

104TH CONGRESS
1ST SESSION

S. 193

To establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

IN THE SENATE OF THE UNITED STATES

JANUARY 11 (legislative day, JANUARY 10), 1995

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

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

3 That this Act may be cited as the “Federal Forage
4 Fee Act of 1993”.

5 **SECTION 1. FINDINGS.**

6 (a) FINDINGS.—Congress finds and declares that—

7 (1) it is in the national interest that the public
8 lands are producing and continue to produce water
9 and soil conservation benefits, livestock forage, wild-

1 life forage and recreation and other multiple use op-
2 portunities;

3 (2) rangelands will continue to be stabilized and
4 improved long term by providing for cooperative
5 agreements, private, public partnerships and flexibil-
6 ity in management programs and agreements;

7 (3) to assure sound management and steward-
8 ship of the renewable resources it is imperative to
9 charge a fee that is reasonable and equitable and
10 represents the fair value of the forage provided;

11 (4) the intermingled private-public land owner-
12 ship patterns prevailing in much of the west create
13 a strong interdependence between public and private
14 lands for forage, water, and habitat for both wildlife
15 and livestock;

16 (5) the social and economic infrastructure of
17 many rural communities and stability of job oppor-
18 tunities in many areas of rural America are highly
19 independent on the protection of the value of pri-
20 vately held production units on Federal lands.

21 **SEC. 2. ENVIRONMENTAL AND LAND USE REQUIREMENTS.**

22 Unless contrary to this statute, all grazing operations
23 conducted on any Federal lands shall be subject to all ap-
24 plicable Federal, State, and local laws, including but not
25 limited to:

1 (1) Animal Damage Control Act (7 U.S.C.
2 426–426b).

3 (2) Bankhead-Jones Farm Tenant Act (50
4 Stat. 522) as amended.

5 (3) Clean Air Act (42 U.S.C. 7401–7642) as
6 amended.

7 (4) Endangered Species Act of 1973 (16 U.S.C.
8 1531–1544) as amended.

9 (5) Federal Advisory Committee Act (86 Stat.
10 770), as amended.

11 (6) Federal Grant and Cooperative Agreement
12 Act of 1977 (92 Stat. 3).

13 (7) Federal Insecticide, Fungicide, and
14 Rodenticide Act (7 U.S.C. 136–136y), as amended.

15 (8) Federal Land Policy and Management Act
16 of 1976 (43 U.S.C. 1701 et seq.).

17 (9) Federal Water Pollution Control Act (33
18 U.S.C. 1251–1387), as amended.

19 (10) Forest and Rangeland Renewable Re-
20 sources Planning Act of 1974 (16 U.S.C. 1600–
21 1614).

22 (11) Granger-Thye Act (64 Stat. 82).

23 (12) Independent Offices Appropriations Act of
24 1952 (31 U.S.C. 9701), as amended, title V.

1 (13) Multiple Use Sustained Yield Act of 1960
2 (16 U.S.C. 528–531).

3 (14) National Environmental Policy Act of
4 1969 (42 U.S.C. 4370a), as amended.

5 (15) National Forest Management Act of 1976
6 (16 U.S.C. 1600, 1611–1614).

7 (16) Public Rangelands Improvement Act of
8 1978 (92 Stat. 1803).

9 (17) Taylor Grazing Act (48 Stat. 1269), as
10 amended.

11 (18) Wilderness Act (78 Stat. 890), as amend-
12 ed.

13 **SEC. 3. FEE SCHEDULE.**

14 (a) For the purpose of this section the terms:

15 (1) “Sixteen Western States” means WA, CA,
16 ID, NV, NM, WY, CO, KS, SD, ND, NE, OR, OK,
17 AZ, UT and MT.

18 (2) “AUM” means an animal unit month as
19 that term is used in the Public Rangeland Improve-
20 ment Act (92 Stat. 1803);

21 (3) “Authorized Federal AUMs” means all “al-
22 lotted AUMs” reported by BLM and “permitted to
23 graze AUMs” reported by USFS.

24 (4) “WAPLLR” means the weighted average
25 private land lease rate determined by multiplying the

1 private land lease rate reported by the Economic Re-
2 search Service for the previous calendar year for
3 each of the sixteen Western States by the total num-
4 ber of authorized Federal AUMs, as defined in sec-
5 tion 3(a)(3), in each State for the previous fiscal
6 year, then that result divided by the total number of
7 authorized Federal AUMs for the sixteen Western
8 States. These individual State results are then added
9 together and divided by 16 to yield a weighted aver-
10 age private land lease rate for that year.

11 (5) "Report" means the report titled "Grazing
12 Fee Review and Evaluation Update of the 1986
13 Final Report" dated April 30, 1992 and prepared by
14 the Departments of the Interior and Agriculture.

15 (6) "Nonfee cost differential" means a value
16 calculated annually by the Secretaries by multiplying
17 the weighted difference in nonfee costs per AUM be-
18 tween public land and private land by the Input Cost
19 Index (ICI) determined annually by the Department
20 of Agriculture. The weighted difference in nonfee
21 costs is a factor of 0.552 determined by deducting
22 the private AUM nonfee costs (as outlined on page
23 58 of the report) from the public AUM nonfee costs
24 for cattle times 4, added to the result of deducting
25 private AUM nonfee costs from public AUM nonfee

1 costs for sheep times 1, then that result divided by
2 5.”

3 (7) “Net production differential” is the percent-
4 age calculated annually by dividing the cash receipts
5 per cow for Federal permittee livestock producers by
6 the cash receipts per cow for western non-Federal
7 livestock producers in the sixteen Western States as
8 surveyed by the Economic Research Service in an-
9 nual cost of production surveys (COPS).

10 (8) “PLFVR” means the private lease forage
11 value ratio determined by dividing the average of the
12 1964–1968 base years’ private land lease rate into
13 the forage value portion of the private land lease
14 rate of \$1.78 as determined in the 1966 western
15 livestock grazing survey.

16 (b) The Secretaries of the Department of Agriculture
17 and the Department of the Interior shall calculate annu-
18 ally the Federal forage fee by calculating the average of
19 the WALLPR for the preceding three years; multiplying
20 it by the PLFVR; then deducting from that result the
21 nonfee cost differential; and multiplying that result by the
22 net production differential. For each year that this cal-
23 culation is made, all data used for calculating this fee shall
24 come from the calendar year previous to the year for which

1 the fee is being calculated unless specified otherwise in the
2 above calculations.

3 (c) The Federal forage fee shall apply to all author-
4 ized Federal AUMs under the jurisdiction of the United
5 States Department of Agriculture and the United States
6 Department of the Interior.

7 (d) For the first year that the Secretaries calculate
8 the Federal forage fee, the fee shall not be greater than
9 125 percent, or less than 75 percent of the fee calculated
10 for the previous year pursuant to Executive Order 12548
11 dated February 14, 1986. For each year after the first
12 year that the Secretaries calculate the Federal forage fee,
13 the fee shall not be greater than 125 percent, or less than
14 75 percent of the Federal forage fee calculated for the pre-
15 vious year.

16 (e) The survey of nonfee costs used to calculate the
17 nonfee cost differential shall be updated periodically by the
18 Secretaries so as to reflect as accurately as possible the
19 actual nonfee costs incurred by the cattle and sheep indus-
20 try that utilizes public lands in the sixteen Western States.
21 The results of the updated survey shall be incorporated
22 into the calculation of the Non Fee Cost Differential as
23 they become available.

