

104TH CONGRESS
1ST SESSION

H. R. 676

To require the Secretary of the Interior and the Secretary of Agriculture
to establish grazing fees at fair market value.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1995

Mr. NADLER introduced the following bill; which was referred to the
Committee on Resources

A BILL

To require the Secretary of the Interior and the Secretary
of Agriculture to establish grazing fees at fair market value.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Free Market Grazing
5 Fees Act”.

6 **SEC. 2. GRAZING FEES ESTABLISHED AT FAIR MARKET**
7 **VALUE.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary of Agriculture and the Secretary
10 of the Interior, with respect to public grazing lands subject

1 to their respective jurisdiction, shall establish beginning
2 with the grazing season which commences on March 1,
3 1996, an annual domestic livestock grazing fee equal to
4 the fair market value of the grazing lease or permit con-
5 cerned.

6 (b) FACTORS.—In determining the fair market value
7 of a grazing lease or permit, each Secretary shall take into
8 account—

9 (1) the amounts and conditions under which
10 neighboring non-Federal lands are leased or sold for
11 grazing purposes;

12 (2) the improvements provided or to be pro-
13 vided by the leasee or permit holder; and

14 (3) the services to be provided by the United
15 States.

16 (c) PROCEDURES.—In determining the fair market
17 value of grazing permits, the Secretary of the Interior and
18 the Secretary of Agriculture shall publish rules in accord-
19 ance with chapter 5 of title 5, United States Code, which
20 ensure that whenever practicable fair market value is es-
21 tablished through competitive bidding.

22 (d) SMALL FAMILY RANCH EXEMPTION.—(1) The
23 holder of a Federal grazing lease or permit as of the date
24 of enactment of this Act who makes a certification to the
25 Secretary in accordance with paragraph (2) shall be

1 charged the prevailing grazing fee on that date for a pe-
2 riod ending on February 28, 2006.

3 (2) Prior to the beginning of each grazing season, the
4 holder of the Federal grazing lease or permit certifies to
5 the appropriate Secretary that for the calendar year imme-
6 diately preceding, that the holder—

7 (A) derived more than half of its annual income
8 from the ranching operation associated with the
9 Federal grazing lease or permit;

10 (B) performed substantial labor in the ranching
11 operation by the individual or the individual's imme-
12 diate family, or, if a business, by the officers of the
13 business; and

14 (C) if an individual, has an adjusted gross an-
15 nual income (as defined in the Internal Revenue
16 Code of 1986) of less than \$50,000; or, if a person
17 other than an individual has total assets including
18 (but not limited to) the value of Federal leases or
19 permits of any kind, including the assets of any en-
20 tity owned by, controlled by, or under common con-
21 trol with—directly or indirectly—the person, of less
22 than \$1,000,000.

23 (e) PUBLIC GRAZING LANDS DEFINED.—For the
24 purposes of this Act, the term “public grazing lands”
25 means—

1 (1) the National Forest lands (including the na-
2 tional grasslands) in the 16 contiguous Western
3 States administered by the United States Forest
4 Service where domestic livestock grazing is per-
5 mitted under applicable law;

6 (2) the public domain lands administered by the
7 Bureau of Land Management where domestic live-
8 stock grazing is permitted under applicable law; and

9 (3) the lands within units of the National Park
10 System on which grazing is permitted under applica-
11 ble law.

12 (f) LIMITATION ON GRAZING.—No grazing shall be
13 permitted on any public grazing lands after March 1,
14 1996, unless the Secretary of the Interior and the Sec-
15 retary of Agriculture each affirm that grazing fees for all
16 lands under their respective jurisdiction are established in
17 compliance with this Act.

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