.

Mr. DOMENICI. Senator PRESSLER has withdrawn his amendment.

Mr. President, I believe we are ready for final passage. Is that correct?

AMENDMENT NO. 3555, AS MODIFIED

The PRESIDING OFFICER. If there is no objection, the substitute amendment is agreed to.

The amendment (No. 3555), as modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS-CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTION 149

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on behalf of the leader, who did not read the unanimous consent request, I ask

unanimous consent that following the vote on passage of S. 1459, the grazing bill, the Senate proceed immediately to the consideration of House Concurrent Resolution 149 regarding Taiwan, with Senator Thomas to be recognized to offer an amendment, the amendment be considered agreed to, and the Senate immediately vote on adoption of House Concurrent Resolution 149, as amended.

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

Mr. DOMENICI. I thank the Chair.

VOTE

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—51

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Baucus	Gramm	McConnell
Bennett	Grams	Moynihan
Bond	Grassley	Murkowski
Brown	Hatch	Nickles
Burns	Hatfield	Pressler
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Conrad	Inhofe	Smith
Coverdell	Johnston	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner

NAYS—46

Akaka	Feinstein	Moseley-Braun
Biden	Ford	Murray
Bingaman	Glenn	Nunn
Boxer	Graham	Pell
Breaux	Harkin	Pryor
Bryan	Hollings	Reid
Bumpers	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Kennedy	Roth
Cohen	Kerry	Sarbanes
Daschle	Kohl	Simon
DeWine	Lautenberg	Snowe
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Exon	Lieberman	
Feingold	Mikulski	

NOT VOTING—3

Bradley	Gregg	Kerrey

So the bill (S. 1459), as amended, was passed.

The text of the bill will be printed in a future edition of the RECORD.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I wish to acknowledge the following staff for their important contribution to the passage of S. 1459, and I ask unanimous consent that their names be printed in the RECORD.

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

Charles Gentry and Gary Ziehe of Senator DOMENICI's staff.

Energy Committee Majority Staff: Gary Ellsworth, Jim Bierne, Mike Poling, and Jo Meuse.

The personal staff of the following members:

Dan Naatz—Senator THOMAS.
Ric Molen—Senator BURNS.
Nils Johnson—Senator CRAIG.
Rhea Suh—Senator CAMPBELL.
Kevin Cook and Greg Smith—Senator KYL.

Energy Committee Minority Staff: David Brooks and Tom Williams.

The personal staff of the following members:

Damon Martinez—Senator BINGAMAN.
Eric Washburn—Senator DASCHLE.
Mike Eggl and Doug Norrell—Senator DORGAN.
Bret Heberle—Senator BRYAN.
Bob Barbour and Peter Arapis—Senator REID.
Bryan Cavey and Kurt Rich—Senator BAUCUS.
Kevin Price—Senator CONRAD.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

DOMESTIC VIOLENCE HOTLINE

Mr. WELLSTONE. Mr. President, if I could just say this. I announced last week that as a part of the Violence Against Women Act we now have a national domestic violence hotline. Senator BIDEN, of course, did so much work on this, as did many others. Every day I come out and show this. It is 1–800–799–SAFE; and the TTD number for the hearing-impaired is 1–800–787–3224.

Mr. President, I spoke about this issue last week. But every day I want to announce this number for women and children and those who need to make this call. I thank the Chair.

EXPRESSING THE SENSE OF THE CONGRESS THAT THE UNITED STATES IS COMMITTED TO MILITARY STABILITY IN TAIWAN STRAIT

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 148) expressing the sense of the Congress that the United States is committed to military stability in Taiwan Strait and the United States should assist in defending the Republic of China (also known as Taiwan) in the event of invasion, missile attack, or blockade by the People's Republic of China.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3562

(Purpose: To amend the resolution)

Mr. THOMAS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] for himself, Mr. HELMS, Mr. DOLE, Mr. MURKOWSKI, Mr. PELL, Mr. SIMON, Mr. MACK, Mr. GRAMS, Mr. PRESSLER, Mr. BROWN, Mr. LUGAR, Mr. D'AMATO, Mr. WARNER, Mr. FORD, Mr. LIEBERMAN, Mr. ROTH, Mr. NICKLES, Mr. HATCH, Mr. GORTON, Mr. CRAIG, Mr. SANTORUM, Mr. DORGAN, Mr. ROBB, Mr. ROCKEFELLER, Mr. BRYAN, and Ms. MOSELEY-BRAUN proposes an amendment numbered 3562.

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

The amendment is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

''That it is the sense of the Congress—

''(1) to deplore the missile tests and military exercises that the People's Republic of China is conducting from March 8 through March 25, 1996, and view such tests and exercises as potentially serious threats to the peace, security, and stability of Taiwan and not in the spirit of the three United States-China Joint Communiqués;

''(2) to urge the Government of the People's Republic of China to cease its bellicose actions directed at Taiwan and enter instead into meaningful dialogue with the Government of Taiwan at the highest levels, such as through the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Strait in Beijing, with an eye towards decreasing tensions and resolving the issue of the future of Taiwan;

''(3) that the President should, consistent with section 3(c) of the Taiwan Relations Act of 1979 (22 U.S.C. 3302(c)), immediately consult with Congress on an appropriate United States response to the tests and exercises should the tests or exercises pose an actual threat to the peace, security, and stability of Taiwan;

''(4) that the President should, consistent with the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), reexamine the nature and quantity of defense articles and services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened military threat; and

''(5) that the Government of Taiwan should remain committed to the peaceful resolution of its future relations with the People's Republic of China by mutual decision.''

Amend the preamble to read as follows:

''Whereas the People's Republic of China, in a clear attempt to intimidate the people and Government of Taiwan, has over the past 9 months conducted a series of military exercises, including missile tests, within alarmingly close proximity to Taiwan;

''Whereas from March 8 through March 15, 1996, the People's Republic of China conducted a series of missile tests within 25 to 35 miles of the 2 principal northern and southern ports of Taiwan, Kaohsiung and Keelung;

''Whereas on March 12, 1996, the People's Republic of China began an 8-day, live-ammunition, joint sea-and-air military exercise in a 2,390 square mile area in the southern Taiwan Strait;

''Whereas on March 18, 1996, the People's Republic of China began a 7-day, live-ammunition, joint sea-and-air military exercise between Taiwan's islands of Matsu and Wuchu