

leverage in dealing with our neighbors in the Mideast. As a consequence, Mr. President, we established the strategic petroleum reserve. That was in response to the Arab oil embargo of 1973.

Again, I remind my colleagues that in 1973 we were approximately one-third dependent on imported oil, so we authorized the creation of SPRO, the strategic petroleum reserve, in Louisiana in salt caverns, where there was the commitment by this Nation to have an emergency supply of oil on hand, approximately a 90-day supply. We filled SPRO with some 600,000 barrels, which cost us about \$17 billion, because we were paying a relatively high price for oil at that time, about \$27 per barrel.

Today, Mr. President, we are 50.4 percent dependent on foreign oil. The Department of Energy, Mr. President, predicts that by the year 2000 this country will be 66 percent dependent on foreign oil. I do not think there is any question about the stability in the Mideast. It remains one of the most unstable areas in the world. We had sent up to half a million troops over there in 1991 and 1992 during the gulf war to protect—protect what, Mr. President—protect the international oil supply stream because it was crucial to the Western World.

We have seen earlier this year our troops bombed in their barracks in Saudi Arabia. We have seen Iraqi missiles shoot our planes down. We have seen F-117 stealth fighter bombers en route to the area. They are there now.

What is the administration doing about it? Well, they are after Saddam Hussein, but they are not doing one single solitary thing to lessen our dependence on imported oil. As we attempt to negotiate with the Mideast, we see a certain reluctance by our neighbors in the Mideast to rally with the United States to take appropriate action against Saddam Hussein, whether it be Saudi Arabia or whether it be Kuwait. It is rather noticeable that as we attempt to address this renegade, we are doing it pretty much alone. Oh, surely the thoughts of the other countries are with us, and their good wishes are with us, but they do not stand with us with personnel or an open commitment. I find that rather ironic.

Earlier this year, Mr. President, we were looking at Saddam Hussein to relieve our dependence on imported oil. When we were in conflict with Saddam Hussein back in 1991 and 1992, I think we were looking at roughly \$1 billion worth of oil coming from Iraq each quarter. So here we are at one time committed to try to put him in a cage, and a few years later we are looking at Iraq under the regime of Saddam Hussein to relieve our dependence on other Mideast countries.

The point that I want to make, Mr. President, is that on one hand we seem to have the inconsistency of creating the strategic petroleum reserve at great expense when we were 33 percent dependent on foreign oil, and now we

are talking about selling a portion of it. We are talking about selling a portion of it. Perhaps that will come up in some of the debate on the Interior appropriations bill relative to generating revenues, but we have already seen our President in his budget proposal, in the outyears, in the year 2002, propose to sell \$1.5 billion worth of SPRO in order to meet his budget projections.

So, Mr. President, one can say that SPRO is now being used, to some extent, as a piggy bank in order to meet budgetary requirements. While much of that oil was paid for when prices were prevailing at \$27 a barrel, it is interesting to note we are selling it at somewhere in the area of \$18 or \$19.

So on one hand, Mr. President, we have a situation where we continually fail to recognize our increasing dependence on Mideast oil; on the other, we sell down the oil that we have put aside to take care of whatever energy supply disruption may occur, and we fail to recognize the prediction by the Department of Energy that by the year 2000 we will be two-thirds dependent on foreign oil.

We produce less crude oil now in the United States than we did in 1955. Imports of foreign oil significantly affect our economy. It has been estimated that we spend approximately \$150 million per day on foreign oil. That is more than \$50 billion per year. One looks at the trade deficit. Nearly half of it is the cost of imported oil. The other half is with our trading partners, to a large degree, Japan and others.

But three times we have seen international oil supply interruptions affect U.S. economic and national security interests. We saw it in 1973 in the Arab oil embargo, in the 1979 Iraq-Iran war, and, of course, in the 1991 Iraqi invasion of Kuwait. Is the Middle East, the Persian Gulf, any more stable today than it was in 1973? Of course it is not. And the response of the administration toward opening up domestic fields here in the United States, to spur employment, keep our dollars home and lessen our dependence, is sorely lacking.

In conclusion, Mr. President, to suggest that the most promising area in ANWR cannot be opened safely, with the advanced technology we have, is clearly selling American ingenuity and technology short. I recognize my time is limited. Other Senators are here to proceed with debate. But I remind my colleagues to consider the merits of just where we are going relative to our increased dependence on imported oil. One of these days we are going to have a crisis in the Mideast, and the public is going to blame this body. They are going to blame this Government. They are going to blame this administration for not having the foresight to decrease our dependence on foreign oil by taking the necessary measures at home to stimulate resource development protection, which we can do safely with ANWR.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

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

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

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPRO-  
PRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 5353 TO COMMITTEE  
AMENDMENT ON PAGE 25, LINES 4-10

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

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

Mr. GORTON. Would the Senator from Arkansas withhold?

Mr. BUMPERS. Happy to.

Mr. GORTON. Do we have a special order to proceed to a particular amendment?

The PRESIDING OFFICER. It is the amendment of the Senator from Arkansas.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment found on page 25 be laid aside and the amendment from the Senator from Arkansas be considered.

Mr. BUMPERS. We object.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is for the clerk to report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. GREGG and Mr. KERRY, proposes an amendment numbered 5353 to the committee amendment on page 25 lines 4-10.

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

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

The amendment is as follows:

At the end of the pending Committee amendment ending on line 4 on page 25, add the following:

**SEC. . GRAZING FEES.**

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

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

(2) Permittees or lessees, including related persons, who own or control livestock comprising more than 2,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a) for the first

2,000 animal unit months. For animal unit months in excess of 2,000, the fee shall be the higher of either—

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

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

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

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

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

(3) related persons includes—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the holder of the permit or lease; and

(ii) a person controlled by, or controlling, or under common control with the holder of the permit or lease.

Mr. BUMPERS. Mr. President, grazing fees have been the subject of many hot controversial debates in this body. The reason is that our grazing fee policies are highly controversial. When I think about the farm bill that we passed last year and the proponents of the farm bill said that it was going to take the farmers off of welfare—they have been receiving these commodity payments since the memory of man runneth not, so we are going to give them some money each year for 7 years and then that is the end of all farm subsidies. All farmers will be on their own after that. No more welfare state for the farmers of this country.

Mr. President, I have absolutely no objection to grazing on Federal lands. What I object to is the amount of money we receive from the people who graze livestock on public lands. Let me just start by saying that we have about 27,000 permittees in this country who graze cattle on public lands. That is on both Forest Service lands and Bureau of Land Management lands. How much land is involved? It is 270 million acres. What do we get? What does the United States Treasury get for the 270 million acres? We get \$25.2 million—\$25.2 million a year for 270 million acres of land.

I am not quarreling about how much land is grazed. I am not quarreling with the permitting system where we grant permits to ranchers so that they can graze cattle on it. I am not even quarreling all that much about how little money we get out of it. My amendment will only add \$8 million a year to that \$25 million. What I am quarreling about is the welfare system that exists in the way we handle our Federal grazing lands.

In short, we have 27,000 permits—I want my colleagues who are sitting in their offices or in the Chamber to listen to these figures—27,000 permits in this country. Some people have more than one permit, so we actually have 22,350 operators who hold permits. Here is what I object to and this is what my amendment is designed to correct: some of the biggest corporations in

America, corporations from the Fortune 500, people who are billionaires—pay \$1.35 per AUM [animal unit month] to graze cattle on public lands. Mr. President, I am talking about 9 percent, look at this figure on this chart, 9 percent of the 22,350 permittees, 9 percent of them hold 60 percent of the 270 million acres of land that we allow to be grazed.

What does that mean? Mr. President, 91 percent of the remaining permittees control 40 percent of all of the AUM's. You do not have to be a rocket scientist to look at this chart and know that we are being grossly unfair to ourselves and we are allowing a form of corporate welfare in this country that we should never permit. What would I do? My amendment focuses on this 9 percent, the permittees controlling 60 percent of all of the AUM's. Let me digress a moment to describe what that is. An animal unit month is the amount of forage needed to graze one cow and her calf for 1 month, or one horse, or five sheep or five goats. We will talk about cows because virtually all Federal lands are grazed by cattle.

Nine percent of these people, many of whom are billionaires and the largest corporations on the Fortune 500, control 60 percent of all of this land. My amendment would require these 9 percent to pay the rate that the State charges for grazing on State lands for any AUM's in excess of 2,000. My amendment allows all permittees to pay the current fee of \$1.35 on the first 2,000 AUM's.

Today we charge, per AUM, \$1.35 a month. You can graze one cow and her calf for 1 month for \$1.35 on public rangelands. Look at this. In 1981, that figure was \$2.31. In 1995, it was \$1.61. In 1996, it is \$1.35. My amendment would require that, if a permittee controls more than 2,000 AUM's, that permittee must pay the average that the State charges for State lands for all AUM's in excess of 2,000.

What's wrong with that? Somebody tell me, what's wrong with that? Why is it that Colorado leases their lands for \$6.50 an AUM and poor old "Uncle Sucker" gets \$1.35? Why is it that even Arizona gets \$2.18 per AUM and poor old "Uncle Sucker" gets \$1.35? Look at this—Nebraska. Nebraska gets \$15.50 per AUM, and "Uncle Sucker" gets \$1.35. South Dakota gets \$7 per AUM on State lands in South Dakota, and the State of Oklahoma gets \$10. Washington State gets \$4.55. The average for all of these States where Federal lands exist—the average charged by all of those States is well over \$5, or between \$5 and \$6. That is the average. "Uncle Sucker" gets \$1.35.

I see my colleague, Senator GREGG, who just came on the floor. He is my chief cosponsor on this amendment. Our amendment allows every permittee to pay the current rate of \$1.35 on their first 2,000 AUM's. We are not trying to change the basic rate. However, if you are Anheuser-Busch, or Newmont Mining, or Hewlett of Hewlett-Packard,

and you have thousands of acres of land you are grazing, anything above 2,000 AUM's, you ought to be willing to pay what the State charges.

Mr. President, I was discussing this amendment with my staff in my office this morning, and I said, "You know, I used to be a trial lawyer, and I know something about juries. Sometimes I got fooled about what a jury would do. But I would not be fooled on this." If I were arguing this to 12 jurors, peers of mine—12 jurors, tried and true—they would not be out to deliberate this issue in minutes. Why do you think people are always saying, "What on God's green Earth is Congress thinking about? Why do they permit things like this?" I will tell you why they permit it. The same reason we permit a lot of other things: They have a lot of clout.

Do you see these States right here on this chart? I would hope to get a Senator or two from one of those States. However, right now I don't know who it would be. These people who control these grazing permits have a lot of political clout. I don't blame them. If I were out there running cattle on Federal lands for \$1.35 a month, I can promise you I would have some strong feelings about changing the law, too.

Look what has happened, Mr. President, since 1981. I invite all of my colleagues to look carefully at this. In 1981, this green line represents the average fees in these States charged to private persons. If you rent land from me—incidentally, Mr. President, until 2 years ago, I had a 400-acre farm, and I leased it for cattle grazing. From the time I was elected Governor in 1970, I never farmed again. I leased my land every year. That is a private lease, and the average is \$7.88 an AUM in 1981. But in 1995, look at the trend. Private lease rates now average \$11.20, which is the amount a rancher pays if he or she leases these lands in the private sector.

If a rancher leased State lands in one of these States right here in 1981, he or she paid \$3.22 per AUM. In 1995, he or she would have paid \$5.58. That is the average of what all these States charge. But if a rancher happened to be one of those lucky people that held a permit from the Bureau of Land Management, in 1981, he or she paid \$2.31. The Federal fee was decreasing. In 1991, a Federal permittee paid \$1.97. In 1995, a Federal permittee paid \$1.61. In 1996, it is \$1.35.

Here are lands being leased in the private sector, going up dramatically in the last 16 years. The grazing fees charged on lands leased in the private sector, going up dramatically since 1981. And grazing fees on lands that poor old "Uncle Sucker" lets out have gone down. I don't have this carried out, but it would be down about here, \$1.35 an AUM.

Even Senator DOMENICI's bill, which passed the Senate but which did not go anyplace—nor is it going anyplace—even that bill would have taken the price of AUM's up to \$2.18. Now, of course, you understand that is 9 years

from now, in the year 2005. No big deal. But at least Senator DOMENICI would recognize that \$1.35 per AUM is outrageous.

Here is an average of the 1995 fees. I mentioned this a while ago, but I did not show you the chart. Today, this figure is not \$1.61; it is \$1.35. Senator DOMENICI's bill was \$1.97. In the State lands, the average is \$5.58.

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

Mr. BUMPERS. Yes.

Mr. DOMENICI. I was in the cloakroom, and I saw something fall down; did it hit you?

Mr. BUMPERS. I am going to put it back up.

Mr. DOMENICI. But you are all right?

Mr. BUMPERS. That is about how important this debate has been considered around here for the last 20 years.

For private lands, \$11.20 is the average of what people are paying private landowners to graze livestock on private lands. You are going to hear a lot of people state, "Senator, do you realize cattle prices are awfully low right now?" Yes, I know cattle prices are currently low. I used to be a cattle farmer myself. Cattle prices got so low one time in the late sixties, I heard a farmer say, "I have already lost \$100 this morning." I asked, "How come?" He said, "One of my cows had a calf." I know that prices of cattle are not at an all-time low, but they are very cheap right now. But they are not as cheap as this bargain ranchers receive from the U.S. Government. Look at this. You are going to hear the argument that the States—because I am saying we should charge these wealthy corporate farmers who are getting this big ripoff from the Bureau of Land Management, they are going to say, "Well, prices are so low now. This is no longer a big bargain."

However, remember that the private land lease rates and the State land lease rates have continued to rise over the last 16 years. You cannot argue with the trend. In addition, how many landlords have you ever known who have said, "I will put 50 percent of all the rent you pay me back into your apartment. You pay me \$500 a month, and I will put \$250 a month back into renovating your apartment and keeping it up, buying new appliances, and so on."

But that is what we do. That is what the Federal Government does. If we received \$1.35, that would be an outrage, but we turn around and put improvements, fences, everything under the shining sun back into the land. Fifty percent of \$1.35 goes back onto the land. What a deal.

The Government only gets 37.5 percent and the States get 12.5 percent.

Mr. President, I am going to put a few charts up here to show you why I am offering this amendment. There are some people who ought not to be permitted to have huge, thousands and thousands of acres of grazing permits

for \$1.35 an acre per cow. As I said, my amendment would let them control 2,000 animal units at the \$1.35 rate, and that is what it is under the Public Rangelands Improvement Act right now.

I ask you, is a small fee increase which amounts to \$8 million for all of them—I am talking about 60 percent of the lands, 60 percent of the 270 million acres of land we lease—is it too much to ask those people to pay an additional \$8 million a year? And it is not the money. It is corporate welfare. How many times do you hear that term used around here in the Tax Code. So I ask you, is this small fee increase I am talking about really important to these people?

Anheuser-Busch, I understand they make a good beer. I am not a beer drinker so I cannot attest to that. But in 1994, they were ranked the 80th biggest corporation in America—not just on the Fortune 500, the 80th biggest corporation in America. And what do they have? They have 8,000 AUM's, and under my amendment they would pay the State fee on the additional AUM's above 2,000, or 6,000. They would have to pay a small additional fee on the extra 6,000 above 2,000.

I do not believe that would bankrupt Anheuser-Busch. You are probably talking about somewhere between \$6,000 and \$60,000 a year, or the equivalent of a 15-second spot on Sunday afternoon at the football game.

William Hewlett, who in this body never heard of Hewlett-Packard? William Hewlett, 100,000 acres. My guess is that he is easily a billionaire. William Hewlett is probably embarrassed to pay \$1.35 an animal unit month. He has permits for 100,000 acres. Why do I have this nagging suspicion that this bill would not bankrupt him?

Newmont Mining Co., probably the biggest gold mining company in America—British owned, if that matters to you. I do not believe Britain would lease lands to run 12,000 cows on any of its land. I am not making the case. I love England. They have been a steadfast, reliable ally for almost 200 years. They have 12,000 animal unit months, and I am saying that is 10,000 too many without paying something extra.

J.R. Simplot, the Idaho potato billionaire—billionaire—50,000 AUM's. Think about 50,000 AUM's. That could run as high as 4,000 head of cattle for 12 months at \$1.35 a month.

And here is another corporation, Zenchiku, 6,000 AUM's and 40,000 acres.

Mr. President, I am not going to belabor this any further. I have just made the case that we are allowing the biggest corporations in America to run thousands of cattle on Bureau of Land Management and Forest Service lands.

You know something else. If a rancher leases lands for grazing on the Ouachita National Forest in the great State of Arkansas, from whence I come, you have to pay almost twice that much. If you lease grazing lands on any of the eastern forests of the

United States, you have to pay \$2.50 per animal unit month. They are not a big item in my State so I do not really have a dog in the fight. All I am saying is this is very little money, \$8 million.

It is not right for 9 percent of the wealthiest people in America to control 60 percent of all the grazing lands the Bureau of Land Management and the Forest Service permit to be grazed. That means the other 91 percent, whom everybody here is going to stand up and defend—people from the Western States are going to get up and say, "Isn't this terrible. Think about it. All these poor little old people out there trying to graze." I do not touch them. This amendment has nothing to do with them. They will still run cattle for \$1.35 an animal unit month. I am not talking about 91 percent of the permittees. I am talking about the 9 percent who control 60 percent of 270 million acres for a ravaged price of \$1.35 an animal unit month.

Madam President, this amendment is favored by the Taxpayers for Common Sense, Friends of the Earth, U.S. Public Interest Research Group, Trout Unlimited, Southern Utah Wilderness Alliance, the Wilderness Society, the National Wildlife Federation, the Natural Resources Defense Council, and the Sierra Club—and almost 260 million people. I have not talked to all of them, but I can speak for them. They favor this amendment, too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I feel like we are coming back into a familiar discussion. I do not know how many times just in the last 2 years I have heard the same thing. Fortunately, the Senator can use the same charts, and that is good. That is a saving.

Let me tell you a little bit about the Sun family, ranchers in Wyoming. There are about 20 members of this family. They have several places they live on. They run more than 2,000 AUM's. However, when you divide it up by the number of family members, they run about 168 head of cattle per family. That is hardly the millionaires the Senator talks about; characterizes as the West being full of corporations. I want to tell you, come to Wyoming, come to Wyoming and show me all those corporations.

Let me tell you a little bit about the Red Desert Grazing Association. These are a number of ranches that go together in association and their lease is one lease; and they have more than 2,000 animal units. But when you divide it up by the families involved, what you are talking about are families, who make up the bulk of this industry, trying to make a living with public lands. This idea of trying to characterize it as being all these big corporations simply is not accurate. It is not accurate. We have been through this before.

Let me tell you, No. 1, this is an appropriations bill. We talked about this

when we talked about the bill of substance, the grazing bill, which raised the price, which the Senator opposed. We talked about that in the authorizing committee. That is where it is supposed to be discussed. And the grazers—we were willing to raise the price when you change some of the conditions under which grazing takes place. No, now we are going to do it on the appropriations bill, where we do nothing to change the conditions, but we will raise the price; raise the price on family ranchers who make a living in this country.

Quite different than in the Senator's State, these lands were homesteaded. The homesteaders took up the river bottoms, they took up the water, they took up the shelter, they took up the winter feed. What we are talking about here are the residual lands that were left, the residual lands left out, away from the creek, the lands they can use in the summer only if they develop the water, which is not true on your land, Senator. So you cannot compare this with the private land in Arkansas.

Come out to 7,200 feet in Laramie, WY, and take a look at it. It is a little different, a little less valuable. Come out and see who takes care of the fences. Do you take care of the fences, Senator, on your farm? I think so. You do not take care of the fences on the public land.

Do you provide water on your farm, Senator? I think you probably do. You do not provide the water in the West. The guy who leases it provides the water. It is not the same. It is not the same.

The Senate already voted on a very similar amendment earlier this year; same thing. We are back on it again. Grazing on public land and private land cannot be compared. Productivity—there are places in my State where it takes more than 100 acres, for 12 AUM. It is very unproductive land. It takes transportation there; you have to take care of the livestock when it is there, you have to ride, you have to take care of predators. Those are differences. Those are differences, and they show up in the costs. Obviously, the price of cattle is very low. These rates that you refer to, which we wanted to raise, are tied to the price of cattle. That is why they are as low as they are. They were higher than that when the price was higher, and they will be higher again. They will be higher when our grazing bill passes.

You indicate the grazing bill is done. It is not necessarily so. The things go together. You cannot pick out the price and say let us leave the rest of this stuff, leave it the way it is, but we will raise the price. I do not agree with that. I think it is wrong. There is a major difference between private and public land. Private land pastures tend to be self-sufficient. They have water, grass, fences. They are close enough so everyone can watch them. There are no predators there.

Public lands are quite often dependent on privately-owned water. They are

not year-round pastures. You have to have private land to take care of them in the winter; you have to have feed, you have to the water, you have to have all these things.

You cannot compare that with private lands. Private lands tend not to be intermingled; public lands quite often are. They are also multiple use, you have to provide for hunters—and you should. There is access for hunters, gates are left open. It is not the same.

There is a report that was put out by Pepperdine University, which is not exactly a bastion of western grazing, that said a number of things. They concluded at the university:

Montana ranchers who rely on access to Federal grazing and forage do not have a competitive advantage over those who do not. Livestock operators with direct access to Federal forage do not enjoy significant economic and financial advantages by using that.

As a matter of fact, the Pitchfork Ranch in Meeteetse, WY, has some grazing. What do they get in return? They also run their pastures in the winter, their hay in the winter. That is something of a tradeoff. It is not unusual. They are not the same as private lands.

The study also showed that these Montana operators, compared to those who used all private lands, realized less gross revenue per animal unit month, incurred virtually the same operating costs, are subjected to the higher costs of borrowed capital.

There are a number of other differences between public lands and private lands. A lot of the public lands have very burdensome Federal requirements, NEPA requirements, land use planning processes. Basically, the States are quite different as well. They look to the lessee to manage the land. It simply is not accurate to say these lands should be the same. They are not the same. There is a good deal more flexibility in private lands or State lands in terms of the management than there is on Federal lands. On Federal lands they tell you how many you can graze, when you can graze, when you are off, when you are on, how many head of livestock we will run. There is an additional fee if you happen to run leased livestock. It is not the same.

So, even disregarding the price level, I tell you there are a couple of things that are not accurate. No. 1 is these are not corporate ranchers by and large. No. 2, it is not fair to compare private land leases with public land leases.

There are a number of things that ought to be changed. We worked very hard this year to make some changes in Bruce Babbitt's grazing requirements. I want to tell you something. Grazing is part of western agriculture. Livestock is the largest endeavor in Wyoming as it is in most of the Western States. Very many of the ranches there are not independent, without public lands; nor are the public lands able to produce without the private lands that go with it. It is not a matter

of just saying we will lease this, we will lease this—these lands are interlocking. These lands do, in fact, go together. We have tried very hard and will continue to try, and we will succeed, in making some changes in grazing. But this is not the way to do it. This is the annual ritual, going through this idea of corporate welfare. I suppose the thing to do would be to start through everybody's corporate welfare. I think there are a few instances that could be talked about most everywhere. I do not think this is corporate welfare. I cannot imagine that term being used in this instance.

Madam President, there are an awful lot of things that need to be talked about, but we have talked about them many times. I am not sure it is productive to continue to go on and on about the same things. Let me just make a couple of points in closing.

No. 1 is that if we are to talk about grazing and grazing fees and grazing regulations, we ought to talk about the package so that we can make those changes that do need to be made. And almost everyone agrees that they should.

No. 2. If you are going to make price comparisons, price comparisons need to be made on the relative value of the product and not on a comparison to something that is not comparable, and that is what they are seeking to do here.

No. 3. We ought to deal with it in a committee of substance, a committee that has jurisdiction. The Senator is on that committee. He has been through this argument in the committee and is unable to get support. He has been through this argument on the floor and unable to get support, but we keep coming back. It is the fall ritual.

Finally, if we are going to try to deal with family farms and family farmers—that is what we are in Wyoming, that is what we are in the State of Texas, somewhat different in some places. Fifty percent of our State belongs to the Federal Government. Arizona is even more; Nevada, 87 percent. I don't think that is the case in Arkansas.

So you need to take into account the fact that our economy depends on the kinds of decisions that are made with respect to policy of public lands. Bruce Babbitt has more to do with the future economy of Wyoming than any person living in the State. That is a shame. I am sorry for that.

So when we talk about changes we want to make, I hope you will take into account these are family farmers, these are ranchers just like yours, just like New Hampshire, trying to make a living, not wealthy, not corporations, but trying to have multiple use of those resources so that they do yield not only for them but for the communities that they support.

I urge my colleagues to reject this amendment, as they have in the past, and continue to work for better ways of multiple use of resources, but keep in mind they should be multiple use.

Madam President, I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, first, I wish to recognize the fine statement given by the Senator from Wyoming who expresses well his thoughts and purposes on this issue. I am not in agreement, but I have the highest regard for him as a Senator and respect the fact his position is one sincerely and thoughtfully reached.

However, I join with my colleague from Arkansas in supporting his amendment and my amendment to address this issue of how we bring into balance the cost of grazing on public lands relative to the needs of the cattlemen and the needs of the taxpayer. First of all, it should be stressed that this is not a local issue solely. It is a national issue. It is not even a western issue. It is a national issue. The 270 million acres of land that are subject to grazing permits belong to all Americans. They are America's heritage, all Americans' heritage.

The current grazing fee formula produces a fee that covers only a small part of the costs of Federal grazing programs and is far below the rate charged by Western States and private lessors. The current Federal fee, as has been stated, is \$1.35 animal unit month, AUM. This level mirrors the floor set by Executive order during the Reagan administration. The Department of Agriculture's Economic Research Service predicts the \$1.35 fee will remain the fee charged by the Federal Government through the year 2005.

The current fee, \$1.35, means it costs less to feed a 600-pound cow on public lands than it costs to feed your pet dog, your pet cat or even your parakeet, thanks to the subsidy paid for by the American taxpayers.

Two percent—2 percent—of the 22,000 permittees control 50 percent of the BLM acreage that is grazed. Two percent control 50 percent. So we are not talking here about the small farmer, which was referred to by the Senator from Wyoming. We are talking about the large cattlemen.

Additionally, it should be pointed out that the wealthiest 9 percent of the ranchers graze cattle on public lands controlling 60 percent of the grange land. So what this amendment does is try to address that disproportionate allocation of assets to a very small number of ranchers.

According to the Department of Agriculture, the Economic Research Service again, under S. 1459, the Public Rangelands Management Act, which passed the Senate but unfortunately has stalled in the House, the fee paid by ranchers would have increased to \$1.63. I heard it mentioned by the Senator from Arkansas that it actually might have been \$2.18. Whatever, it would have increased, and that is, obviously, a significantly higher number than the \$1.35 which is being paid this year.

This increase, however, is still less than the Federal fee paid between the years 1989 and 1994. We are actually working at a fee base which is less than what was paid to ranchers back in the period 1989 to 1994, and even if the increases were put in place, it would still be less than those fees that were charged just a few years ago.

The amendment which has been offered is a very simple amendment. It raises the fee charged by the Federal Government to the country's wealthiest ranchers—and I think this is important to stress—we are talking about 9 percent who own—control—60 percent of the range. They don't own it, it is owned by the taxpayers, those who graze more than 2,000 AUM's on Federal lands. It also maintains the current fee—and this is important—the current fee which, remember, as we just mentioned, is less than was charged a few years ago for a 5-year period. It maintains that current fee for ranchers who have less than 2,000 AUM. So, for the smaller and the moderate-size rancher, he stays the same, \$1.35. For the larger rancher, it grows to a reasonable number.

Under this amendment, therefore, 9 percent of the ranchers, those operating 2,000 or more AUM's, would see an increase in the fee paid to graze cattle on public lands, while 91 percent of the family ranchers, the ones referred to by the Senator from Wyoming, their livestock fee on Federal lands would remain the same, \$1.35 AUM's.

Those companies and corporations which would be impacted are significant, and the Senator from Arkansas went through a long list of some of them. There is the billionaire rancher who owns more than 50,000 AUM's in Iowa, Oregon, and Nevada. There is Newmont Mining Co., a wealthy gold mining company, which controls 12,000 AUM's, and there is Anheuser-Busch which controls 8,000 AUM's, the Japanese company, Zenchiku which is involved here. It is ironic, the American taxpayers end up subsidizing a Japanese company which owns Japanese farming rights in the United States to ship beef back to Japan when we are already running a significant trade surplus with Japan. That is the way it works.

Remember, this amendment does not impact the small or moderate-size family farmer, it impacts the big guys, that 9 percent that controls more than 2,000 AUM's.

This amendment cannot and should not be construed as being a threat, therefore, to the small rancher.

Under this amendment, small ranches, whose operating AUM's are less than 2,000, will continue to have this \$1.35 fee. Under the amendment, these small ranchers will pay 43 percent less per AUM in 1997, and each year thereafter, than they paid if they were ranching back in 1980. Remember this, under this amendment, those small ranchers, medium-sized ranchers, in fact, will be paying 43 percent less to

ranch on Federal lands than they paid in 1980. The point, however, is that the large ranchers should not also be paying 43 percent less.

Thus, this amendment assures that the wealthier ranchers, those with more than 2,000 AUM's, that billionaire rancher up in Idaho, Anheuser-Busch, that Japanese company, will pay a fair fee for the right to ranch on what is public land.

This chart I have here, "Public Land Grazing Fees, 1980-1996," highlights a point I have just been making, that those ranchers on Federal land in 1980 were paying \$2.36. And with an inflation-adjusted rate, it would have been \$4.60, but actually today they are paying \$1.35. So, the difference between these two prices, if you have it adjusted for inflation, would be the real difference in what we are now spending to subsidize people on Federal lands as versus the 1980 rate.

What we are saying is that the small rancher can keep paying \$1.35, which is almost \$1 less than what they paid in 1980, and we are not suggesting that even the large ranchers should pay the inflation-adjusted rate, \$4.60; we are just saying that the larger ranchers should have to pay a fairer rate. In many instances, that fair rate would be significantly less than the \$4.60 that should be charged if there was an inflation adjustment from the 1980 rate.

The argument is often made by individuals who oppose this amendment, the Federal Government should be able to set such a low rate with regard to the use of Federal land for grazing due to the low quality of the Federal land, if the Federal land on which the sheep and cattle are grazing has little or no investment value and is of little value generally.

I have another chart which I think pretty much dispels that argument. This chart shows exactly the opposite. In 1996, the Federal Government collected receipts worth \$14.5 million based upon \$1.35 AUM paid by all ranchers. However, according to the Bureau of Land Management, the Federal Government spent—spent—\$58 million on rangeland management and improvement. That is a net windfall of \$43 million for all ranches using the public lands.

This funding for ranchland management improvement has a direct effect upon the land improvements. Improvements that are involved here include the seeding, weeding, fencing, water collection on public land used by wealthy ranchers. These are very conservative numbers taken straight from the BLM. Some estimates of the annual loss to the Treasury, using the current fee system, range up to \$150 million. In fact, there was one estimate of \$400 million done by the Cato Institute.

But the practical implications of this is, if the land were worth less, it has clearly got to be worth at least what you are investing. If you are investing \$58 million in it and you are only getting \$14 million for that investment,

first, you are not doing very well on your return for investment, but, second, it is fairly obvious that the value of the land is approximately 4 times, 3½ times the value that is being charged for it.

So the argument that this is valueless land or land of less value than States' lands or private lands simply does not hold up to the numbers, to the very simple numbers which come from the BLM. Grazing fees are decreasing, even though the Federal Government collects only a fraction of the moneys spent for rangeland improvement.

This chart here, which was referred to, I believe, by the Senator from Arkansas, illustrates that only about 25 percent of grazing fees' receipts collected go to the General Treasury. In fact, 50 percent of these funds go back to rangeland improvement. That was mentioned extensively by the Senator from Arkansas.

So not only do farmers, cattle ranchers receive a subsidized rate, the fee does not even cover the cost of the Federal upkeep. These ranchers pay much too little, causing the rest of the American taxpayers to pick up the price, which is much too high.

The average private land fee charged per AUM since 1981 has increased 32 percent. I have another chart which shows this. The average private land fee charged per AUM since 1981 has increased 32 percent, from \$7.88 in 1981 to \$10.30, in 1995. The average State fee charged for people to put cattle on State land has increased 49 percent, from \$2.53 to \$3.76.

The payment for leasing Federal land during this same timeframe, 1981 to 1996, has, as I mentioned before, decreased—decreased—43 percent. That, simply, is not fair to the general taxpayer. Private grazing land lease rates continue to remain substantially higher than the price charged by the Federal Government, and, as I mentioned before, this is not necessarily a function of the land being more valuable. Or, if it is a function of the land being more valuable, it is not the fact that the Federal land has not had a significant amount of investment put into it—in fact, an investment which is about 3½ times the amount of the fees raised.

This chart here shows the difference between the private and the public grazing fee rate. The chart shows the amount of money the Federal Government receives in grazing fees receipts over the last 6 years, \$178 million, versus the amount of money the Federal Government will receive in the grazing fees over the next 6 years. That is \$178 versus \$133 million. The Federal Government is estimating that it will receive \$45 million less, therefore, in grazing fee receipts over the next 6 years than it received over the prior 6 years.

Is this for less grazing? I do not think so. It is because, for a period in there, we were charging a rate that was much closer to what is reasonable, and that rate has been cut.

Obviously, again, the taxpayers are taking the short end of the stick. This makes absolutely no sense. In a time of tightening budgets and higher deficits, we are on a pattern to collect less money from these huge ranchers, and, unfortunately, the giveaway to the wealthy ranchers is growing.

Why should the American taxpayers continue to subsidize only a select few? Three percent of the Nation's cattle operators and 5 percent of the sheep producers have Federal grazing permits. So 97 percent of America's cattle operators, 95 percent of America's sheep producers do not use Federal lands, so they are not getting the benefit of this subsidy. Every other rancher, except those grazing cattle on public lands, has had to keep up with the cost of inflation, paying higher prices for corn, for grain used to feed their cattle. But the cost of using the taxpayers' Federal rangeland is estimated to remain at an all-time low, \$1.35 per AUM, through the year 2005.

This chart, which is another way of stating the chart table that the Senator from Arkansas displayed, shows the difference between what is paid on private land and State land fees versus the \$1.35 AUM's. While the Federal Government allows ranchers to graze for \$1.35, this chart shows the Western States breakdown of the fees charged, and in every case it far exceeds what we get at the Federal level.

Again, we heard the argument that is because this land is better land; maybe it is better land. But the fact is, this chart shows beyond any question of logic or debate, when you are putting \$58 million back into the Federal land for the \$14 million you are taking out, you clearly have an investment in the land which far exceeds the value that is being charged for the lands, and thus you should at least try to return a better investment of that for the taxpayer. The land may not be as good for grazing, but at least from a standpoint of investment, the dollar figure is 3½ times that rate.

This amendment seeks to increase the fee charged by the Federal Government, to bring it in line with what the fair market value of land should be. Under this amendment the largest ranchers—remember, we are dealing with just the largest ranchers, that 9 percent of the ranchers who control the large acreage, who control more than 2,000 AUM's—will be charged the higher of the average State fee in which the Federal Government is located or the Federal fee plus 25 percent. Small ranchers and moderate-sized ranchers will continue to get the \$1.35 rate, which rate remains 43 percent less than what they were paying.

This amendment is done on a sliding scale, meaning either the large ranchers—the billionaire cattlemen, Anheuser-Busch, and the Japanese corporation—get the first 2,000 AUM's at a lower rate, \$1.35, and they do not start to pay more until they exceed the 2,000, so if they have 2,050, only the last 50

will be charged the increased fee, which of course will be some additional money. In the instance of Anheuser-Busch where they have 8,000 AUM's, 6,000 of those additional AUM's exceed the 2,000, and will be subject to the higher fee.

Is that unfair to Anheuser-Busch? No, it is not, because the taxpayer, as has been pointed out on a number of occasions, is already dramatically subsidizing the cost of Anheuser-Busch running its cattle on public land or that Japanese company which has the 6,000 AUM's. Yes, on the additional 4,000 AUM's they will have to pay a higher fee. Is that unfair to the Japanese company? No, it is not, because the taxpayer is already substantially subsidizing that Japanese company's running of cattle on Federal lands.

What we are suggesting is that the taxpayer receive a percentage of a better return on the investment that it is making in that public land for the benefit of those cattle. It is not asking that a better return come from the smaller or moderate-sized company, but is only asking that the better return come from the larger—the millionaire cattlemen, actually the multimillionaire cattlemen in this instance—and the international companies. Some of the other companies that are involved in this are Texaco, Hewlett-Packard, Getty, Union Oil, Hunt Oil, and the Newmont Mining Corp.

The amendment is estimated to save the American people about \$8 million in 1997 and \$40 million over 6 years. By Federal standards in this Senate that is not a dramatic amount of money. It is a lot of money in New Hampshire. In fact, we could run a State government for a considerable amount of time on \$48 million.

The fact is it is important that we make this statement. These are public lands. The taxpayer does have a right to expect a reasonable return on their investment in these public lands. The fact that we have targeted this amendment so it will just affect the wealthy, those who have the wherewithal to pay the higher fee, does, I think on its face, make it a fair amendment.

Thus, I join with the Senator from Arkansas and hope that the Senate will favorably consider this amendment. I yield the floor.

Mr. DOMENICI. Mr. President, I understand there is not a request for any time this afternoon beyond what I use unless the distinguished Senator from New Hampshire wants to speak again this evening. I want to state to the Senator from the standpoint of this Senator, and I have not talked with Senator GREGG, I do not need a lot of time tomorrow before the vote. I told the managing chairman 15 or 20 minutes on our side tomorrow, 30 minutes max, is all I need before the vote. I want to proceed with some dispatch.

First of all, fellow Senators, you all voted on this amendment last year and you voted it down. I do not believe anything has changed, at least not in the

general intent of the amendment. It is obvious to everyone that in the West those who are engaged in cattle ranching have gone through the worst of all possible times. Not only have they suffered a great drought which is still affecting what they will graze and how they can graze for the next 2 or 3 years, but cattle prices for some reason have gone into the tank.

As a matter of fact, I was out in rural New Mexico and somebody looked out at a ranch and said if you were here 2 years ago and there were 500 head out there grazing, each one on average in gross receipts would be worth \$1,000. Today, you have 500 out there and they are worth \$500 each—the very same cow, the very same beef, the very same market but it is only half of the price. So that cow that would have been worth \$1,000 in gross receipts is now worth half that amount, as you drive through rural New Mexico where many, many, hundreds of small ranches exist.

The second point, those who propose the amendment speak of 2,000 animal unit months and speak of those as if that is a very big rancher. Let me suggest in the State of New Mexico and a few other States—we are not alone—you graze cattle on the public domain and your own fee simple land and any State land you might have, and you do that for all 12 months in a year, not for 3, not for the summer months, or not for the fall months or not for the winter months, but all 12, so let us put this in perspective. For my State, this means 167 head of cattle for one year. That is what 2,000 animal unit months mean.

When they speak today of large ranchers, make sure everybody understands in a State like New Mexico, 12-months a year of grazing is a necessity because we have a great deal of public land that is available on a yearlong basis. We are a water-based State. That is, the water-on the ranch often, times serves as the base property. You graze them there, and you keep them there—you do not graze them on your land for 9 months and take them to the high country for 3 months where you graze them on public domain or permits. Two thousand animal unit months is 167 head of cattle grazed year round on a ranch in New Mexico or a ranch in Arizona where you graze them 12 months a year. Is that a large ranch? I assure fellow Senators there is not a rancher who can even make a living on 167 head. These are small ranches, run by families who for decades have had a small amount of acreage for their permits, and they graze 100 to 167, 180, some of them only 50, to supplement their incomes and stay close to the land and keep a culture alive.

Make sure we understand that while big corporate names are thrown around, in a year-round grazing area we are talking about hundreds of small ranchers who happen to be included in the definition that are being discussed here on the floor as very large corporate ranches.

Second, my good friend from New Hampshire had a chart. I am sorry I do not have any charts today. I will just recollect one. There was one up there that says you only get about \$14 million from grazing permits on the public domain and that we spend in excess of \$48 million—if that is the number—and the Senator concluded, is that not a shame, is that not a shame. We ought to collect more money for grazing because we are spending \$48 million on the public domain but that bridges one gap that should not be bridged. For that conclusion assumes the \$48 million of taxpayers' money being spent on the millions of acres of public domain, that it is all being spent for grazing permits. Quite wrong.

There are many other activities that yield money. In fact, timbering yields money, recreation yields money for the Bureau of Land Management, which has the weakest kind of land, since it was generally the leftover lands. I contend that in almost every Western State the total receipts from the public domain exceed what is paid out for the purpose of land and resource management, and one of the only exceptions is California where they have to spend a lot more money, and much of it is not spent on grazing, incidentally, but rather maintaining other kinds of activities on the public domain.

So while it sounds nice that we ought to raise the fees for grazing so we will get closer to \$48 million, which is the expenditure for public domain, we must ask the question, how much does the public domain actually spend on grazing, which may benefit other resources, and how much does it collect from all sources? It comes much closer to a break-even situation on what we spend versus what we take in when you consider all receipts from the public domain.

Now, once again, the chart as it appeared, would imply that there is automatically and of necessity and in some rational way a relationship between private land and public land. Mr. President, there is nobody who will tell you in the Bureau of Land Management, that their millions of acres in all our sovereign States in the West are choice lands. In fact, they will tell you, by a process of selection they are among the least productive of lands.

The private lands, on the other side, are among the best of lands. As a matter of fact, to compare what you pay for a 1,000 acres of Bureau of Land Management land with what you pay for a thousand acres of private land, is not reasonable. The best analogy I have been able to come up with is something like this: What you pay for an apartment that has no utilities, no furniture, no telephone, just a stripped-down apartment, compared with the next guy over is renting a fully furnished apartment, that has all utilities, and a telephone in it. Is the price even because the size of the buildings are the same? Of course not. One is without any add-ons that come from

the landlord or owner, and one has many, many positives added. Most private land is well-fenced, at the cost of the owner, has water on it, at the cost of the owner, is heavily vegetated by the very nature of it being private and part of a homestead.

Let me go through, for a couple of minutes—I believe I tried my best to account for what a 2,000 animal unit month ranch really is in my State. It is a very small ranch. There may be some that are 10,000 and 20,000, but I guarantee you the overwhelming number of ranches in my State are somewhere between 50 and 500, in terms of the number of head that are raised on the public domain. Yet, many of those would exceed the 2,000 animal unit months being referred to here because they must graze all year round.

Having said that, let me give a little history of what is going on. On May 25, 1995, I introduced S. 852, the Livestock Grazing Act. On June 22, 1995, the Committee on Energy and Natural Resources held a hearing on that bill. On July 19, they favorably reported the bill, with modifications, for consideration by the Senate. Following that markup, the cosponsors determined that there was not enough bipartisan support for the legislation and that there ought to be some additional changes. We initiated a number of discussions, exchanges and meetings among Democrat and Republican Senators and the staff, trying to find some common ground.

On November 30, 1995, the Energy Committee again took a look at the grazing reform legislation and reported out as an original bill, S. 1459. On March 20 and 21 of this year, the Senate debated the issue of grazing reform and ultimately passed a bill that would have increased the grazing fee by about 40 percent, as well as to set new parameters by which grazing would be administered on the BLM and Forest Service land. During that 2-day debate, the Senate considered a Bumpers amendment that was identical in concept with the one we are considering today. The Senate wisely, in my opinion, rejected this amendment when we were debating grazing legislation in its own right.

Mr. President, that grazing bill is still in the House. Negotiations are taking place. It has a grazing fee increase, and it does not attempt to set grazing fees based upon whether you are a little rancher or a big rancher. As a matter of fact, even the Department of the Interior, which has been heavily engaged in trying to get more regulation of the public domain, has regularly been against a two-tiered grazing fee for a number of reasons. Not the least of which is that they contend it will be difficult to manage from an administrative standpoint.

With this history, I see no reason for us to approve a rider on an appropriation bill which is similar to an amendment which has been turned down here in a debate on the floor of the Senate.

There is before us now an amendment which, once again, tries to draw comparisons between the public domain, which belongs to the United States, some of which is under lease, and State-leased land, and in some cases the Bumpers amendment would set a fee for some ranchers at the level of the fee charged for State lands in that State.

I want to call to the Senate's attention a Congressional Research Service report entitled "Survey of Grazing Programs in Western States." In this report, Senators can see for themselves the diversity of grazing programs and regulations that the States have employed on State land. For example, in some States, a holder of a grazing permit has the right to control public access to that tract of State land. So in some States, if you hold a State permit, you can deny access to everyone because your permit grants you exclusivity in all respects.

In others, all improvements constructed on State land are allowed to be owned by the permittee. Still in others, State land under grazing permits are dedicated solely to livestock production, and there are no allowances made for the benefit of wildlife on those lands.

All of these conditions add to the value of the leased land from the standpoint of a livestock producer, and these regulations are in stark contrast to those on Federal land. We cannot expect a rancher to pay the same for State and Federal grazing permits, if we are not willing to allow the same regulations to be enforced.

So I would say perhaps the proponents of this amendment ought to add—in the event we are going to charge the same fee—then we ought to give the ranchers the same benefits and the same set of regulations that the State land is governed by. I would think that is logical and fair.

I can tell you for sure—and my good friend, Senator GORTON, would agree with me—that you could not grant exclusivity to the public domain for a rancher. They would talk about hunting, fishing, and recreation. Yet in some States, the State property is leased for grazing, and that is all it can be used for. They would like us to pay that for the Federal land. I would merely say, let us add to it, that all the State regulations would apply, or in other words, inhibitions will apply to the Federal domain which couldn't pass muster here, the Department of Interior, or anywhere.

For instance, in the State of Nevada, they set their fee on State land by bidding it, meaning they are giving different values to different forage, a different value of the grazing land. We have never done that in the United States on the public domain. We have never gone out and said, you ought to pay this much in the State of Oregon because it is a little better grazing than you pay for in New Mexico, for we would have a devil of a job trying to

figure that out. Yet, that is the way they figure it out on State land in the State of Nevada, which would certainly not be relevant, nor would it work on the Federal public domain.

I believe that this amendment was not a good idea when I alluded to the dates that it was debated in the Senate earlier this year, and it is no better today. When the Senate considered this amendment in March, the Senator from Arkansas indicated, as he has today, that the amendment was not intended to adversely affect small- and medium-sized ranches. He indicated in his amendment that it would only impose higher fees on "corporate ranchers."

Frankly, I do not see any difference between a corporate rancher that is big and a sole proprietorship that is big, nor between a corporate ranch that is small and a noncorporate subchapter S partnership that is small. He indicated in March corporate ranches only, and the big ones are the only ones that would get an increase. As we explained in March, he has missed his intended mark, and for that reason, and that reason alone, the amendment should be defeated. The Bumpers amendment would set an arbitrary number of 2,000 animal unit months as a definition of a corporate ranchers.

In New Mexico, for instance, an example comes to mind as to how it would work exactly opposite from what is intended.

Among the top five property owners in my State is Ted Turner, hardly someone who could be considered a family rancher. In New Mexico, Mr. Turner owns a large ranch made up primarily of deeded land. It surrounds an area of Federal land for which he holds grazing permits. Under current grazing regulations, he can easily arrange his allotment such that he would use only 1,999 AUM's on Federal land. This means that he would qualify for the family rancher's fee, because he would not meet the 2,000 animal unit month threshold. He could do this because his ranch is made up mostly of deeded land, and he has the flexibility to move animals from public to private without a major impact on his operation.

Let me tell the Senate about another situation that is far more common than Mr. Turner's. This side of the story involves smaller ranching operations that actually do provide the primary source of income for real families struggling to make ends meet. These ranchers are more reliant on forage that is grown on Federal land, and some for almost all of their forage. These ranches involve small amounts of fee land, small amounts of State land, and large amounts of Federal grazing land.

Additionally, a large number of these family ranchers graze their livestock on Federal land 12 months out of the year. In other words, they are not seasonal permits that are common in some other States. Under this amendment, however, if a family owned and

operated a ranch that runs 167 cows on Federal land, it would be considered a corporate ranch and subject to the higher fee. Actually, we have hundreds of these kinds of ranches in the State of New Mexico. I do not know about other States. Certainly, I do not know about Arkansas. But in New Mexico, it is impossible to support a family on the income derived from 167 cows even if grazing fees are zero.

So I opposed this fee in March, and today my concern is still as strong as it was, principally for family ranches in the State of New Mexico. These concerns are compounded by the lasting impacts of severe drought, from which they are beginning to recover, continuing low cattle and wool prices, which do not seem to be moving, and continued high feed costs. Many of the ranchers I described that would be considered corporate ranchers under the Bumpers amendment would simply be forced off the land where they have struggled to make a living for generations.

Mr. President, I would also conclude by suggesting that it is very easy when you have such a broad expanse of Federal land, with millions and millions of acres, between the Departments Agriculture and Interior, which are leased for grazing, and that have been leased for years, it is easy to come to the floor and pick out some that are really owned by giant American companies. But I believe that it is very difficult to make the case that in this country we ought to treat them differently than we treat others with similar acreage under lease. Maybe we want to, but I believe we should not.

I believe you ought to treat a family corporation the same as you would treat Budweiser in terms of a ranch that involves Federal grazing permits. But, most importantly, I want to make sure that we do not use this kind of tactic to inadvertently attack small and medium sized family ranches in our States and which to some extent provide families with a living, but for the most part are part of a tradition. The family must stay with it. They get other jobs. They survive, and they keep a culture alive.

I, for one, believe we should not let ourselves get carried away with these "Uncle Sugar" checks that are shown on these diagrams. We ought to look at the big, broad picture, and treat everybody the same. If we want to change the law, change it for everybody.

We have about 5,000 permits in my State. I am far more concerned about the fact that many of them are borderline right now in terms of not being able to hold the permits because they cannot make a living and make ends meet. That is really the case, if they borrowed money on their home to stay on their ranch during these rather terrible times in terms of prices and costs. To add to that an increase in fees, at this point, seems to be an invitation to more and more bankruptcies among them.

Frankly, the bill which would increase the fees 40 percent is still pending in the House. It passed the Senate. It has been before the committees in the House, and we are still working on trying to get that out. If we get it out, we will have a chance to vote yes or no on the increased fees that the Senate passed, but combined with a reform of the grazing regulations. It should not this fee which the Senate has already rejected.

It seems to me that we ought to give that normal process a chance. If it does not work this year, it is obvious that a lot of work has to be done next year and the year after. But I hope we do not burden an appropriations bill with a change in the grazing fee this year under the circumstances I have outlined and discussed with the Senate here today.

I thank the Senate for yielding me time, and I thank the manager of the bill—for I am not sure I will get a chance in the future—for the excellent work he has done overall on this bill. I want to say that I hope, and will work with him and others, to see if we can't get this bill put into a final form and get it passed this year. I hope it is not part of a continuing resolution. But if it is, I hope we are able to get most of the work done so the continuing resolution will carry a number of changes, and we will not simply be adopting last year's appropriations.

I thank the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Washington.

Mr. GORTON. Mr. President, I assume the Senator from North Dakota is here on a different subject. Is that correct?

Mr. DORGAN. No.

Mr. GORTON. Then I will yield.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is an unaccustomed role for me to come to the floor and speak in opposition to an amendment offered by the Senator from Arkansas. I find so often I come to the floor to support a number of his amendments, but I oppose this amendment. I think it is not only bad timing but an inappropriate remedy to what the Senator describes as a problem.

I would like to give some context for my feeling about this. I grew up in southwestern North Dakota out near the Badlands in ranching country. My father raised some livestock. We had some cattle. We did not ever run cattle on public lands. We have never been a family that had access to public lands and therefore the grazing fees that exist on public lands.

I know something about the cattle business but not nearly as much as those who are ranching full time in parts of North Dakota today. I know a little about calving, about what ranchers go through. I understand what the

ranch families go through in the spring; 4 o'clock in the morning, with it snowing and cold and running across muddy fields trying to deal with a difficult calving situation to save some calves and save some cows.

It is not an easy life. A lot of these ranchers have discovered, with the bottom falling out of cattle prices in recent months, it is pretty hard to make a living doing something they love to do.

The question today is not about whether ranching is a wonderful lifestyle for those many hundreds of ranchers. In North Dakota, these are really people who are the salt of the earth. These are wonderful people who do it on their own and battle the elements and battle the markets that they cannot control but try to control what they can on their family ranch and try to make a living out of it all. They would be, I suppose, perplexed about a lot of this public debate.

What has been offered is a discussion about what should the appropriate grazing fees be on public lands. We see proposed a schedule of what the private lands rent for, what the State would rent its lands for, what grazing fees would be on State lands compared to what grazing fees would be on Federal land.

I should start by saying we do not have much Bureau of Land Management [BLM] land in North Dakota. Most of the grazing in North Dakota is on the grasslands and that, of course, is managed by the U.S. Forest Service. We do not have giant ranches. We do not have big corporations that are ranching in my State. We do not have giant ranchers that control land as far as you can drive in a pickup truck with two tanks of gas. We do not have any of that. We have a bunch of families out there who are struggling trying to raise some cattle and make a living.

When these folks pay a grazing fee and have a permit to graze their cattle on public lands, you cannot, in my judgment, appropriately compare that to what private rent is on private lands or what the State is proposing for grazing fees or charging for grazing fees on State lands.

Now, why is that? Because if you are raising cattle, paying a grazing fee on the grasslands in North Dakota, it is not just you paying some rent on some land on which you are going to raise your cattle. That is not what the transaction is about. It is true, these ranchers have paid a fee then to put those cattle on that land to graze, but they have other responsibilities too.

Those are multiple-use lands by law so there are recreational responsibilities those lands have to bear. Somebody wants to come hiking on those lands. Do you think someone is prevented from hiking on the grasslands? Oh, no. The fact that someone else is grazing their cattle does not prevent the multiple-use responsibility for recreation on those lands.

What about mineral development? Is there an opportunity for mineral devel-

opment even though some rancher is grazing cattle on that land? Of course, because that is part of multiple use.

What about the requirement for that land to be productive for the raising of deer, whitetail deer, upland game? Well, that is part of the responsibility under multiple use as well.

If that rancher wants to put a water tank on that land, the question of where that rancher locates that water tank, is that up to the rancher? It is on private lands, not on public land. That has an impact. And that land is multiple use. It might be that water tank has to be located near a woody draw where it is going to have a more favorable impact on the production of certain kinds of animals, provide a better habitat.

So these are lands with multiple-use responsibilities, and that is not just a concept. That is in law. Every one of the users—minerals, mining, oil, hikers, hunters, all of the users—impose their right to the multiple use on these lands.

So are these different lands than the other lands that are being compared? Of course they are. Do you think if you rent private pasture land, you have to say, well, now, I have paid to rent this land and now I have responsibilities with respect to where I put this water tank and its effect on the production of deer? Do you have to think about the fact that you have responsibilities to a mineral company, or I have responsibilities to hikers? Simply not the case with private land. I just make the point that I think these comparisons that we see are not fair or accurate.

Let me make a couple of points about the specific amendment. This amendment creates a threshold of 2,000 animal unit months. The formula for AUM's does not mean much to people, I suppose, unless they are involved in AUM's computations with the BLM or Forest Service and are running cattle on public lands. But we are not talking here about big operators or big ranchers when you talk about 2,000 AUM's. For someone who is grazing cattle 12 months a year, you are talking about running 160, 170 cows, at which point you have used the 2,000 AUM's.

That is not a large ranch. That is not going to make much of a living for someone out there struggling to make a decent living. So this threshold of 2,000 AUM's and the implication that above that we are talking about large ranchers, corporate ranchers, is simply not the case. I know a number of people, a good number of people in North Dakota who have more than 2,000 AUM's, and they are struggling, family-sized ranchers desperately trying to make a go of it.

Cattle prices have fallen through the floor on them. Many of them are hanging on by their financial fingertips. I think they would be most surprised to hear that someone judges them to be anything more than a small family rancher out there somewhere in western or central North Dakota trying to make a decent living.

I mentioned that, in my judgment, we have discussed, debated, and massaged this issue in several different ways over the last years, and I suspect we will continue to do that. The Senator from New Mexico in his recent discussion pointed out that the Senate has passed legislation which does in fact increase grazing fees, and that it is now awaiting action by the House.

It is not the case that those of us from areas where the Federal Government has lands for which a grazing fee is charged have said there shall be no increase in grazing fees. That is not the case. In fact, legislation that has increased the grazing fees has been supported by many of the people who have spoken today in opposition to this amendment.

That is not the issue. The issue is whether this kind of amendment offered today on this piece of legislation makes sense for the Senate. And the answer is no. There perhaps should be from time to time a review of exactly what should the grazing fee be, and when we have that debate or review, I would always encourage us to compare apples and apples, and it is not comparing like quantities by comparing private rent for private lands and grazing fees on public lands. It simply is not comparing like amounts.

So, we will go through this debate, and we will have a vote today. This is a proposal on an appropriations bill offered now during the last couple of weeks in the session. I think it is probably useful to have the discussion once again, but I hope my colleagues will, as they have on the previous occasion, decide to turn down this amendment.

There are other ways for us to productively debate, in a thoughtful way, what should be the specific grazing fee that is appropriate for all Federal lands in this country. We may even have some disagreement about whether one rate ought to be charged for the largest corporation in America and another rate for the smallest rancher in the country. That is not something we will, perhaps, have agreement on generally across all the political confluences in this Chamber.

But I think there will be a majority in this Chamber who believe that this amendment is an amendment that purports to do something that it would not accomplish. It purports to say it will increase the grazing fee only for the largest corporate ranchers in our country when, in fact, this will precipitously increase grazing fees for family ranchers who are raising, in many cases, under 200 cows a year, grazing them the full year, and who would not be expected, given the definition of this amendment, to be included in it.

For those reasons I hope the Senate will turn this amendment down and we will have, at another time on another occasion, further debate about grazing fees. When we do, I hope we will compare, as I have indicated, apples to apples, grazing fees on public lands to similar circumstances in other areas. I

think you will find the allegation that is made that there is an enormous public subsidy on grazing fees is simply not true, based on fact.

I yield the floor. I thank the Senator from Washington for his courtesy.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in turn I wish to commend the Senator from North Dakota on a very thoughtful analysis of a problem which he understands from firsthand experience. I agree with him in feeling this proposal ought to be dealt with under different circumstances and trust that will be the decision of the Senate.

Now, Mr. President, I do not believe that any other Member is going to come to the floor this afternoon to propose an amendment to this bill. If I am in error, I hope contact will be made with the appropriate Cloakroom promptly. I also hope that, having thoroughly debated this grazing fee amendment, we will be able to bring it to a vote promptly tomorrow morning.

I understand the majority leader wants to call the Senate into session at 9:30 tomorrow morning, or at least to return to this bill at 9:30 tomorrow morning, and would like to vote at about 10 o'clock. That proposition is still being cleared. I expect the leader on the floor when the Senator from Arkansas has completed his remarks on this bill, and we will determine between now and then whether or not we can have a brief additional debate on this proposal tomorrow morning, vote on it, and move on to another subject relevant to this bill.

Seeing the Senator from Arkansas here and knowing he wishes to speak again on this subject, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, it would be my hope, as far as voting on this is concerned, that we could vote immediately after the caucus tomorrow. I do not know what other amendments Members may wish to offer on this bill. I assume, based on what I am hearing, there are several.

I just have about 5 minutes worth of remarks here and we can move on to something else, if there is something else to be taken up. I hope we will have some more amendments offered in the morning that we can dispose of and perhaps stack votes until after the caucus.

I think it would redound to the benefit of both sides if we could, for example, set the amendment aside, take it up for 20 or 30 minutes of debate at 2:15 tomorrow, immediately after the caucus, 20 minutes equally divided or some such thing as that, or maybe 30 minutes equally divided, and we could vote at 2:45. I think there are several Members who may miss this vote if we do not do that.

Mr. GORTON. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. GORTON. The request made by the Senator from Arkansas seems, at

least to this Senator, to be a reasonable one. The only frustration we may suffer is whether or not we can get anyone to come tomorrow morning to use 3 hours that ought to be devoted to a substantive debate on this bill.

So, perhaps with the requests of both of us, we would be able to do exactly that and no time will be lost at all, if there is a serious debate on another contested amendment or, for that matter, if we deal with myriad amendments—I must have 30 or 40 of them here—that I know something about. If we can use tomorrow morning to deal with them, whether they are ones that can be agreed to or ones that will be debated, then we will not have lost any time at all in acceding to the suggestion of the Senator from Arkansas.

He can use such time as he wishes now, and we will see whether we cannot work that proposition out for tomorrow.

Mr. BUMPERS. I thank the Senator for his always generous and thoughtful accommodation of other Senators. As I said, I am willing to set this amendment aside until 2:15 tomorrow at the conclusion of the few remarks I have to make here. That will give the managers and perhaps the majority leader an opportunity to badger and cajole other Members to bring amendments to the floor if they have them. We can take that up in the morning, then, debate other amendments, and come back to this at 2:15 tomorrow and maybe have 20 minutes or 30 minutes, by agreement.

I just wanted to challenge some of the things I have heard from the opponents of this amendment.

No. 1, the Senator from Wyoming pointed out that there are grazing associations which several members belong to under one permit or one name. The association would control more than 2,000 AUM's, and therefore they would lose the advantage of their association. The truth of the matter is, our amendment specifically exempts those people. So the statement of the Senator from Wyoming was totally incorrect. If I may, I will just read the amendment:

For the purposes of this section, individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee.

That takes care of that argument.

The Senator from New Mexico said this amendment was precisely the one we voted on in March. That is totally incorrect. The amendment I offered in March on this subject provided for a \$2 fee for all permittees on the first 2,000 AUM's. In this amendment, we do not raise the fees for those people who have control of less than 2,000 AUM's one penny. They are not affected at all.

No. 3, the Senator from New Mexico said that people do not just graze cattle for a few months and send them to the high country, they graze them 12 months a year and therefore he concluded that 2,000 AUM's really only

amounts to about 165 head. That is true if you graze 12 months. But the truth of the matter is, more permittees graze less than 12 months than graze 12 months. In the colder climates, ranchers take their cattle off of the lands so they do not have to pay even \$1.35 a month for them in the winter months when there is no grass for them to eat. They put them in feed lots. They put them someplace so they do not have to pay \$1.35 a month.

Finally, let me just say, the Senator from Wyoming said most ranchers are not corporations—and he is absolutely right. They are not corporations, and we do not bother them. My amendment has absolutely no effect on 91 percent of the 22,350 permittees in this country. We do not touch them. It is designed to protect all these little family farmers that I have heard discussed here this afternoon. As a matter of fact, that is all I have heard from the opponents of this amendment, about how tough these little cattle farmers are having it.

That is true, but that has absolutely nothing to do with this amendment. If you think Anheuser-Busch and Hewlett-Packard and Newmont Mining Co., are family farmers you ought not be in the U.S. Senate. If you cannot distinguish between family farmers and the kind of people that I am trying to reach here and take off corporate welfare, you have no business being here.

I daresay I have heard this grazing fee debated for 22 years. I will have been here, at the end of this year, 22 years, and I have heard this matter debated, I have heard every argument I heard this afternoon in spades, thousands of times. Every single argument is designed to obfuscate the issue.

The issue is not the little farmers who are not affected by this amendment. The issue is the 9 percent of the wealthy people in this country, the big corporations, such as Anheuser-Busch, who control 60 percent. If you think it is right for 9 percent of some of the biggest corporations in America to control 60 percent of the 270 million acres of Federal lands we let out for grazing, vote against the amendment. If that is your sense of equity, if that is your sense of fairness, vote against this amendment. But for God's sake, do not come over here and make these silly, facetious arguments about these little family farmers that we are trying to bankrupt.

Even Hewlett-Packard, even Anheuser-Busch, only have to pay \$1.35 for the first 2,000 AUM's under my amendment. We do not even charge anybody an additional fee until you get to 2,000. And what do we charge them then? The same rate that the State charges where the land is located.

The Senator from New Mexico made an argument about how this is designed, about how much more they are going to pay. What would they pay under this amendment? They would pay exactly what they have to pay if they leased lands from the State of

New Mexico. If the Senator from New Mexico leased lands from the State of New Mexico, he would pay \$3.54 an acre, and you do not get nearly as good a deal you get from the Federal Government, because the State reserves all water rights. In addition, the State does not put 50 percent of the rent they get back into range improvements.

I know what is going on here, and you do, too. The merits of this argument have nothing to do with the way people are going to vote here. The politics of it are what is causing the debate here, and that is the reason politicians of this country have the approval of about 28 percent of the people. They know exactly how we vote and why we vote. You put this debate on national television and I promise you I will get 98 percent of the votes of the American people, but not in the U.S. Senate.

In Oklahoma, you have to pay \$10 for an AUM if you rented State lands. I have already shown you what the private sector charges. The private sector charges a lot more than the States do. It is only "Uncle Sucker." And I am not trying to balance the budget. This does not amount to anything, so far as money is concerned. What it amounts to is fairness, and the American people have a right to expect at least minimal fairness on how their land is used.

Mr. President, if I were to change my amendment to 4,000 AUM's, and I may do that, if I changed it to 10,000 AUM's, I would not get one additional vote, and you would hear the same arguments about the poor little family ranchers out there. The poor little family ranchers represent 91 percent of all the permittees. They are not touched by this. Nobody wants to get up here and say, "I think the Government ought to be subsidizing Anheuser-Busch." Nobody is going to say, "I think the Government ought to be subsidizing Newmont Mining."

So what do we talk about? The 9 percent of the permittees who fall in that category? No. We talk about the 91 percent of the little family farmers who are not even affected by this. So the whole thing is designed to confuse, obfuscate and give people an excuse for violating their own conscience when they vote.

Do you know how many people are affected in the State of North Dakota? You heard my good friend, the Senator from North Dakota, a moment ago, one of the best friends I have and one of the finest Senators in the U.S. Senate. Do you know how many people in North Dakota are affected by this amendment? Thirty-four, 2 percent; 2 percent of all the ranchers in Montana, North Dakota and South Dakota are affected by this amendment—2 percent—and you would think the world was coming to an end.

Who are they? They are the wealthiest people who graze livestock on Federal lands. In South Dakota, you would have to pay \$7 an acre to graze on State lands. I am talking about 2 percent of the farmers in Montana, South

Dakota and North Dakota. What did you hear in the debate? Not about the 2 percent. You heard about the 98 percent who are totally unaffected by this amendment.

Oh, it's discouraging. I've got about as good a track record, I guess, at losing amendments as anybody in the Senate. I must say that doesn't bother me much. I get frustrated. Offering an amendment like this—the merits are absolutely undebatable. Oh, you can debate it, but the truth of the matter is the merits of the amendment are unsalable. Just look at the list.

In California, you are talking about 8 percent of the permittees, a total of 53. California, with 33 million people and 53 of them are affected by my amendment.

Colorado, 70 permittees, or 5 percent of all the people who graze on Federal lands, 5 percent of them, 70 of them, and you would think we were debating the welfare bill here.

Oregon and Washington, together, the two States together, Oregon and Washington, 136, 8 percent of all the permittees.

Nevada and New Mexico are the two States that have the most. Nevada has 262 ranchers that would be affected, and then they have about 420 who wouldn't be. But getting back to the merits of the case, we are not talking about enough money. You know what, take the money out. I wish there was some way you could take the money out of it because it doesn't amount to anything. It doesn't amount to an ant hill, \$8 million a year. We get \$25 million a year from 22,350 permittees, and this would raise an additional \$8 million.

That ain't going to balance the Federal budget.

I wish we would take the money completely out of it and just simply say we are not going to give anybody grazing rights on Federal lands that exceed 2,000 AUM's. That will satisfy me. Forget the \$8 million. Forget the increased costs. I may offer that amendment, incidentally, something close to it, because I would like to hear people come in here and moan and groan and make the same speeches they just got through making if you set it at 10,000 AUM's.

Mr. President, I have covered about everything I can think to cover. I listened to the debate a while ago of all the various Senators, the arguments made. As far as I am concerned, they are all friends of mine. They are all fine Senators. But the arguments are so specious, I cannot believe it. I will probably lose again. I think we lost by three votes last time. We will probably lose by three to five again.

But I am telling you something else, completely aside from the money, completely aside from the equity. I defy anybody to stand up and say, when they are up for reelection this fall—go back home and make the same argument to the constituents that you made here on the floor, but be truthful

about it. Tell those people that you voted to allow big corporations like Anheuser-Busch and Hewlett-Packard and Newmont Mining, people like Mr. Simplot out of Idaho—he is probably a fine citizen; I have nothing against him; if I were in his position and getting a couple thousand acres for little or nothing, I would probably take it, too—but go home and tell the people that you voted to defend those people on this issue, and tell them what the issue was. Tell them that 91 percent of the ranchers in this country who graze livestock on Federal lands would have been unaffected. The only people who would have been affected would be the billionaires and the big corporations. Tell them you voted to defend those people and to give them lands for \$1.35 even though the States they live in would charge exponentially more.

The Senator from Montana just came on the floor. The State of Montana would charge you \$4.05 for an AUM in Montana. But “Uncle Sugar” will let you have it for \$1.35. And if you charge a nickel more than that, for example, what they charge in the State of Montana, the weeping and wailing begins. I yield the floor, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we are on rewind again. We have been down this little debate before. It never ceases to amaze me how we can compare apples and oranges and oranges and tangerines, and then we compare everything else with rocks.

It is easy for me to go home and explain this vote for the simple reason that the majority of people that live in Montana, that live in the West, where there is a large prevalence of Federal lands, they understand that.

When I first went to the State of Montana, I did not have a real good understanding of public lands and the policies on those public lands and how those policies were developed. I did not have a real keen interest in what is regarded in the West as water rights. Where I was raised in Missouri, we did not file for—if you put a well down, we did not worry about water. It seemed like it came down every river, and our wells were full all the time. We enjoyed anywhere from 35 to 45 inches of rain every year, so water was not a big issue where I came from as a young lad growing up on a small farm. But when you live there for a while, and these issues come up, then all at once your interest grows in it and on the development of that public lands policy.

I do not think we want to get into a class warfare type thing. I know if I was a rancher in the State of Montana, I would like to have the opportunity to grow bigger if I could and do it, and do it the way that most of them did. So whenever we start comparing State lands and private lands and BLM land, it is not even a close or a fair comparison.

I have been to the Senator's State of Arkansas. I would like to have some of

the grazing land that they have in their great State. I would like to range some cattle there and graze some cattle there, because I know what it will do and the season it takes. I was raised in Missouri, so I know what the cost is and how much they will gain on the kind of forage that they have. It is a little bit different as you move West, where the soil thins, and so does the forage. In some places there is hardly any forage at all.

The BLM lands are the lands that were sort of left over, because when this country was settled, they did not have the technology or the way to develop water supplies and to deal with everything that you are going to have to have on that range to run livestock. I will tell you something else along with that. In the old days, there was not any wildlife out there either, because everything it takes to sustain wildlife on those ranges it takes to sustain livestock. That is why we have more whitetail and mule deer, more antelope and more elk now than we have had since the Great Depression.

The improvement in those ranges has been done in part by the individual permittee, the person who held the permits, because he was the one that had to lay out the money to build the pipelines, to build the reservoirs, and to create in some places where there has never been water but there is now, to where that resource, that resource called grass, the only way it can be harvested is through the cattle or sheep.

But as our technology grew and our ability to develop those water resources on semiarid to arid land, we made use of more of that country than had ever been used before. Then we all at once started developing another little organization after World War II looking at the ranges and the condition of the ranges and knowing that the future of agriculture, especially animal agriculture, west of the Mississippi is going to depend on how well we take care of our resources. There was an organization that was founded and had as much to do with the improvement of the range. It is called the Society for Range Management [SRM]. They started having neighborhood meetings and they started bringing new practices and they said not only do we have to do a better job in our grazing, but we have to do a better job in our water management and our soil management.

We have to watch out for wind erosion. We do not have to watch out for wind erosion in this part of the country. We have to watch out for water erosion. Sometimes it sounds like it is going to rain here, wash us all right down the Potomac River. That is the forecast anyway. We do not have to worry about that out there. We have to worry about it maybe sometimes in the spring of the year when the runoff goes off, but it does not last very long. But we have wind erosion. In order to prevent wind erosion, you have to keep pretty good forage on that land.

So we had to go to different grazing. We grazed some a long time; we grazed some a very short time. But through those practices and trial and error and with that organization, the range improvements in the West have been phenomenal over the last 50 years. One has to remember, you do not change the direction. You do not improve land, you do not improve anything in just 1 year, put a big Band-Aid on it and it is fixed, because it takes a long time. I will admit, the Homestead Act probably did as much damage in the West to the resources there as any law that we ever had, although it did move our public lands into private hands and started building the farms and the ranches across this country. But they also plowed up some country that should never have had a plow stuck in it. That all had to go back into rangeland. Some of those scars still exist today, but we are dealing with that. It takes time. Mother Earth heals, but sometimes it takes a long time.

Those lands never were held in private hands. They were always in the Government. They were the leftover lands. In the State lands, they lump everything together. In some places, you have great tracts of timber and some sections of State lands and farmland which produces a nice, great profit to the rancher who farms that land. It is either wheat, barley, or grain, and that returns a nice little check to the Treasury without any livestock ever being on it. That is part of that rent. That is part of that scheme of \$4 over there.

What we are talking about here, we cannot compare private lands, public lands, and State lands. Take a county like Garfield County, MT. I heard the organizations that are sponsoring this amendment or endorsing this amendment, and they do not want cattle on these lands. This is the bill to move them off the land. To a county like Garfield County, whose tax base for personal property taxes has to be in livestock because there is very little out there to tax, it pays for schools, roads, public safety. All those things are paid for by animal agriculture in the vast amount of the counties east of the mountains in the State of Montana.

The Government does do very well when you take into account all of the multiple uses on that land, grazing included. And I saw the comparison of my friend from New Hampshire. If I am investing \$50 some odd million, whatever the figure is, and only get a return on \$14 million, I think I would look at how I am operating my business. Maybe the secret is not the grazing fee, maybe it is in the way that we are operating our land or our business. Maybe there is a better way. Also, if I was doing it that way—and some of the hoops that the Bureau of Land Management has to jump through were created by laws here in this body. When I went to Montana, only the BLM managed all the land in Montana, with around perhaps 30 or 35 people, and now there are

500 people there. I would take a look at that. Maybe we have an organization that is a little on the bloated side when it comes to managing our public lands.

Do not be fooled by the comparison of the lands because there is no comparison. We are trying to pass a rangeland reform bill. The cloud of a Presidential veto is over that bill as we work with it here in this body. Now you tell me that is trying to solve some of the problems that we have in developing public lands policy, because if it is not just exactly the way we want it, we are just going to veto it. That does not tell me that this administration or Mr. Babbitt is trying to get along with the folks who are dependent on the use of public lands, multiple use of those lands in the West.

Keep in mind any commercial development, along with the recreation and the access to those lands, is very important to all Americans, all Americans, as they are the benefactor of this, even as we speak today. Not very many of us have a hungry night, for we have a wonderful way of producing food and fiber in this country.

I know we will have more to say on this issue later, but take a look and see what we are doing. The comparisons just are not there. Regarding this, I suggest we reject this amendment. It has been rejected before, and it was rejected basically on common sense—common sense. Sure, we can make a case where maybe it ought to be \$10—or, to be fair, go to \$20. Take them all off the land. Who needs them? It is just a handful of people. Not very many. America, who needs them? I think we need them. They are very important to my State. They are very important to this country.

Mr. BUMPERS. I wonder if the Senator from Montana would be willing to engage in a short colloquy. I just ask this question: Is the Senator opposed to any limit? In other words, Hewlett-Packard or Anheuser-Busch maybe has 8,000 AUM's. Mr. Simplot has 50,000 AUM's. Do you have any objection to Mr. Simplot paying a grazing fee to run 50,000 animal unit months at \$1.35?

Mr. BURNS. I have to say to the Senator that you just cannot single out a few people to say whether you would like that or dislike it. That is the way it is set up for all of us.

Mr. BUMPERS. Senator, we single out rich people with a little higher tax rate than we do poor people.

Mr. BURNS. I wonder some days, I wonder about the wisdom of that on occasion. Every time we try to single out somebody to pay higher fees or put them under a different set of laws, then somebody else who is running under the same conditions—everybody gets hurt. In other words, those people did not get big from being dumb, so there are other ways to get around it. I think it limits a little man growing.

What is wrong with the little guy starting out and wanting to grow? Is that not the American way?

Mr. BUMPERS. The Senator wants Anheuser-Busch to grow?

Mr. BURNS. I sure do not want to lose them as a viable corporation. They do a lot of business in my State. They buy my barley. They are not just a one-faceted company. They pay a lot of personal property taxes in my county, the county government.

I was a county commissioner before I came here. I know about those checks. They foot the bills on a lot of education. They buy a lot of pickups, and they buy a lot of services in counties. Once it leaves or once that has eroded, that business has a hard time coming back. Senator, we cannot live on just tourism or recreation alone on that land, because recreation will not pay for it. They will not pay you \$1.36 an AUM.

Mr. BUMPERS. I take it the answer is no, there is not any limit that is too high for the Senator to oppose?

Mr. BURNS. I have to think about that, but I do not think you can single out people and put them in a class over here and have another class over here. I do not think I like that very much.

Mr. BUMPERS. You understand, of course, that some of the biggest corporations, and these billionaires who own hundreds of thousands of AUM's, if they had to pay more or if they gave it up, that would make a little room for some of the little ranchers that I watch all these tears shed for around here.

Would the Senator agree?

Mr. BURNS. I think if it becomes unprofitable for them, it would be unprofitable for a small man, too. I do not think that will open up the availability of more of those permits to a smaller rancher.

Mr. BUMPERS. So the Senator sees no inequity in the fact that the State of Montana leases its lands at \$4.05 an AUM and the Federal Government receives \$1.35? That doesn't bother the Senator?

Mr. BURNS. If you had some preference, you would rather lease private lands for even more than that, Senator, because we know the services that go with it. The cattle will be ridden and we will get gain on the cattle. That is not guaranteed. Nothing is guaranteed on the public lands. We will get control. The State lands are a little better lands. Like I said, you cannot compare these lands. You are comparing apples and oranges.

I yield the floor.

Mr. BUMPERS. Mr. President, I take it from the Senator's comments that the fact that Montana gets \$4.05 an acre and the U.S. Government gets \$1.35 an acre, the Senator sees nothing wrong with that. In the private sector in Montana, people who lease private lands to ranchers receive \$11 per AUM. The Federal Government gets \$1.35, and the Senator sees no inequity in that.

AMENDMENT NO. 5353, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 5353), as modified, is as follows:

At the end of the pending Committee amendment ending on line 4 of page 25, add the following:

**SEC. . GRAZING FEES.**

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

(b) DETERMINATION OF FEE.—(1) Permittees or lessees, including related persons, who own or control livestock comprising less than 5,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees, including related persons, who own or control livestock comprising more than 5,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a) for the first 5,000 animal unit months. For animal unit months in excess of 5,000, the fee shall be the higher of either—

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

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

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

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

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

(3) related persons includes—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986) of the holder of the permit or lease; and

(ii) a person controlled by, or controlling, or under common control with the holder of the permit or lease.

Mr. BUMPERS. Mr. President, this amendment originally required that anybody who held more than 2,000 AUM's would have to pay whatever the State charged for lands in that State on any AUM's in excess of 2,000. I have the very distinct impression it would not make any difference, as the Senator from Montana just confirmed, how high the limit went. I think he would find it difficult, if not impossible—I detect impossible—to support the amendment. Nevertheless, I will give everybody a chance because they say 2,000 AUM's is only 166 head. So we will get it up to 400 with 5,000 AUM's. That is what my modification does.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Chair. I don't remember, but I believe Yogi Berra says, "This is like deja vu all over again." It really is. I am so saddened that my friend and colleague from Arkansas likes to engage in the typical class warfare game that

his side of the aisle oftentimes likes to play over issues where they project that there is some big evil creature out there profiteering off of what is the public's interest or the public's resource and, therefore, we ought to stop them.

If that were true, I would be standing not only beside my colleague from Arkansas, but I would be supporting his legislation. That has never been the case. What is the case is that the environmental community of our country, for well over two decades now, have tried to find a reason to change the character of the western public grazing lands for a variety of reasons. And through that, they have searched for a variety of arguments that somehow would ring solid with our citizens, that would say that public policy that directs our public lands somehow is misdirected, that the Congress has failed in its responsibility to the American people and, therefore, we ought to change public grazing land policy.

I certainly don't hold the edge on the knowledge on this issue. But I am one of a few Senators on this floor that once leased public grazing lands from the BLM and from the Forest Service. My family ranching businesses did that for years. We are no longer in those businesses. There is no conflict of interest with this Senator. But I represent thousands of cattlemen in my State who do graze. Of our agriculture industry in the State of Idaho, which is the number one total receipts industry in my State, cattle is the largest segment of agriculture. It isn't potatoes when it comes to dollars and cents in total sales; it is cattle. Eighty percent of those cattle have to graze on public land at least some time during the year. The reason is that 63 percent of my State is owned and managed by the taxpayers of this country, the Federal Government, the public domain, the people's estate, however one wants to describe it.

So, in other words, Washington, DC, has more to say about running Idaho than Idaho has. The largest segment of our agriculture industry, therefore, has to rely on Federal public policy to survive. Sometimes it's good, sometimes it's bad. There is one thing Idaho appreciates, though, and that is its large expanse of public lands. We don't want it to be private per se. We have found that there is a tremendous heritage there that speaks to the public lands, that enjoys them, not just for cattle grazing, but for access—hunting, fishing, and for the quality of the environment that my State of Idaho has.

My grandfather, a good number of years ago—a good number of years ago—homesteaded in Idaho—then just a State. At that time there was no BLM, there was no Taylor Grazing Act. He was a grazer, a rancher, a sheep rancher. He found out that the great big interests out of the Southwest, out of Colorado, large ranching combines, that owned thousands of acres and tens and thousands of head of cattle, would

sweep across the western lands, including Idaho, grazing them at will. Large sheep operations did the same. He and other ranchers across the West joined together and appealed to the Congress to create the Taylor Grazing Act, to control and limit grazing.

In the late 1800's, a U.S. cavalry officer, stationed in Idaho, wrote in his diaries that the public rangelands and the western rangelands of Idaho were depleted by over 80 percent from overgrazing. That was before the turn of the century. That is when my grandfather and others of western heritage said, "This had gone too far in an uncontrolled fashion, and we ought to do something about it." Congress created the Taylor Grazing Act. Out of that, they directed their interests back to the States and back to the local rancher and not the large national interests or regional interests. They created committees. They created local control, and they began to turn the western grazing lands around.

Now, few remember that history or that heritage. Today's memory doesn't even want to realize that, before the turn of the century, western grazing lands were already in trouble because they had been overgrazed by largely no control whatsoever, until the Congress of the United States stepped into this vast domain of public lands and said we have to do something about it. And they did. And if you will remember a couple of years ago, Mr. President, when Secretary Babbitt was trying to find a reason to change public grazing policy, because the environmental community had wrestled him to the ground and said, "cattle-free by '93," and "you have to change this policy." In his effort to try to find a reason, he asked the staff of the Department of Interior to find worse-case scenarios. In a memo that I divulged on this floor—a secret memo—they said, in essence: Mr. Secretary, that is hard to do because the western grazing lands are in better condition than they have been in 100 years.

So why do you want to eliminate grazing? Why do you want to tighten it down? Well, in a few instances, there are problems. There are some riparian areas critical to wildlife habitat and water quality that need to be administered differently. That is true in my State, as it is true in other public land grazing States across the Nation. There isn't a Senator on this floor that wouldn't suggest that these lands be managed in a responsible fashion, not just for grazing, but for wildlife habitat, for archeological values, for outdoor recreation, for water quality, for all of the reasons that we have in the public domain.

But we in Idaho and the West say that, amongst all of those reasons, grazing should be equal, and it should have, by character of the Taylor Grazing Act that created these grazing relationships with private people, some level of priority.

Why? Because a big chunk of the economy of Idaho depends on access to

that land. We have incorporated that for over 100 years into the economic base of our State, and if we had known that the Federal Government was going to sweep in and change the character of local economies, maybe we would have fought over a hundred years ago when we came into the Union to make all of those States private land instead of a large portion of them remaining federally owned public lands. But that didn't happen. It has not happened.

Idaho has a wonderful public land heritage, and we want to keep it that way. But we sure want to try to maintain a working, cooperating, sharing relationship with the Federal land management agencies that says there can be some grazing, mining, logging, water quality, and environmental integrity and all of those combinations of multiple balanced uses that are so critical to the character of the western public land States. That part is what the Bumpers amendment is not all about. It does not understand, nor does it share, that relationship that has existed for well over 100 years.

When we talk about the character of the West and wanting to preserve it, this is an amendment that would dramatically change the character of the West. For the people who come to Idaho today, because Idaho is what it is and has been for so long, part of that which they enjoy is the ranching heritage, along with the great outdoors and the beautiful landscapes and the pristine air. For over 100 years we have grazed Idaho actively, and it is still a beautiful State.

Several years ago, I, along with others who have primary responsibility in the Committee of Energy and Natural Resources for this issue, began to recognize there needed to be some adjustment in grazing fees; that somehow the formula currently being used by the Bureau of Land Management and the Forest Service was not working well. Mr. President, you know the struggle we went through. We offered a variety of amendments and a variety of bills. We passed a grazing reform bill through the Senate this year. Senator PETE DOMENICI, Senator CRAIG THOMAS, certainly Senator CONRAD BURNS, who has just spoken, myself, and others were involved in crafting that. We introduced one that was not liked at all by a variety of interest groups.

We went back to the drawing boards, and we invited all interests—sportsmen, wildlife enthusiasts to environmentalists—to make recommendations for change. Why? Because we didn't like the ranch form regulations that Secretary Babbitt was shoving through because we felt that in the long term it would badly damage the relationship of the grazer to the public land, and after taking information from all of those groups, we made between 27 and 30 changes in our legislation before it passed through the Senate with a bipartisan vote.

Why this amendment, then? I think the Senator from Montana said it well.

It is somehow the big versus the small, and that does not seem to work very well. A blade of grass is a blade of public land grass and ought to be worth the same to anybody who wants to buy it. Certainly, when we sell trees off the national forests we do not say to the great big Weyerhaeuser's or Louisiana Pacific's, or any of the big timber companies, "You have to pay a premium because you are big," and to the small timber operator in my State of Idaho, "You are small and you are little and you pay less." We don't do that. We offer it to up to bid. But in the instance of grazing, because grazing is tied with the ranch, we have said you will pay a fee determined by the Congress. That is what we have tried to do in a fair and equitable way, and I think we have accomplished that, because not only are we trying to get a reasonable amount of money from the public resource for the public Treasury, but we are still trying to reflect the relationship that was crafted back in the teens with the creation of the BLM Act, or the Taylor Grazing Act, when we said that ranches ought to have a relationship to that public land to be able to graze it under reasonable conditions. That kept the local economy together. That kept the main streets of Grand View, or Twin Falls, or Oakley, or Buhl, or any of these small Western agricultural ranching communities, together because they didn't own the vast lands. Those were owned by the public. But there would still remain a relationship between the ranching community, the economy, and the land. For a long time that was the right relationship, but now we have wanted to make changes.

The Bumpers amendment makes the kind of change that dramatically alters big and small, because the one thing that has never been talked about in all of this was all of my small ranchers have been marvelous stewards of the land throughout this time. They are the ones who gave the time. They are the ones that put in the water systems. They are the ones that have largely made the public range what it is today by investing millions of hours of person time and millions of dollars of their own money on public lands to improve them not just for grazing, but for wildlife habitat. Yet, that seems to not be recognized today in this kind of amendment, the big versus the small, the rich versus the not-so-rich, which should never become a factor in the uniform management of and the selling of public resources. Yet, that is what the Senator from Arkansas attempts to do. And it is wrong, Mr. President, it is just plain wrong. We do not treat any other public resource—renewable or nonrenewable—that is up for sale that way.

Let us compare it. You go to a national park. You pay a fee to go into a park. Do they ask you at the time you drive through the park, "Are you a millionaire," or, "Are you poor?" If you are a millionaire, you pay \$10,000

to enter the national park, and if you are not so rich, you pay the daily fee.

We do not do that when somebody enters the public resource buildings of the national treasures of the Nation's Capital. There is a fee charged, and that happens in some instances but not many. Yet, taxpayers pay millions of dollars annually to keep these beautiful buildings up. Do we say to the rich, "You pay more," and to the poor, "You pay less"? No, we do not do that. But that is what the Senator from Arkansas does on grazing.

When we provide coal resources, oil resources, they go to the highest bidder, and they go to the finder. Then we have a national fee that we charge per ton or per gallon. Do we say to the Standard Oil's of America, "You pay more," and to the small stripper well producers in Kansas, "You pay less"? No, we do not. We expect a reasonable and a balanced fee.

I don't know how, Mr. President, to make another comparison that the public would understand. How about two apartments, one side by side, and one is furnished and one is not furnished. That is what the Senator from Montana was talking about. Certainly, the one that is furnished you would pay more for.

So when the Senator from Arkansas talks about State lands, in many instances, the State lands are a better quality grazing land. The services on them are treated differently. Certainly, it is true of private grazing. I know; I used to lease out private grazing. We took care of the cattle. We fixed the fences. We sold to them. We made sure that the water facilities were operating, and the person who put the cattle on the land never came back to see them sometimes until 2 or 3 months later when they wanted to pick them up. So we were able to charge more because we offered a service. But when the rancher leases public grazing land, BLM or Forest Service land, none of those services are offered. You ride for the cattle, and you care for the cattle. You pick up all of those extra expenses.

That is a part of the reason that the formula over the year has reflected some of disparity of difference, and it is unfair to make those comparisons. But I am afraid that some of my colleagues, who have an entirely different mission in mind than just getting for agriculture a fair price for the public resource, want to change the story. And, in changing it, they know that the consequence of their action would be disastrous to the public grazing lands as we know it.

I hope, Mr. President, that Senators will once again join with us in rejecting this amendment. This Senate has done its duty. We have crafted a compromise, bipartisan grazing reform bill with a fee increase in it which is fair and equitable to all, and passed it through the Senate. Now, to have this kind of an end run on an amendment that divides—that says to the rich this, says to the less rich this, that says we

create different levels and different fees for different blades of grass grazed by different cattle, it does not make sense.

It will not work. We do it nowhere else when we deal with public resources, and we certainly ought not do it with grazing.

So I hope that the Senate will reject this amendment at the appropriate time and continue to work with the Energy and Natural Resources Committee to accomplish the grazing reform that we need, because there is no Senator who would suggest we need none.

As a Senator who represents a western public lands State, I will tell you that I helped lead the reform this year. We did not stand back, because we wanted to make sure that the reform was reflective of not only national interests but that unique relationship that was crafted with the Taylor Grazing Act decades ago between the public lands State and the public domain and the public resource and the grazing industry and the citizens of the States involved.

That is the issue at hand here. I hope the Senate will honor its historic commitment in these areas to maintain balance and to maintain reasonable return for the public resource.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I believe that debate on this grazing fee amendment has been concluded for the day. I have one short correction from last week that I now ask unanimous consent be printed in the RECORD separately from the debate on the grazing fee amendment.

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

#### CLARIFICATIONS OF COMMITTEE REPORT

Mr. GORTON. Last Friday, during debate on the Interior appropriations bill, I put a list of clarifying items into the CONGRESSIONAL RECORD. They were incorrectly identified as amendments to the committee report. So that there is no misunderstanding, these were clarifications of, not changes or amendments to, the committee report.

#### ACID MINE DRAINAGE

Mr. SARBANES. Mr. President, I was pleased to be able to offer this amendment on behalf of myself and Senator MIKULSKI to provide the State of Maryland with the flexibility and additional resources needed to clean up environmental problems associated with acid mine drainage from abandoned coal mines. Specifically, my amendment would allow the State of Maryland to set aside the greater of \$1 million or 10 percent of the funds received under the Surface Mining Control and Reclamation Act of 1977 for use in undertaking acid mine drainage abatement and treatment projects.

There are over 450 miles of rivers and streams in Maryland which are contaminated by acid mine drainage.