

emissions fell nearly 90 percent. To put it another way, we took nearly five ounces of lead out of the sky for every American man, woman, and child. Emissions of sulfur dioxide, carbon monoxide, and particulates are way down, and half as many Americans live in cities with unhealthy air as in 1970.

Our water is cleaner. You can swim without getting sick and eat the fish you catch in twice as many rivers and streams. Even the Cuyahoga River has revived, to become a center for tourism in downtown Cleveland. The bald eagle is back from the brink of extinction.

Overall, because of the work of Ed Muskie and his colleagues, our children are growing up in a more healthy and beautiful America.

Mr. President, I am reminded of the Latin epitaph on the tomb of Sir Christopher Wren, the architect of St. Paul's Cathedral. It's inside the cathedral, and it says, "If you would see his memorial, look around."

So it is with Ed Muskie. If you wish to see his memorial, look around you: at the air in our cities; at the Potomac River, or the Cuyahoga; at a cleaner environment from Maine to Montana; at a nation that is more healthy and more beautiful because of his work.

He was a great environmental statesman, and his passing diminishes us.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, March 25, 1996, the Federal debt stood—down-to-the-penny—at \$5,063,054,197,564.33. On a per capita basis, every man, woman and child in America owes \$19,141.70 as his or her share of that debt.

#### PUBLIC RANGELANDS MANAGEMENT ACT

The text of the bill (S. 1459) to provide for uniform management of livestock grazing on Federal land, and for other purposes, as passed by the Senate on March 21, 1996, is as follows:

S. 1459

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

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Public Rangelands Management Act of 1996".

#### SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments and repeals made by this Act shall become effective on the date of enactment.

##### (b) APPLICABLE REGULATIONS.—

(1) Except as provided in paragraph (2), grazing of domestic livestock on lands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, shall be administered in accordance with the applicable regulations in effect for each agency as of February 1, 1995, until such time as the Secretary of Agriculture and the Secretary of the Interior promulgate new regulations in accordance with this Act.

(2) Resource Advisory Councils established by the Secretary of the Interior after August 21, 1995, may continue to operate in accord-

ance with their charters for a period not to extend beyond February 28, 1997, and shall be subject to the provisions of this Act.

(c) NEW REGULATIONS.—With respect to title I of this Act—

(1) the Secretary of Agriculture and the Secretary of the Interior shall provide, to the maximum extent practicable, for consistent and coordinated administration of livestock grazing and management of rangelands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, consistent with the laws governing the public lands and the National Forest System;

(2) the Secretary of Agriculture and the Secretary of the Interior shall, to the maximum extent practicable, coordinate the promulgation of new regulations and shall publish such regulations simultaneously.

#### TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

##### Subtitle A—General Provisions

#### SEC. 101. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) 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;

(2) through the cooperative and concerted efforts of the Federal rangeland livestock industry, Federal and State land management agencies, and the general public, the Federal rangelands are in the best condition they have been in during this century, and their condition continues to improve;

(3) as a further consequence of those efforts, populations of wildlife are increasing and stabilizing across vast areas of the West;

(4) grazing preferences must continue to be adequately safeguarded in order to promote the economic stability of the western livestock industry;

(5) it is in the public interest to charge a fee for livestock grazing permits and leases on Federal land that is based on a formula that—

(A) reflects a fair return to the Federal Government and the true costs to the permittee or lessee; and

(B) promotes continuing cooperative stewardship efforts;

(6) opportunities exist for improving efficiency in the administration of the range programs on Federal land by—

(A) reducing planning and analysis costs and their associated paperwork, procedural, and clerical burdens; and

(B) refocusing efforts to the direct management of the resources themselves;

(7) in order to provide meaningful review and oversight of the management of the public rangelands and the grazing allotment on those rangelands, refinement of the reporting of costs of various components of the land management program is needed;

(8) greater local input into the management of the public rangelands is in the best interests of the United States;

(9) the western livestock industry that relies on Federal land plays an important role in preserving the social, economic, and cultural base of rural communities in the Western States and further plays an integral role in the economies of the 16 contiguous Western States with Federal rangelands;

(10) maintaining the economic viability of the western livestock industry is in the best interest of the United States in order to maintain open space and fish and wildlife habitat;

(11) since the enactment of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the amendment of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16

U.S.C. 1604) by the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Secretary of the Interior and the Secretary of Agriculture have been charged with coordinating land use inventory, planning and management programs on Bureau of Land Management and National Forest System lands with each other, other Federal departments and agencies, Indian tribes, and State and local governments within which the lands are located, but to date such coordination has not existed to the extent allowed by law; and

(12) it shall not be the policy of the United States to increase or reduce total livestock numbers on Federal land except as is necessary to provide for proper management of resources, based on local conditions, and as provided by existing law related to the management of Federal land and this title.

(b) REPEAL OF EARLIER FINDINGS.—Section 2(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901(a)) is amended—

(1) by striking paragraphs (1), (2), (3), and (4);

(2) by redesignating paragraphs (5) and (6) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by adding "and" at the end; and

(4) in paragraph (2) (as so redesignated)—

(A) by striking "harrassment" and inserting "harassment"; and

(B) by striking the semicolon at the end and inserting a period.

#### SEC. 102. APPLICATION OF ACT.

(a) This Act applies to—

(1) the management of grazing on Federal land by the Secretary of the Interior under—

(A) the Act of June 28, 1934 (commonly known as the "Taylor Grazing Act") (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.);

(B) the Act of August 28, 1937 (commonly known as the "Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937") (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.);

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.);

(2) the management of grazing on Federal land by the Secretary of Agriculture under—

(A) the 12th undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS," under the heading "UNDER THE DEPARTMENT OF THE INTERIOR," in the first section of the Act of June 4, 1897 (commonly known as the "Organic Administration Act of 1897") (30 Stat. 11, 35, chapter 2; 16 U.S.C. 551);

(B) the Act of April 24, 1950 (commonly known as the "Granger-Thye Act of 1950") (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 580l);

(C) the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.);

(D) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(E) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

(F) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(G) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and

(3) management of grazing by the Secretary on behalf of the head of another department or agency under a memorandum of understanding.

(b) 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.

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

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

(d) Nothing in this title shall affect valid existing rights. Section 1323(a) and 1323(b) of Public Law 96-487 shall continue to apply to nonfederally owned lands.

#### SEC. 103. OBJECTIVE.

The objective of this title is to—

- (1) promote healthy, sustained rangeland;
- (2) provide direction for the administration of livestock grazing on Federal land;
- (3) enhance productivity of Federal land by conservation of forage resources, reduction of soil erosion, and proper management of other resources such as control of noxious species invasion;
- (4) provide stability to the livestock industry that utilizes the public rangeland;
- (5) emphasize scientific monitoring of trends and condition to support sound rangeland management;
- (6) maintain and improve the condition of riparian areas which are critical to wildlife habitat and water quality; and
- (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.

#### SEC. 104. DEFINITIONS.

IN GENERAL.—In this title:

- (1) **ACTIVE USE.**—The term “active use” means the amount of authorized livestock grazing use made at any time.
- (2) **ACTUAL USE.**—The term “actual use” means the number and kinds or classes of livestock, and the length of time that livestock graze on, an allotment.
- (3) **AFFECTED INTEREST.**—The term “affected interest” means an individual or organization that has expressed in writing to the Secretary concern for the management of livestock grazing on a specific allotment, for the purpose of receiving notice of and the opportunity for comment and informal consultation on proposed decisions of the Secretary affecting the allotment.
- (4) **ALLOTMENT.**—The term “allotment” means an area of designated Federal land that includes management for grazing of livestock.
- (5) **ALLOTMENT MANAGEMENT PLAN.**—The term “allotment management plan” has the same meaning as defined in section 103(k) of Public Law 94-579 (43 U.S.C. 1702(k)).
- (6) **AUTHORIZED OFFICER.**—The term “authorized officer” means a person authorized by the Secretary to administer this title, the Acts cited in section 102, and regulations issued under this title and those Acts.
- (7) **BASE PROPERTY.**—The term “base property” means—
  - (A) private land that has the capability of producing crops or forage that can be used to support authorized livestock for a specified period of the year; or
  - (B) water that is suitable for consumption by livestock and is available to and accessible by authorized livestock when the land is used for livestock grazing.
- (8) **CANCEL; CANCELLATION.**—The terms “cancel” and “cancellation” refer to a permanent termination, in whole or in part, of—
  - (A) a grazing permit or lease and grazing preference; or
  - (B) other grazing authorization.
- (9) **CONSULTATION, COOPERATION, AND COORDINATION.**—The term “consultation, cooperation, and coordination” means, for the purposes of this title and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), engagement in good faith efforts to reach consensus.
- (10) **COORDINATED RESOURCE MANAGEMENT.**—The term “coordinated resource management” means—
  - (A) means the planning and implementation of management activities in a specified

geographic area that require the coordination and cooperation of the Bureau of Land Management or the Forest Service with affected State agencies, private land owners, and Federal land users; and

(B) may include, but is not limited to practices that provide for conservation, resource protection, resource enhancement or integrated management of multiple-use resources.

(11) **FEDERAL LAND.**—The term “Federal land”—

(A) means land outside the State of Alaska that is owned by the United States and administered by—

(i) the Secretary of the Interior, acting through the Director of the Bureau of Land Management; or

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service in the 16 contiguous Western States; but

(B) does not include—

(i) land held in trust for the benefit of Indians; or

(ii) the National Grasslands as defined in section 203.

(12) **GRAZING PERMIT OR LEASE.**—The term “grazing permit or lease” means a document authorizing use of the Federal land—

(A) within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the “Taylor Grazing Act”) (48 Stat. 1270, chapter 865; 43 U.S.C. 315b), for the purpose of grazing livestock; or

(B) outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the “Taylor Grazing Act”) (48 Stat. 1275, chapter 865; 43 U.S.C. 315m), for the purpose of grazing livestock; or

(C) in a national forest under section 19 of the Act of April 24, 1950 (commonly known as the “Granger-Thye Act of 1950”) (64 Stat. 88, chapter 97; 16 U.S.C. 5801), for the purposes of grazing livestock.

(13) **GRAZING PREFERENCE.**—The term “grazing preference” means the number of animal unit months of livestock grazing on Federal land as adjudicated or apportioned and attached to base property owned or controlled by a permittee or lessee.

(14) **LAND BASE PROPERTY.**—The term “land base property” means base property described in paragraph (7)(A).

(15) **LAND USE PLAN.**—The term “land use plan” means—

(A) with respect to Federal land administered by the Bureau of Land Management, one of the following developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)—

(i) a resource management plan; or

(ii) a management framework plan that is in effect pending completion of a resource management plan; and

(B) with respect to Federal land administered by the Forest Service, a land and resource management plan developed in accordance with section 6 of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1604).

(16) **LIVESTOCK CARRYING CAPACITY.**—The term “livestock carrying capacity” means the maximum sustainable stocking rate that is possible without inducing long-term damage to vegetation or related resources.

(17) **MONITORING.**—The term “monitoring” means the orderly collection of data using scientifically-based techniques to determine trend and condition of rangeland resources. Data may include historical information, but must be sufficiently reliable to evaluate—

(A) effects of ecological changes and management actions; and

(B) effectiveness of actions in meeting management objectives.

(18) **RANGE IMPROVEMENT.**—The term “range improvement”—

(A) means an authorized activity or program on or relating to rangeland that is designed to—

- (i) improve production of forage;
- (ii) change vegetative composition;
- (iii) control patterns of use;
- (iv) provide water;
- (v) stabilize soil and water conditions; or
- (vi) provide habitat for livestock, wild horses and burros, and wildlife; and

(B) includes structures, treatment projects, and use of mechanical means to accomplish the goals described in subparagraph (A).

(19) **RANGELAND STUDY.**—The term “rangeland study” means a documented study or analysis of data obtained on actual use, utilization, climatic conditions, other special events, production trend, and resource condition and trend to determine whether management objectives are being met, that—

(A) relies on the examination of physical measurements of range attributes and not on cursory visual scanning of land, unless the condition to be assessed is patently obvious and requires no physical measurements;

(B) utilizes a scientifically based and verifiable methodology; and

(C) is accepted by an authorized officer.

(20) **SECRETARY; SECRETARIES.**—The terms “Secretary” or “Secretaries” mean—

(A) the Secretary of the Interior, in reference to livestock grazing on Federal land administered by the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, in reference to livestock grazing on Federal land administered by the Chief of the Forest Service or the National Grasslands referred to in title II.

(21) **SUBLEASE.**—The term “sublease” means an agreement by a permittee or lessee that—

(A) allows a person other than the permittee or lessee to graze livestock on Federal land without controlling the base property supporting the grazing permit or lease; or

(B) allows grazing on Federal land by livestock not owned or controlled by the permittee or lessee.

(22) **SUSPEND; SUSPENSION.**—The terms “suspend” and “suspension” refer to a temporary withholding, in whole or in part, of a grazing preference from active use, ordered by the Secretary or done voluntarily by a permittee or lessee.

(23) **UTILIZATION.**—The term “utilization” means the percentage of a year's forage production consumed or destroyed by herbivores.

(24) **WATER BASE PROPERTY.**—The term “water base property” means base property described in paragraph (7)(B).

#### SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.

(a) **STANDARDS AND GUIDELINES.**—The Secretary shall establish standards and guidelines for addressing resource condition and trend on a State or regional level in consultation with the Resource Advisory Councils established in section 161, State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State. Standards and guidelines developed pursuant to this subsection shall be consistent with the objectives provided in section 103 and incorporated, by operation of law, into the applicable land use plan to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) **COORDINATED RESOURCE MANAGEMENT.**—The Secretary shall, where appropriate, authorize and encourage the use of coordinated resource management practices. Coordinated resource management practices shall be—

(1) scientifically based;

(2) consistent with goals and management objectives of the applicable land use plan;

(3) for the purposes of promoting good stewardship and conservation of multiple-use rangeland resources; and

(4) authorized under a cooperative agreement with a permittee or lessee, or an organized group of permittees or lessees in a specified geographic area. Notwithstanding the mandatory qualifications required to obtain a grazing permit or lease by this or any other Act, such agreement may include other individuals, organizations, or Federal land users.

(c) **COORDINATION OF FEDERAL AGENCIES.**—Where coordinated resource management involves private land, State land, and Federal land managed by the Bureau of Land Management or the Forest Service, the Secretaries are hereby authorized and directed to enter into cooperative agreements to coordinate the associated activities of—

(1) the Bureau of Land Management;

(2) the Forest Service;

(3) the Natural Resources Conservation Service; and

(4) State Grazing Districts established under State law.

(d) **RULE OF CONSTRUCTION.**—Nothing in this title or any other law implies that a minimum national standard or guideline is necessary.

#### **SEC. 106. LAND USE PLANS.**

(a) **PRINCIPLE OF MULTIPLE USE AND SUSTAINED YIELD.**—An authorized officer shall manage livestock grazing on Federal land under the principles of multiple use and sustained yield and in accordance with applicable land use plans.

(b) **CONTENTS OF LAND USE PLAN.**—With respect to grazing administration, a land use plan shall—

(1) consider the impacts of all multiple uses, including livestock and wildlife grazing, on the environment and condition of public rangelands, and the contributions of these uses to the management, maintenance and improvement of such rangelands;

(2) establish available animal unit months for grazing use, related levels of allowable grazing use, resource condition goals, and management objectives for the Federal land covered by the plan; and

(3) set forth programs and general management practices needed to achieve the purposes of this title.

(c) **APPLICATION OF NEPA.**—Land use plans and amendments thereto shall be developed in conformance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **CONFORMANCE WITH LAND USE PLAN.**—Livestock grazing activities, management actions and decisions approved by the authorized officer, including the issuance, renewal, or transfer of grazing permits or leases, shall not constitute major Federal actions requiring consideration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in addition to that which is necessary to support the land use plan, and amendments thereto.

(e) Nothing in this section is intended to override the planning and public involvement processes of any other Federal law pertaining to Federal lands.

#### **SEC. 107. REVIEW OF RESOURCE CONDITION.**

(a) Upon the issuance, renewal, or transfer of a grazing permit or lease, and at least once every six (6) years, the Secretary shall review all available monitoring data for the affected allotment. If the Secretary's review indicates that the resource condition is not meeting management objectives, then the Secretary shall prepare a brief summary report which—

(1) evaluates the monitoring data;

(2) identifies the unsatisfactory resource conditions and the use or management activities contributing to such conditions; and

(3) makes recommendations for any modifications to management activities, or permit or lease terms and conditions necessary to meet management objectives.

(b) The Secretary shall make copies of the summary report available to the permittee or lessee, and affected interests, and shall allow for a 30-day comment period to coincide with the 30-day time period provided in section 155. At the end of such comment period, the Secretary shall review all comments, and as the Secretary deems necessary, modify management activities, and pursuant to section 134, the permit or lease terms and conditions.

(c) If the Secretary determines that available monitoring data are insufficient to make recommendations pursuant to subsection (a)(3), the Secretary shall establish a reasonable schedule to gather sufficient data pursuant to section 123. Insufficient monitoring data shall not be grounds for the Secretary to refuse to issue, renew or transfer a grazing permit or lease, or to terminate or modify the terms and conditions of an existing grazing permit or lease.

#### **Subtitle B—Qualifications and Grazing Preferences**

##### **SEC. 111. SPECIFYING GRAZING PREFERENCE.**

(a) **IN GENERAL.**—A grazing permit or lease shall specify—

(1) a historical grazing preference;

(2) active use, based on the amount of forage available for livestock grazing established in the land use plan;

(3) suspended use; and

(4) voluntary and temporary nonuse.

(b) **ATTACHMENT OF GRAZING PREFERENCE.**—A grazing preference identified in a grazing permit or lease shall attach to the base property supporting the grazing permit or lease.

(c) **ATTACHMENT OF ANIMAL UNIT MONTHS.**—The animal unit months of a grazing preference shall attach to—

(1) the acreage of land base property on a pro rata basis; or

(2) water base property on the basis of livestock forage production within the service area of the water.

#### **Subtitle C—Grazing Management**

##### **SEC. 121. ALLOTMENT MANAGEMENT PLANS.**

If the Secretary elects to develop or revise an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation, and coordination with the lessees, permittees, and landowners involved, the grazing advisory councils established pursuant to section 162, and any State or States having lands within the area to be covered by such allotment management plan. The Secretary shall provide for public participation in the development or revision of an allotment management plan as provided in section 155.

##### **SEC. 122. RANGE IMPROVEMENTS.**

(a) **RANGE IMPROVEMENT COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary may enter into a cooperative agreement with a permittee or lessee for the construction, installation, modification, removal, or use of a permanent range improvement or development of a rangeland to achieve a management or resource condition objective.

(2) **COST-SHARING.**—A range improvement cooperative agreement shall specify how the costs or labor, or both, shall be shared between the United States and the other parties to the agreement.

(3) **TITLE.**—

(A) **IN GENERAL.**—Subject to valid existing rights, title to an authorized structural

range improvement under a range improvement cooperative agreement shall be shared by the cooperator(s) and the United States in proportion to the value of the contributions (funding, material, and labor) toward the initial cost of construction.

(B) **VALUE OF FEDERAL LAND.**—For the purpose of subparagraph (A), only a contribution to the construction, installation, or modification of a permanent rangeland improvement itself, and not the value of Federal land on which the improvement is placed, shall be taken into account.

(4) **NONSTRUCTURAL RANGE IMPROVEMENTS.**—A range improvement cooperative agreement shall ensure that the respective parties enjoy the benefits of any nonstructural range improvement, such as seeding, spraying, and chaining, in proportion to each party's contribution to the improvement.

(5) **INCENTIVES.**—A range improvement cooperative agreement shall contain terms and conditions that are designed to provide a permittee or lessee an incentive for investing in range improvements.

(b) **RANGE IMPROVEMENT PERMITS.**—

(1) **APPLICATION.**—A permittee or lessee may apply for a range improvement permit to construct, install, modify, maintain, or use a range improvement that is needed to achieve management objectives within the permittee's or lessee's allotment.

(2) **FUNDING.**—A permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance of a range improvement covered by a range improvement permit.

(3) **AUTHORIZED OFFICER TO ISSUE.**—A range improvement permit shall be issued at the discretion of the authorized officer.

(4) **TITLE.**—Title to an authorized permanent range improvement under a range improvement permit shall be in the name of the permittee or lessee.

(5) **CONTROL.**—The use by livestock of stock ponds or wells authorized by a range improvement permit shall be controlled by the permittee or lessee holding a range improvement permit.

(c) **ASSIGNMENT OF RANGE IMPROVEMENTS.**—An authorized officer shall not approve the transfer of a grazing preference, or approve use by the transferee of existing range improvements unless the transferee has agreed to compensate the transferor for the transferor's interest in the authorized permanent improvements within the allotment as of the date of the transfer.

##### **SEC. 123. MONITORING AND INSPECTION.**

(a) **MONITORING.**—Monitoring of resource condition and trend of Federal land on an allotment shall be performed by qualified persons approved by the Secretary, including but not limited to Federal, State, or local government personnel, consultants, and grazing permittees or lessees.

(b) **INSPECTION.**—Inspection of a grazing allotment shall be performed by qualified Federal, State or local agency personnel, or qualified consultants retained by the United States.

(c) **MONITORING CRITERIA AND PROTOCOLS.**—Rangeland monitoring shall be conducted according to regional or State criteria and protocols that are scientifically based. Criteria and protocols shall be developed by the Secretary in consultation with the Resource Advisory Councils established in section 161, State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State.

(d) **OVERSIGHT.**—The authorized officer shall provide sufficient oversight to ensure that all monitoring is conducted in accordance with criteria and protocols established pursuant to subsection (c).

(e) NOTICE.—In conducting monitoring activities, the Secretary shall provide reasonable notice of such activities to permittees or lessees, including prior notice to the extent practicable of not less than 48 hours. Prior notice shall not be required for the purposes of inspections, if the authorized officer has substantial grounds to believe that a violation of this or any other Act is occurring on the allotment.

#### SEC. 124. WATER RIGHTS.

(a) IN GENERAL.—No water rights on Federal land shall be acquired, perfected, owned, controlled, maintained, administered, or transferred in connection with livestock grazing management other than in accordance with State law concerning the use and appropriation of water within the State.

(b) STATE LAW.—In managing livestock grazing on Federal land, the Secretary shall follow State law with regard to water right ownership and appropriation.

(c) AUTHORIZED USE OR TRANSPORT.—The Secretary cannot require permittees or lessees to transfer or relinquish all or a portion of their water right to another party, including but not limited to the United States, as a condition to granting a grazing permit or lease, range improvement cooperative agreement or range improvement permit.

(d) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to create an expressed or implied reservation of water rights in the United States.

(e) VALID EXISTING RIGHTS.—Nothing in this Act shall affect valid existing water rights.

#### Subtitle D—Authorization of Grazing Use

#### SEC. 131. GRAZING PERMITS OR LEASES.

(a) TERMS.—A grazing permit or lease shall be issued for a term of 12 years unless—

(1) the land is pending disposal;

(2) the land will be devoted to a public purpose that precludes grazing prior to the end of 12 years; or

(3) the Secretary determines that it would be in the best interest of sound land management to specify a shorter term, if the decision to specify a shorter term is supported by appropriate and accepted resource analysis and evaluation, and a shorter term is determined to be necessary, based upon monitoring information, to achieve resource condition goals and management objectives.

(b) RENEWAL.—A permittee or lessee holding a grazing permit or lease shall be given first priority at the end of the term for renewal of the grazing permit or lease if—

(1) the land for which the grazing permit or lease is issued remains available for domestic livestock grazing;

(2) the permittee or lessee is in compliance with this title and the terms and conditions of the grazing permit or lease; and

(3) the permittee or lessee accepts the terms and conditions included by the authorized officer in the new grazing permit or lease.

#### SEC. 132. SUBLEASING.

(a) IN GENERAL.—The Secretary shall only authorize subleasing of a Federal grazing permit or lease, in whole or in part—

(1) if the permittee or lessee is unable to make full grazing use due to ill health or death; or

(2) under a cooperative agreement with a grazing permittee or lessee (or group of grazing permittees or lessees), pursuant to section 105(b).

(b) CONSIDERATIONS.—

(1) Livestock owned by a spouse, child, or grandchild of a permittee or lessee shall be considered as owned by the permittee or lessee for the sole purposes of this title.

(2) Leasing or subleasing of base property, in whole or in part, shall not be considered as subleasing of a Federal grazing permit or

lease: *Provided*, That the grazing preference associated with such base property is transferred to the person controlling the leased or subleased base property.

#### SEC. 133. OWNERSHIP AND IDENTIFICATION OF LIVESTOCK.

(a) IN GENERAL.—A permittee or lessee shall own or control and be responsible for the management of the livestock that graze the Federal land under a grazing permit or lease.

(b) MARKING OR TAGGING.—An authorized officer shall not impose any marking or tagging requirement in addition to the requirement under State law.

#### SEC. 134. TERMS AND CONDITIONS.

(a) IN GENERAL.—

(1) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use (stated in animal unit months) in a grazing permit or lease.

(2) A grazing permit or lease shall be subject to such other reasonable terms or conditions as may be necessary to achieve the objectives of this title, or as contained in an approved allotment management plan.

(3) No term or condition of a grazing permit or lease shall be imposed pertaining to past practice or present willingness of an applicant, permittee or lessee to relinquish control of public access to Federal land across private land.

(4) The authorized officer shall ensure that a grazing permit or lease will be consistent with appropriate standards and guidelines developed pursuant to section 105 as are appropriate to the permit or lease.

(b) MODIFICATION.—Following careful and considered consultation, cooperation, and coordination with permittees and lessees, an authorized officer shall modify the terms and conditions of a grazing permit or lease if monitoring data show that the grazing use is not meeting the management objectives established in a land use plan or allotment management plan, and if modification of such terms and conditions is necessary to meet specific management objectives.

#### SEC. 135. FEES AND CHARGES.

(a) GRAZING FEES.—The fee for each animal unit month in a grazing fee year to be determined by the Secretary shall be equal to the three-year average of the total gross value of production for beef cattle for the three years preceding the grazing fee year, multiplied by the 10-year average of the United States Treasury Securities 6-month bill "new issue" rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (e)(1).

(b) DEFINITION OF ANIMAL UNIT MONTH.—For the purposes of billing only, the term "animal unit month" means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six months of age or older on the date on which the animal begins grazing on Federal land;

(2) any such animal regardless of age if the animal is weaned on the date on which the animal begins grazing on Federal land; and

(3) any such animal that will become 12 months of age during the period of use authorized under a grazing permit or lease.

(c) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal land for grazing by an animal that is less than six months of age on the date on which the animal begins grazing on Federal land and is the natural progeny of an animal on which a grazing fee is paid if the animal is removed from the Federal land before becoming 12 months of age.

(d) OTHER FEES AND CHARGES.—

(1) CROSSING PERMITS, TRANSFERS, AND BILLING NOTICES.—A service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement or supplemental billing notice except in a case in which the action is initiated by the authorized officer.

(2) AMOUNT OF FLPMA FEES AND CHARGES.—The fees and charges under section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a)) shall reflect processing costs and shall be adjusted periodically as costs change.

(3) NOTICE OF CHANGE.—Notice of a change in a service charge shall be published in the Federal Register.

(e) CRITERIA FOR ERS.—

(1) The Economic Research Service of the Department of Agriculture shall continue to compile and report the gross value of production of beef cattle, on a dollars-per-bred-cow basis for the United States, as is currently published by the Service in: "Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops and Livestock and Dairy" (Cow-calf production cash costs and returns).

(2) For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary of the Interior and the Secretary of Agriculture, and published in the Federal Register, on or before February 15 of each year.

#### SEC. 136. USE OF STATE SHARE OF GRAZING FEES.

Section 10 of the Act of June 28, 1934 (commonly known as the "Taylor Grazing Act") (43 U.S.C. 315i) is amended—

(1) in subsection (a), by striking "for the benefit of" and inserting "in a manner that will result in direct benefit to, improved access to, or more effective management of the rangeland resources in";

(2) at the end of subsection (a), by striking ":", and inserting "": *Provided further*, that no such moneys shall be expended for litigation purposes;";

(3) in subsection (b), by striking "for the benefit of" and inserting "in a manner that will result in direct benefit to, improved access to, or more effective management of the rangeland resources in";

(4) at the end of subsection (b), by striking ":", and inserting "": *Provided further*, That no such moneys shall be expended for litigation purposes.".

#### Subtitle E—Unauthorized Grazing Use

#### SEC. 141. NONMONETARY SETTLEMENT.

An authorized officer may approve a non-monetary settlement of a case of a violation described in section 141 if the authorized officer determines that each of the following conditions is satisfied:

(1) NO FAULT.—Evidence shows that the unauthorized use occurred through no fault of the livestock operator.

(2) INSIGNIFICANCE.—The forage use is insignificant.

(3) NO DAMAGE.—Federal land has not been damaged.

(4) BEST INTERESTS.—Nonmonetary settlement is in the best interests of the United States.

#### SEC. 142. IMPOUNDMENT AND SALE.

Any impoundment and sale of unauthorized livestock on Federal land shall be conducted in accordance with State law.

#### Subtitle F—Procedure

#### SEC. 151. PROPOSED DECISIONS.

(a) SERVICE ON APPLICANTS, PERMITTEES, LESSEES, AND LIENHOLDERS.—The authorized officer shall serve, by certified mail or personal delivery, a proposed decision on any

applicant, permittee, lessee, or lienholder (or agent of record of the applicant, permittee, lessee, or lienholder) that is affected by—

(1) a proposed action on an application for a grazing permit or lease, or range improvement permit; or

(2) a proposed action relating to a term or condition of a grazing permit or lease, or a range improvement permit.

(b) NOTIFICATION OF AFFECTED INTERESTS.—The authorized officer shall send copies of a proposed decision to affected interests.

(c) CONTENTS.—A proposed decision described in subsection (a) shall—

(1) state reasons for the action, including reference to applicable law (including regulations);

(2) be based upon, and supported by range-land studies, where appropriate; and

(3) state that any protest to the proposed decision must be filed not later than 30 days after service.

#### SEC. 152. PROTESTS.

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.

#### SEC. 153. FINAL DECISIONS.

(a) NO PROTEST.—In the absence of a timely filed protest, a proposed decision described in section 151(a) shall become the final decision of the authorized officer without further notice.

(b) RECONSIDERATION.—If a protest is timely filed, the authorized officer shall reconsider the proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case.

(c) SERVICE AND NOTIFICATION.—After reviewing the protest, the authorized officer shall serve a final decision on the parties to the proceeding, and notify affected interests of the final decision.

#### SEC. 154. APPEALS.

(a) IN GENERAL.—Any person whose interest is adversely affected by a final decision of an authorized officer, within the meaning of section 702 of title 5, United States Code, may appeal the decision within 30 days after the receipt of the decision, or within 60 days after the receipt of a proposed decision if further notice of a final decision is not required under this title, pursuant to applicable laws and regulations governing the administrative appeals process of the agency serving the decision. 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.

(b) SUSPENSION PENDING APPEAL.—

(1) IN GENERAL.—An appeal of a final decision shall suspend the effect of the decision pending final action on the appeal unless the decision is made effective pending appeal under paragraph (2).

(2) EFFECTIVENESS PENDING APPEAL.—The authorized officer may place a final decision in full force and effect in an emergency to stop resource deterioration or economic distress, if the authorized officer has substantial grounds to believe that resource deterioration or economic distress is imminent. Full force and effect decisions shall take effect on the date specified, regardless of an appeal.

(c) In the case of an appeal under this section, the authorized officer shall, within 30 days of receipt, forward the appeal, all documents and information submitted by the applicant, permittee, lessee, or lienholder, and any pertinent information that would be useful in the rendering of a decision on such appeal, to the appropriate authority responsible for issuing the final decision on the appeal.

#### SEC. 155. PUBLIC PARTICIPATION AND CONSULTATION.

(a) GENERAL PUBLIC.—The Secretary shall provide for public participation, including a reasonable opportunity to comment, on—

(1) land use plans and amendments thereto; and

(2) development of standards and guidelines to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) AFFECTED INTERESTS.—At least 30 days prior to the issuance of a final decision, the Secretary shall notify affected interests of such proposed decision, and provide a reasonable opportunity for comment and informal consultation regarding the proposed decision within such 30-day period, for—

(1) the designation or modification of allotment boundaries;

(2) the development, revision, or termination of allotment management plans;

(3) the increase or decrease of permitted use;

(4) the issuance, renewal, or transfer of grazing permits or leases;

(5) the modification of terms and conditions of permits or leases;

(6) reports evaluating monitoring data for a permit or lease; and

(7) the issuance of temporary non-renewable use permits.

#### Subtitle G—Advisory Committees

#### SEC. 161. RESOURCE ADVISORY COUNCILS.

(a) ESTABLISHMENT.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Governors of the affected States, shall establish and operate joint Resource Advisory Councils on a State or regional level to provide advice on management issues for all lands administered by the Bureau of Land Management and the Forest Service within such State or regional area, except where the Secretaries determine that there is insufficient interest in participation on a council to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed.

(b) DUTIES.—Each Resource Advisory Council shall advise the Secretaries and appropriate State officials on—

(1) matters regarding the preparation, amendment, and implementation of land use and activity plans for public lands and resources within its area; and

(2) major management decisions while working within the broad management objectives established for the district or national forest.

(c) DISREGARD OF ADVICE.—

(1) REQUEST FOR RESPONSE.—If a Resource Advisory Council becomes concerned that its advice is being arbitrarily disregarded, the Resource Advisory Council may, by majority vote of its members, request that the Secretaries respond directly to the Resource Advisory Council's concerns within 60 days after the Secretaries receive the request.

(2) EFFECT OF RESPONSE.—The response of the Secretaries to a request under paragraph (1) shall not—

(A) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(B) be subject to appeal.

(d) MEMBERSHIP.—

(1) The Secretaries, in consultation with the Governor of the affected State or States, shall appoint the members of each Resource Advisory Council. A council shall consist of not less than nine members and not more than fifteen members.

(2) In appointing members to a Resource Advisory Council, the Secretaries shall provide for balanced and broad representation from among various groups, including but

not limited to, permittees and lessees, other commercial interests, recreational users, representatives of recognized local environmental or conservation organizations, educational, professional, or academic interests, representatives of State and local government or governmental agencies, Indian tribes, and other members of the affected public.

(3) The Secretaries shall appoint at least one elected official of general purpose government serving the people of the area of each Resource Advisory Council.

(4) No person may serve concurrently on more than one Resource Advisory Council.

(5) Members of a Resource Advisory Council must reside in one of the States within the geographic jurisdiction of the council.

(e) SUBGROUPS.—A Resource Advisory Council may establish such subgroups as the council deems necessary, including but not limited to working groups, technical review teams, and rangeland resource groups.

(f) TERMS.—Resource Advisory Council members shall be appointed for two-year terms. Members may be appointed to additional terms at the discretion of the Secretaries.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Resource Advisory Councils established under this section.

(h) OTHER FLPMA ADVISORY COUNCILS.—Nothing in this section shall be construed as modifying the authority of the Secretaries to establish other advisory councils under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

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

#### SEC. 162. GRAZING ADVISORY COUNCILS.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Governor of the affected State and with affected counties, shall appoint not fewer than five nor more than nine persons to serve on a Grazing Advisory Council for each district and each national forest within the 16 contiguous Western States having jurisdiction over more than 500,000 acres of public lands subject to commercial livestock grazing. The Secretaries may establish joint Grazing Advisory Councils wherever practicable.

(b) DUTIES.—The duties of Grazing Advisory Councils established pursuant to this section shall be to provide advice to the Secretary concerning management issues directly related to the grazing of livestock on public lands, including—

(1) range improvement objectives;

(2) the expenditure of range improvement or betterment funds under the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) or the Taylor Grazing Act (43 U.S.C. 315 et seq.);

(3) developing and implementation of grazing management programs; and

(4) range management decisions and actions at the allotment level.

(c) DISREGARD OF ADVICE.—

(1) REQUEST FOR RESPONSE.—If a Grazing Advisory Council becomes concerned that its advice is being arbitrarily disregarded, the Grazing Advisory Council may, by unanimous vote of its members, request that the Secretary respond directly to the Grazing Advisory Council's concerns within 60 days after the Secretary receives the request.

(2) EFFECT OF RESPONSE.—The response of the Secretary to a request under paragraph (1) shall not—

(A) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(B) be subject to appeal.

(d) **MEMBERSHIP.**—The members of a Grazing Advisory Council established pursuant to this section shall represent permittees, lessees, affected landowners, social and economic interests within the district or national forest, and elected State or county officers. All members shall have a demonstrated knowledge of grazing management and range improvement practices appropriate for the region, and shall be residents of a community within or adjacent to the district or national forest, or control a permit or lease within the same area. Members shall be appointed by the Secretary for a term of two years, and may be appointed for additional consecutive terms. The membership of Grazing Advisory Councils shall be equally divided between permittees or lessees, and other interests: *Provided*, That one elected State or county officer representing the people of an area within the district or national forest shall be appointed to create an odd number of members: *Provided further*, That permittees or lessees appointed as members of each Grazing Advisory Council shall be recommended to the Secretary by the permittees or lessees of the district or national forest through an election conducted under rules and regulations prescribed by the Secretary.

(e) **FEDERAL ADVISORY COMMITTEE ACT.**—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Grazing Advisory Councils established pursuant to this section.

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

#### **SEC. 163. GENERAL PROVISIONS.**

(a) **DEFINITION OF DISTRICT.**—For the purposes of this subtitle, the term “district” means—

(1) a grazing district administered under section 3 of the Act of June 28, 1934 (commonly known as the “Taylor Grazing Act”) (48 Stat. 1270, chapter 865; 43 U.S.C. 315b); or

(2) other lands within a State boundary which are eligible for grazing pursuant to section 15 of the Act of June 28, 1934 (commonly known as the “Taylor Grazing Act”) (48 Stat. 1270, chapter 865; 43 U.S.C. 315m).

(b) **TERMINATION OF SERVICE.**—The Secretary may, after written notice, terminate the service of a member of an advisory committee if—

(1) the member—

(A) no longer meets the requirements under which appointed;

(B) fails or is unable to participate regularly in committee work; or

(C) has violated Federal law (including a regulation); or

(2) in the judgment of the Secretary, termination is in the public interest.

(c) **COMPENSATION AND REIMBURSEMENT OF EXPENSES.**—A member of an advisory committee established under sections 161 and 162 shall not receive any compensation in connection with the performance of the member's duties as a member of the advisory committee, but shall be reimbursed for travel and per diem expenses only while on official business, as authorized by section 5703 of title 5, United States Code.

#### **SEC. 164. CONFORMING AMENDMENT AND REPEAL.**

(a) **AMENDMENT.**—The third sentence of section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended by striking “district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)” and inserting “Resource Advisory Councils and Grazing Advisory Councils established under section 161 and section 162 of the Public Rangelands Management Act of 1996”.

(b) **REPEAL.**—Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

#### **Subtitle H—Reports**

##### **SEC. 171. REPORTS.**

(a) **IN GENERAL.**—Not later than March 1, 1997, and annually thereafter, the Secretaries shall submit to Congress a report that contains—

(1) an itemization of revenues received and costs incurred directly in connection with the management of grazing on Federal land; and

(2) recommendations for reducing administrative costs and improving the overall efficiency of Federal rangeland management.

(b) **ITEMIZATION.**—If the itemization of costs under subsection (a)(1) includes any costs incurred in connection with the implementation of any law other than a statute cited in section 102, the Secretaries shall indicate with specificity the costs associated with implementation of each such statute.

#### **Title II—Management of National Grasslands**

##### **SEC. 201. SHORT TITLE.**

This title may be cited as the “National Grasslands Management Act of 1996”.

##### **SEC. 202. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—The Congress finds that—

(1) the inclusion of the National Grasslands within the National Forest System has prevented the Secretary of Agriculture from effectively administering and promoting grassland agriculture on National Grasslands as originally intended under the Bankhead-Jones Farm Tenant Act;

(2) the National Grasslands can be more effectively managed by the Secretary of Agriculture if administered as a separate entity outside of the National Forest System; and

(3) a grazing program on National Grasslands can be responsibly carried out while protecting and preserving sporting, recreational, environmental, and other multiple uses of the National Grasslands.

(b) **PURPOSE.**—The purpose of this title is to provide for improved management and more efficient administration of grazing activities on National Grasslands while preserving and protecting multiple uses of such lands, including but not limited to preserving sportmen's hunting and fishing and other recreational activities, and protecting wildlife habitat in accordance with applicable laws.

##### **SEC. 203. DEFINITIONS.**

As used in this title, the term—

(1) “National Grasslands” means those areas managed as National Grasslands by the Secretary of Agriculture under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) on the day before the date of enactment of this title; and

(2) “Secretary” means the Secretary of Agriculture.

##### **SEC. 204. REMOVAL OF NATIONAL GRASSLANDS FROM NATIONAL FOREST SYSTEM.**

Section 11(a) of the Forest Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1609(a)) is amended by striking the phrase “the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012).”.

##### **SEC. 205. MANAGEMENT OF NATIONAL GRASSLANDS.**

(a) **IN GENERAL.**—The Secretary, acting through the Chief of the Forest Service, shall manage the National Grasslands as a separate entity in accordance with this title and the provisions and multiple use purposes of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012).

(b) **CONSULTATION.**—The Secretary shall provide timely opportunities for consultation and cooperation with interested State and local government entities, and other interested individuals and organizations in the development and implementation of land use

policies and plans, and land conservation programs for the National Grasslands.

(c) **GRAZING ACTIVITIES.**—In furtherance of the purposes of this title, the Secretary shall administer grazing permits and implement grazing management decisions in consultation, cooperation, and coordination with local grazing associations and other grazing permit holders.

(d) **REGULATIONS.**—The Secretary shall promulgate regulations to manage and protect the National Grasslands, taking into account the unique characteristics of the National Grasslands and grasslands agriculture conducted under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010). Such regulations shall facilitate the efficient administration of grazing and provide protection for the environment, wildlife, wildlife habitat, and Federal lands equivalent to that on the National Grasslands on the day prior to the date of enactment of this Act.

(e) **CONFORMING AMENDMENT TO BANKHEAD-JONES ACT.**—Section 31 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010) is amended to read as follows:

“To accomplish the purposes of title III of this Act, the Secretary is authorized and directed to develop a separate program of land conservation and utilization for the National Grasslands, in order thereby to correct maladjustments in land use, and thus assist in promoting grassland agriculture and secure occupancy and economic stability of farms and ranches, controlling soil erosion, reforestation, preserving and protecting natural resources, protecting fish and wildlife and their habitat, developing and protecting recreational opportunities and facilities, mitigating floods, preventing impairment of dams and reservoirs, developing energy resources, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety and welfare, but not to build industrial parks or commercial enterprises.”.

(f) **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 National Grasslands in accordance with applicable Federal and State laws, nor shall appropriate recreational activities be limited or precluded.

(g) **VALID EXISTING RIGHTS.**—

(1) **IN GENERAL.**—Nothing in this title shall affect valid existing rights, reservations, agreements, or authorizations. Section 1323(a) of Public Law 96–487 shall continue to apply to non-Federal land and interests therein within the boundaries of the National Grasslands.

(2) **INTERIM USE AND OCCUPANCY.**—

(A) Until such time as regulations concerning the use and occupancy of the National Grasslands are promulgated pursuant to this title, the Secretary shall regulate the use and occupancy of such lands in accordance with regulations applicable to such lands on May 25, 1995, to the extent practicable and consistent with the provisions of this Act.

(B) Any applications for National Grasslands use and occupancy authorizations submitted prior to the date of enactment of this Act, shall continue to be processed without interruption and without reinitiating any processing activity already completed or begun prior to such date.

##### **SEC. 206. FEES AND CHARGES.**

Fees and charges for grazing on the National Grasslands shall be determined in accordance with section 135, except that the



Secretary may adjust the amount of a grazing fee to compensate for approved conservation practices expenditures.

#### PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The PRESIDING OFFICER. The clerk will report the pending business. The legislative clerk read as follows:

A bill (H.R. 1296) to provide for the administration of certain Presidio properties at a minimal cost to the Federal taxpayer.

The Senate resumed consideration of the bill.

Pending: Murkowski modified amendment No. 3564, in the nature of a substitute.

#### AMENDMENT NO. 3564, AS MODIFIED

Mr. CAMPBELL. Mr. President, I rise today in support of my substitute amendment for the Presidio bill, offered in conjunction with the Senator from Alaska and the majority leader. Many people have been waiting a long time for this bill. I know the Senators from California and Congresswoman PELOSI have put a great deal of time and energy into this legislation, as have the staff from the Energy Committee and personal offices. In our efforts to try to reach consensus on all levels, we have managed to craft a bill that will provide enough balance and flexibility to incorporate all points of view. This bill offers a unique, creative and innovative approach to provide for the long-term protection and preservation of one of our Nation's greatest cultural, historical, and natural treasures.

When I was a college student at San Jose State University, my buddies and I would often take off for the weekend to "the city." One of my favorite places back then was the Presidio, and I spent a lot of time exploring the batteries and bunkers along the coast. It is just a spectacular site, situated on the threshold of the Golden Gate Bridge, overlooking the entire bay area. Last fall, I had the opportunity to visit the Presidio, and found that the base had changed very little in the years since I was a college student at San Jose.

There is something very special about the Presidio. The natural beauty, as well as the impressive history of the site captivated me 40 years ago, and continues to captivate millions of tourists, locals, and even some politicians today.

Before Christopher Columbus arrived in the New World, the indigenous tribes of Ohlone and Miwok inhabited the area known now as San Francisco. Taking advantage of this unique natural harbor, these tribes flourished from fishing in the plentiful bay.

When the land was finally taken over by the white new immigrants, the Presidio almost immediately became a strategic military post. For over 220 years, the Presidio is the oldest continually operated military post, commanded first by Spain in 1776, then Mexico and finally the United States in 1846. The Presidio has played a supporting role in almost every single major military conflict the United States has ever engaged in, starting

with the Spanish-American War to the Civil War, World War I, and of course, World War II. The Presidio served also as a refuge for an estimated 16,000 people after the great earthquake and fire of 1906, and was the very first Army airfield established in the Nation in 1921.

Mr. President, the history of this national historic landmark is indeed distinguished and celebrated. I comment on it to describe to my colleagues the unique nature of this site and thus to explain the particulars of the legislation it requires.

For the past 7 years, since the Base Closure and Realignment Commission [BRAC] included the Presidio on its list of bases to be closed, the fate of the Presidio has been somewhat uncertain. When the National Park Service took control of the post in 1994, along with the addition of one of the most glorious parks to the system, the Park Service was faced with one of their most complex and challenging management problems.

Aside from its spectacular natural beauty, the Presidio is unlike any other national park. Scattered throughout the grounds are over 1,200 residential units, more than 6.2 million square feet of building space, and dozens of miles of paved roads. Because of the nature of the historic facilities, the cost of maintenance and management of this site is a whopping \$25 million a year, making it our most expensive national park. Faced with the fiscal realities that we, in the Federal Government, must confront, the question that was posed to Congress was this: How can we continue to protect and preserve the Presidio for the benefit of all Americans without draining the already limited reserves of the National Park Service?

Mr. President, I believe the substitute amendment offered by Senators DOLE and MURKOWSKI and myself answers this question and in so doing, strikes the balance that we are all looking for.

The bill before us today establishes a mechanism that will reduce the need for appropriations to operate the Presidio. Rather than seeing the infrastructure in the Presidio as obstacles to the preservation of the park, this bill will utilize these buildings to generate revenues that will be recycled back into the funds that manage the park. By weaning the Presidio off of Federal taxpayer dependency, this bill will eventually create a self-sustaining park. The management structure created by our bill will enable the Presidio to be used in such a way that it will pay for itself.

Mr. President, our legislation will create a public-private management entity—the Presidio Trust—to provide for the management of the leasing, maintenance, and repair of the property within the Presidio. In addition, the National Park Service will continue to provide its expert guidance for interpretive services, visitor orientation, and educational programs. Under the structure of cooperative manage-

ment, this bill will allow the trust (made up of private sector real estate and finance experts) and the Park Service to manage what they manage best, thereby eliminating costly bureaucratic blunders. If the bill is enacted, the Presidio will be the only unit of the National Park System, that will cost significantly less in 10 years than it costs today.

Mr. President, as I mentioned, I had the opportunity to tour the base facilities in San Francisco, as well as meet with the various interest groups last fall. While there were some differences on what the legislation affecting the Presidio should include, the groups were unanimous in their belief that the base should remain as a unit of the National Park System. People expressed real fears that there was a movement to sell the Presidio to a private developer, and I stated, at the time, that a sale would happen, "over my dead body." Many of my colleagues feel the same way.

This bill will not enable private interests to develop swank upscale condos, or private dining clubs. This bill will cater only to the interests of all Americans, by protecting the invaluable cultural, historic, and natural resources of the Presidio for this generation and generations to come. It is quite simply a good government approach that strikes a balance with the fiscal realities of our time with the need for continued conservation and preservation. I urge my colleagues to support this worthy piece of legislation.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the substitute to H.R. 1296.

Mr. DOLE. Presidio properties bill, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. As I understand, I do not know how many different projects are involved here, but they are all related and come from the Energy and Natural Resources Committee. I understand the Senator from Massachusetts would like to add to that the minimum wage amendment, which we do not believe belongs on this bill. Maybe it will belong on some other bill. It should not be considered at this time.

We would like to complete action on this. We have a number of items to complete this week, including, we hope, the farm bill conference report, line-item veto conference report, the omnibus appropriations bill, and, of course, the debt ceiling. It would be our hope we can complete action some time early on Friday. That may or may not happen. If not, I suggest we probably would have to be here on Saturday to complete action on those bills because some relate to whether or not the Government is shut down. The debt extension is very important, too.