

Union Calendar No. 346

104TH CONGRESS
2D SESSION

S. 1459

[Report No. 104-674, Part I]

AN ACT

To provide for uniform management of livestock grazing on Federal land, and for other purposes.

JULY 12, 1996

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1996

Referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 12, 1996

Reported from the Committee on Resources with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 12, 1996

Referral to the Committee on Agriculture extended for a period ending not later than July 12, 1996

JULY 12, 1996

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of Senate passed bill, see copy of bill as referred in the House of Representatives on March 26, 1996]

AN ACT

To provide for uniform management of livestock grazing on Federal land, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Public Rangelands Man-*
3 *agement Act of 1996”.*

4 **SEC. 2. EFFECTIVE DATE.**

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

8 (b) *APPLICABLE REGULATIONS.*—

9 (1) *Except as provided in paragraph (2), graz-*
10 *ing of domestic livestock on lands administered by the*
11 *Chief of the Forest Service and the Director of the Bu-*
12 *reau of Land Management, as defined in section*
13 *104(11) of this Act, shall be administered in accord-*
14 *ance with the applicable regulations in effect for each*
15 *agency as of February 1, 1995, until such time as the*
16 *Secretary of Agriculture and the Secretary of the In-*
17 *terior promulgate new regulations in accordance with*
18 *this Act.*

19 (2) *Resource Advisory Councils established by*
20 *the Secretary of the Interior after August 21, 1995,*
21 *may continue to operate in accordance with their*
22 *charters for a period not to extend beyond February*
23 *28, 1997, and shall be subject to the provisions of this*
24 *Act.*

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

1 (1) *the Secretary of Agriculture and the Sec-*
2 *retary of the Interior shall provide, to the maximum*
3 *extent practicable, for consistent and coordinated ad-*
4 *ministration of livestock grazing and management of*
5 *rangelands administered by the Chief of the Forest*
6 *Service and the Director of the Bureau of Land Man-*
7 *agement, as defined in section 104(11) of this Act,*
8 *consistent with the laws governing the public lands*
9 *and the National Forest System; and*

10 (2) *the Secretary of Agriculture and the Sec-*
11 *retary of the Interior shall, to the maximum extent*
12 *practicable, coordinate the promulgation of new regu-*
13 *lations and shall publish such regulations simulta-*
14 *neously.*

15 **TITLE I—MANAGEMENT OF**
16 **GRAZING ON FEDERAL LAND**
17 **Subtitle A—General Provisions**

18 **SEC. 101. FINDINGS.**

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

20 (1) *multiple use, as set forth in current law, has*
21 *been and continues to be a guiding principle in the*
22 *management of public lands and national forests;*

23 (2) *through the cooperative and concerted efforts*
24 *of the Federal rangeland livestock industry, Federal*
25 *and State land management agencies, and the general*

1 *public, the Federal rangelands are in the best condi-*
2 *tion they have been in during this century, and their*
3 *condition continues to improve;*

4 (3) *as a further consequence of those efforts, pop-*
5 *ulations of wildlife are increasing and stabilizing*
6 *across vast areas of the West;*

7 (4) *grazing preferences must continue to be ade-*
8 *quately safeguarded in order to promote the economic*
9 *stability of the western livestock industry;*

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

13 (A) *reflects a fair return to the Federal Gov-*
14 *ernment and the true costs to the permittee or*
15 *lessee; and*

16 (B) *promotes continuing cooperative stew-*
17 *ardship efforts;*

18 (6) *opportunities exist for improving efficiency*
19 *in the administration of the range programs on Fed-*
20 *eral land by—*

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

24 (B) *refocusing efforts to the direct manage-*
25 *ment of the resources themselves;*

1 (7) *in order to provide meaningful review and*
2 *oversight of the management of the public rangelands*
3 *and the grazing allotment on those rangelands, refine-*
4 *ment of the reporting of costs of various components*
5 *of the land management program is needed;*

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

9 (9) *the western livestock industry that relies on*
10 *Federal land plays an important role in preserving*
11 *the social, economic, and cultural base of rural com-*
12 *munities in the Western States and further plays an*
13 *integral role in the economies of the 16 contiguous*
14 *Western States with Federal rangelands;*

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

19 (11) *since the enactment of the Federal Land*
20 *Policy and Management Act of 1976 (43 U.S.C. 1701*
21 *et seq.) and the amendment of section 6 of the Forest*
22 *and Rangeland Renewable Resources Planning Act of*
23 *1974 (16 U.S.C. 1604) by the National Forest Man-*
24 *agement Act of 1976 (16 U.S.C. 472a et seq.), the Sec-*
25 *retary of the Interior and the Secretary of Agriculture*

1 *have been charged with coordinating land use inven-*
2 *tory, planning and management programs on Bureau*
3 *of Land Management and National Forest System*
4 *lands with each other, other Federal departments and*
5 *agencies, Indian tribes, and State and local govern-*
6 *ments within which the lands are located, but to date*
7 *such coordination has not existed to the extent al-*
8 *lowed by law; and*

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

15 *(b) REPEAL OF EARLIER FINDINGS.—Section 2(a) of*
16 *the Public Rangelands Improvement Act of 1978 (43 U.S.C.*
17 *1901(a)) is amended—*

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

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

21 *(3) in paragraph (1) (as so redesignated), by*
22 *adding “and” at the end; and*

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

24 *(A) by striking “harrassment” and insert-*
25 *ing “harassment”; and*

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

3 **SEC. 102. APPLICATION OF ACT.**

4 (a) *This Act applies to—*

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

7 (A) *the Act of June 28, 1934 (commonly*
8 *known as the “Taylor Grazing Act”) (48 Stat.*
9 *1269, chapter 865; 43 U.S.C. 315 et seq.);*

10 (B) *the Act of August 28, 1937 (commonly*
11 *known as the “Oregon and California Railroad*
12 *and Coos Bay Wagon Road Grant Lands Act of*
13 *1937”) (50 Stat. 874, chapter 876; 43 U.S.C.*
14 *1181a et seq.);*

15 (C) *the Federal Land Policy and Manage-*
16 *ment Act of 1976 (43 U.S.C. 1701 et seq.); and*

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

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

21 (A) *the 12th undesignated paragraph under*
22 *the heading “SURVEYING THE PUBLIC*
23 *LANDS.” under the heading “UNDER THE*
24 *DEPARTMENT OF THE INTERIOR.” in the*
25 *first section of the Act of June 4, 1897 (com-*

1 *monly known as the “Organic Administration*
2 *Act of 1897”*) (30 Stat. 11, 35, chapter 2; 16
3 U.S.C. 551);

4 (B) *the Act of April 24, 1950 (commonly*
5 *known as the “Granger-Thye Act of 1950”*) (64
6 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h,
7 580l);

8 (C) *the Multiple-Use Sustained Yield Act of*
9 1960 (16 U.S.C. 528 *et seq.*);

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

13 (E) *the National Forest Management Act of*
14 1976 (16 U.S.C. 472a *et seq.*);

15 (F) *the Federal Land Policy and Manage-*
16 *ment Act of 1976* (43 U.S.C. 1701 *et seq.*); and

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

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

22 (b) *Nothing in this title shall affect grazing in any*
23 *unit of the National Park System, National Wildlife Refuge*
24 *System or on any lands that are not Federal lands as de-*
25 *finied in this title.*

1 (c) *Nothing in this title shall limit or preclude the use*
2 *of and access to Federal land for hunting, fishing, rec-*
3 *reational, watershed management or other appropriate*
4 *multiple use activities in accordance with applicable Fed-*
5 *eral and State laws and the principles of multiple use.*

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

9 **SEC. 103. OBJECTIVE.**

10 *The objective of this title is to—*

11 (1) *promote healthy, sustained rangeland;*

12 (2) *provide direction for the administration of*
13 *livestock grazing on Federal land;*

14 (3) *enhance productivity of Federal land by con-*
15 *servation of forage resources, reduction of soil erosion,*
16 *and proper management of other resources such as*
17 *control of noxious species invasion;*

18 (4) *provide stability to the livestock industry*
19 *that utilizes the public rangeland;*

20 (5) *emphasize scientific monitoring of trends and*
21 *condition to support sound rangeland management;*

22 (6) *maintain and improve the condition of ri-*
23 *parian areas which are critical to wildlife habitat*
24 *and water quality; and*

1 (7) *maintain and improve the condition of Fed-*
2 *eral land for multiple-use purposes, including but not*
3 *limited to wildlife and habitat, consistent with land*
4 *use plans and other objectives of this section.*

5 **SEC. 104. DEFINITIONS.**

6 *In this title:*

7 (1) *ACTIVE USE.*—*The term “active use” means*
8 *the amount of authorized livestock grazing use made*
9 *at any time.*

10 (2) *ACTUAL USE.*—*The term “actual use” means*
11 *the number and kinds or classes of livestock, and the*
12 *length of time that livestock graze on, an allotment.*

13 (3) *AFFECTED INTEREST.*—*The term “affected*
14 *interest” means an individual or organization that*
15 *has expressed in writing to the Secretary concern for*
16 *the management of a specific allotment, for the pur-*
17 *pose of receiving notice of and the opportunity for*
18 *comment and informal consultation on proposed deci-*
19 *sions of the Secretary affecting the allotment.*

20 (4) *ALLOTMENT.*—*The term “allotment” means*
21 *an area of designated Federal land that includes*
22 *management for grazing of livestock.*

23 (5) *ALLOTMENT MANAGEMENT PLAN.*—*The term*
24 *“allotment management plan” has the same meaning*

1 as defined in section 103(k) of Public Law 94–579
2 (43 U.S.C. 1702(k)).

3 (6) *AUTHORIZED OFFICER.*—The term “author-
4 ized officer” means a person authorized by the Sec-
5 retary to administer this title, the Acts cited in sec-
6 tion 102, and regulations issued under this title and
7 those Acts.

8 (7) *BASE PROPERTY.*—The term “base property”
9 means—

10 (A) private land that has the capability of
11 producing crops or forage that can be used to
12 support authorized livestock for a specified pe-
13 riod of the year; or

14 (B) water that is suitable for consumption
15 by livestock and is available to and accessible by
16 authorized livestock when the land is used for
17 livestock grazing.

18 (8) *CANCEL; CANCELLATION.*—The terms “can-
19 cel” and “cancellation” refer to a permanent termi-
20 nation, in whole or in part, of—

21 (A) a grazing permit or lease and grazing
22 preference; or

23 (B) other grazing authorization.

24 (9) *CONSULTATION, COOPERATION, AND COORDI-*
25 *NATION.*—The term “consultation, cooperation, and

1 *coordination” means, for the purposes of this title and*
 2 *section 402(d) of the Federal Land Policy and Man-*
 3 *agement Act of 1976 (43 U.S.C. 1752(d)), engagement*
 4 *in good faith efforts to reach consensus.*

5 (10) *COORDINATED RESOURCE MANAGEMENT.*—

6 *The term “coordinated resource management”—*

7 (A) *means the planning and implementa-*
 8 *tion of management activities in a specified geo-*
 9 *graphic area that require the coordination and*
 10 *cooperation of the Bureau of Land Management*
 11 *or the Forest Service with affected State agen-*
 12 *cies, private land owners, and Federal land*
 13 *users; and*

14 (B) *may include, but is not limited to prac-*
 15 *tices that provide for conservation, resource pro-*
 16 *tection, resource enhancement or integrated man-*
 17 *agement of multiple-use resources.*

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

20 (A) *means land outside the State of Alaska*
 21 *that is owned by the United States and adminis-*
 22 *tered by—*

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

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

4 (B) does not include—

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

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

9 (12) *GRAZING PERMIT OR LEASE.*—The term
10 “grazing permit or lease” means a document author-
11 izing use of the Federal land—

12 (A) within a grazing district under section
13 3 of the Act of June 28, 1934 (commonly known
14 as the “Taylor Grazing Act”) (48 Stat. 1270,
15 chapter 865; 43 U.S.C. 315b), for the purpose of
16 grazing livestock;

17 (B) outside grazing districts under section
18 15 of the Act of June 28, 1934 (commonly known
19 as the “Taylor Grazing Act”) (48 Stat. 1275,
20 chapter 865; 43 U.S.C. 315m), for the purpose of
21 grazing livestock; or

22 (C) in a national forest under section 19 of
23 the Act of April 24, 1950 (commonly known as
24 the “Granger-Thye Act of 1950”) (64 Stat. 88,

1 *chapter 97; 16 U.S.C. 5801), for the purposes of*
2 *grazing livestock.*

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

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

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

13 (A) *with respect to Federal land adminis-*
14 *tered by the Bureau of Land Management, one*
15 *of the following developed in accordance with the*
16 *Federal Land Policy and Management Act of*
17 *1976 (43 U.S.C. 1701 et seq.)—*

18 (i) *a resource management plan; or*
19 (ii) *a management framework plan*
20 *that is in effect pending completion of a re-*
21 *source management plan; and*

22 (B) *with respect to Federal land adminis-*
23 *tered by the Forest Service, a land and resource*
24 *management plan developed in accordance with*

1 *section 6 of the Forest and Rangeland Resources*
 2 *Planning Act of 1974 (16 U.S.C. 1604).*

3 (16) *LIVESTOCK CARRYING CAPACITY.*—*The term*
 4 *“livestock carrying capacity” means the maximum*
 5 *seasonal stocking rate that is possible without induc-*
 6 *ing long-term damage to vegetation or related re-*
 7 *sources.*

8 (17) *MONITORING.*—*The term “monitoring”*
 9 *means the orderly collection of data using scientif-*
 10 *ically-based techniques to determine trend and condi-*
 11 *tion of rangeland resources. Data may include histor-*
 12 *ical information, but must be sufficiently reliable to*
 13 *evaluate—*

14 (A) *effects of ecological changes and man-*
 15 *agement actions; and*

16 (B) *effectiveness of actions in meeting man-*
 17 *agement objectives.*

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

20 (A) *means an authorized activity or pro-*
 21 *gram on or relating to rangeland that is de-*
 22 *signed to—*

23 (i) *improve production of forage;*

24 (ii) *change vegetative composition;*

25 (iii) *control patterns of use;*

1 (iv) provide water;

2 (v) stabilize soil and water conditions;

3 or

4 (vi) provide habitat for livestock, wild-
5 life, and wild horses and burros consistent
6 with existing law; and

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

10 (19) *RANGELAND STUDY*.—The term “rangeland
11 study” means a documented study or analysis of data
12 obtained on actual use, utilization, climatic condi-
13 tions, other special events, production trend, and re-
14 source condition and trend to determine whether
15 management objectives are being met, that—

16 (A) relies on the examination of physical
17 measurements of range attributes and not on
18 cursory visual scanning of land, unless the con-
19 dition to be assessed is patently obvious and re-
20 quires no physical measurements;

21 (B) utilizes a scientifically based and verifi-
22 able methodology; and

23 (C) is accepted by an authorized officer.

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

1 (A) *the Secretary of the Interior, in ref-*
2 *erence to livestock grazing on Federal land ad-*
3 *ministered by the Director of the Bureau of*
4 *Land Management; and*

5 (B) *the Secretary of Agriculture, in ref-*
6 *erence to livestock grazing on Federal land ad-*
7 *ministered by the Chief of the Forest Service or*
8 *the National Grasslands referred to in title II.*

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

11 (A) *allows a person other than the permittee*
12 *or lessee to graze livestock on Federal land with-*
13 *out controlling the base property supporting the*
14 *grazing permit or lease; or*

15 (B) *allows grazing on Federal land by live-*
16 *stock not owned or controlled by the permittee or*
17 *lessee.*

18 (22) *SUSPEND; SUSPENSION.*—*The terms “sus-*
19 *pend” and “suspension” refer to a temporary with-*
20 *holding, in whole or in part, of a grazing preference*
21 *from active use, ordered by the Secretary or done vol-*
22 *untarily by a permittee or lessee.*

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

1 **SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.**

2 (a) *STANDARDS AND GUIDELINES.*—*The Secretary*
3 *shall establish standards and guidelines for addressing re-*
4 *source condition and trend on a State or regional level in*
5 *consultation with the Resource Advisory Councils estab-*
6 *lished in section 161, State departments of agriculture and*
7 *other appropriate State agencies, and academic institutions*
8 *in each interested State. Standards and guidelines devel-*
9 *oped pursuant to this subsection shall be consistent with*
10 *the objectives provided in section 103 and incorporated, by*
11 *operation of law, into the applicable land use plan to pro-*
12 *vide guidance and direction for Federal land managers in*
13 *the performance of their assigned duties.*

14 (b) *COORDINATED RESOURCE MANAGEMENT.*—*The*
15 *Secretary shall, where appropriate, authorize and encour-*
16 *age the use of voluntary coordinated resource management*
17 *practices. Coordinated resource management practices shall*
18 *be—*

19 (1) *scientifically based;*

20 (2) *consistent with goals and management objec-*
21 *tives of the applicable land use plan;*

22 (3) *for the purposes of promoting good steward-*
23 *ship and conservation of multiple-use rangeland re-*
24 *sources; and*

25 (4) *authorized under a cooperative agreement*
26 *with a permittee or lessee, or an organized group of*

1 *permittees or lessees in a specified geographic area.*
2 *Notwithstanding the mandatory qualifications re-*
3 *quired to obtain a grazing permit or lease by this or*
4 *any other Act, such agreement may include other in-*
5 *dividuals, organizations, or Federal land users.*

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

12 *(1) the Bureau of Land Management;*

13 *(2) the Forest Service; and*

14 *(3) the Natural Resources Conservation Service.*

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

18 **SEC. 106. LAND USE PLANS.**

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

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

1 (1) *consider the impacts of all multiple uses, in-*
2 *cluding livestock and wildlife grazing, on the environ-*
3 *ment and condition of public rangelands, and the*
4 *contributions of these uses to the management, main-*
5 *tenance and improvement of such rangelands;*

6 (2) *establish available animal unit months for*
7 *grazing use, related levels of allowable grazing use, re-*
8 *source condition authorize grazing use, establish re-*
9 *source condition goals, and management objectives for*
10 *the Federal land covered by the plan; and*

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

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

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

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

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

5 (a) *Upon the issuance, renewal, or transfer of a graz-*
6 *ing permit or lease, and at least once every 6 years, the*
7 *Secretary shall review all available monitoring data for al-*
8 *lotments. If the Secretary's review indicates that the re-*
9 *source condition is not meeting management objectives, then*
10 *the Secretary shall prepare a brief summary report which—*

11 (1) *evaluates the monitoring data;*

12 (2) *identifies the unsatisfactory resource condi-*
13 *tions and the use or management activities contribut-*
14 *ing to such conditions; and*

15 (3) *makes recommendations for any modifica-*
16 *tions to management activities, or permit or lease*
17 *terms and conditions necessary to meet management*
18 *objectives.*

19 (b) *The Secretary shall make copies of the summary*
20 *report available to the permittee or lessee, and affected in-*
21 *terests, and shall allow for a 30-day comment period to co-*
22 *incide with the 30-day time period provided in section 155.*
23 *At the end of such comment period, the Secretary shall re-*
24 *view all comments, and as the Secretary deems necessary,*

1 *modify management activities, and pursuant to section*
 2 *134, the permit or lease terms and conditions.*

3 *(c) If the Secretary determines that available monitor-*
 4 *ing data, or budget or personnel resources are insufficient*
 5 *to make recommendations pursuant to subsection (a)(3), the*
 6 *Secretary shall establish a reasonable schedule to gather suf-*
 7 *ficient data pursuant to section 123. Insufficient monitor-*
 8 *ing data shall not be grounds for the Secretary to refuse*
 9 *to issue, renew or transfer a grazing permit or lease, or*
 10 *to terminate or modify the terms and conditions of an exist-*
 11 *ing grazing permit or lease.*

12 ***Subtitle B—Qualifications and*** 13 ***Grazing Preferences***

14 ***SEC. 111. SPECIFYING GRAZING PREFERENCE.***

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

17 *(1) a historical grazing preference;*

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

21 *(3) suspended use; and*

22 *(4) voluntary and temporary nonuse.*

23 *(b) ATTACHMENT OF GRAZING PREFERENCE.—A graz-*
 24 *ing preference identified in a grazing permit or lease shall*

1 *attach to the base property supporting the grazing permit*
 2 *or lease.*

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

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

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

10 ***Subtitle C—Grazing Management***

11 ***SEC. 121. ALLOTMENT MANAGEMENT PLANS.***

12 *If the Secretary elects to develop or revise an allotment*
 13 *management plan for a given area, he shall do so in careful*
 14 *and considered consultation, cooperation, and coordination*
 15 *with the lessees, permittees, and landowners involved, the*
 16 *grazing advisory councils established pursuant to section*
 17 *162, and any State or States having lands within the area*
 18 *to be covered by such allotment management plan. The Sec-*
 19 *retary shall provide for public participation in the develop-*
 20 *ment or revision of an allotment management plan as pro-*
 21 *vided in section 155.*

22 ***SEC. 122. RANGE IMPROVEMENTS.***

23 (a) *RANGE IMPROVEMENT COOPERATIVE AGREE-*
 24 *MENTS.—*

1 (1) *IN GENERAL.*—*The Secretary may enter into*
2 *a cooperative agreement with a permittee or lessee for*
3 *the construction, installation, modification, removal,*
4 *or use of a permanent range improvement or develop-*
5 *ment of a rangeland to achieve a management or re-*
6 *source condition objective.*

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

11 (3) *TITLE.*—

12 (A) *IN GENERAL.*—*Subject to valid existing*
13 *rights, title to an authorized structural range*
14 *improvement under a range improvement coop-*
15 *erative agreement shall be shared by the*
16 *cooperator(s) and the United States in propor-*
17 *tion to the value of the contributions (funding,*
18 *material, and labor) toward the initial cost of*
19 *construction.*

20 (B) *VALUE OF FEDERAL LAND.*—*For the*
21 *purpose of subparagraph (A), only a contribu-*
22 *tion to the construction, installation, or modi-*
23 *fication of a permanent rangeland improvement*
24 *itself, and not the value of Federal land on which*

1 the improvement is placed, shall be taken into
2 account.

3 (4) *NONSTRUCTURAL RANGE IMPROVEMENTS.*—A
4 range improvement cooperative agreement shall en-
5 sure that the respective parties enjoy the benefits of
6 any nonstructural range improvement, such as seed-
7 ing, spraying, and chaining, in proportion to each
8 party's contribution to the improvement.

9 (5) *INCENTIVES.*—A range improvement coopera-
10 tive agreement shall contain terms and conditions
11 that are designed to provide a permittee or lessee an
12 incentive for investing in range improvements.

13 (b) *RANGE IMPROVEMENT PERMITS.*—

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

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

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

1 (4) *TITLE.*—*Title to an authorized permanent*
2 *range improvement under a range improvement per-*
3 *mit shall be in the name of the permittee or lessee.*

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

8 (c) *ASSIGNMENT OF RANGE IMPROVEMENTS.*—*An au-*
9 *thorized officer shall not approve the transfer of a grazing*
10 *preference, or approve use by the transferee of existing range*
11 *improvements unless the transferee has agreed to com-*
12 *pensate the transferor for the transferor's interest in the au-*
13 *thorized permanent improvements within the allotment as*
14 *of the date of the transfer.*

15 **SEC. 123. MONITORING AND INSPECTION.**

16 (a) *MONITORING.*—*Monitoring of resource condition*
17 *and trend of Federal land on an allotment shall be per-*
18 *formed by qualified persons approved by the Secretary, in-*
19 *cluding but not limited to Federal, State, or local govern-*
20 *ment personnel, consultants, and grazing permittees or les-*
21 *sees.*

22 (b) *INSPECTION.*—*Inspection of a grazing allotment*
23 *shall be performed by qualified Federal, State or local agen-*
24 *cy personnel, or qualified consultants retained by the Unit-*
25 *ed States.*

1 (c) *MONITORING CRITERIA AND PROTOCOLS.*—Range-
2 *land monitoring shall be conducted according to regional*
3 *or State criteria and protocols that are scientifically based.*
4 *Criteria and protocols shall be developed by the Secretary*
5 *in consultation with the Resource Advisory Councils estab-*
6 *lished in section 161, State departments of agriculture and*
7 *other appropriate State agencies, and academic institutions*
8 *in each interested State.*

9 (d) *OVERSIGHT.*—*The authorized officer shall provide*
10 *sufficient oversight to ensure that all monitoring is con-*
11 *ducted in accordance with criteria and protocols established*
12 *pursuant to subsection (c).*

13 (e) *NOTICE.*—*In conducting monitoring activities, the*
14 *Secretary shall provide reasonable notice of such activities*
15 *to permittees or lessees, including prior notice to the extent*
16 *practicable of not less than 48 hours. Permittees and lessees*
17 *shall be invited to participate in all inspections.*

18 **SEC. 124. WATER RIGHTS.**

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

1 (b) *STATE LAW.*—*In managing livestock grazing on*
 2 *Federal land, the Secretary shall follow State law with re-*
 3 *gard to water right ownership and appropriation.*

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

10 (d) *RULE OF CONSTRUCTION.*—*Nothing in this title*
 11 *shall be construed to create an expressed or implied reserva-*
 12 *tion of water rights in the United States.*

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

15 ***Subtitle D—Authorization of***
 16 ***Grazing Use***

17 ***SEC. 131. GRAZING PERMITS OR LEASES.***

18 (a) *TERMS.*—*A grazing permit or lease shall be issued*
 19 *for a term of 15 years unless—*

20 (1) *the land is pending disposal;*

21 (2) *the land will be devoted to a public purpose*
 22 *that precludes grazing prior to the end of 15 years;*
 23 *or*

24 (3) *the Secretary determines that it would be in*
 25 *the best interest of sound land management to specify*

1 *a shorter term, if the decision to specify a shorter*
2 *term is supported by appropriate and accepted re-*
3 *source analysis and evaluation, and a shorter term is*
4 *determined to be necessary, based upon monitoring*
5 *information, to achieve resource condition goals and*
6 *management objectives.*

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

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

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

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

19 **SEC. 132. SUBLEASING.**

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

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

1 (2) *under a cooperative agreement with a graz-*
2 *ing permittee or lessee (or group of grazing permittees*
3 *or lessees), pursuant to section 105(b).*

4 **(b) CONSIDERATIONS.—**

5 (1) *Livestock owned by a spouse, child, or grand-*
6 *child of a permittee or lessee shall be considered as*
7 *owned by the permittee or lessee for the sole purposes*
8 *of this title.*

9 (2) *Leasing or subleasing of base property, in*
10 *whole or in part, shall not be considered as subleasing*
11 *of a Federal grazing permit or lease: Provided, That*
12 *the grazing preference associated with such base prop-*
13 *erty is transferred to the person controlling the leased*
14 *or subleased base property.*

15 **SEC. 133. OWNERSHIP AND IDENTIFICATION OF LIVESTOCK.**

16 (a) *IN GENERAL.—A permittee or lessee shall own or*
17 *control and be responsible for the management of the live-*
18 *stock that graze the Federal land under a grazing permit*
19 *or lease.*

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

23 **SEC. 134. TERMS AND CONDITIONS.**

24 (a) *IN GENERAL.—*

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

5 (2) *A grazing permit or lease shall be subject to*
6 *such other reasonable terms or conditions, as devel-*
7 *oped under subsection (b), as may be necessary to*
8 *achieve the objectives of this title, or as contained in*
9 *an approved allotment management plan.*

10 (3) *No term or condition of a grazing permit or*
11 *lease shall be imposed pertaining to past practice or*
12 *present willingness of an applicant, permittee or les-*
13 *see to relinquish control of public access to Federal*
14 *land across private land.*

15 (4) *The authorized officer shall ensure that a*
16 *grazing permit or lease will be consistent with appro-*
17 *priate standards and guidelines developed pursuant*
18 *to section 105 as are appropriate to the permit or*
19 *lease.*

20 (b) *MODIFICATION.*—*Following careful and considered*
21 *consultation, cooperation, and coordination with permittees*
22 *and lessees, an authorized officer shall modify the terms and*
23 *conditions of a grazing permit or lease if monitoring data*
24 *show that the grazing use is not meeting the management*
25 *objectives established in a land use plan or allotment man-*

1 agement plan, and if modification of such terms and condi-
2 tions is necessary to meet specific management objectives.

3 **SEC. 135. FEES AND CHARGES.**

4 (a) *GRAZING FEES.*—The fee for each animal unit
5 month in a grazing fee year for livestock owned or con-
6 trolled shall be computed by the Secretary, and such fee
7 shall be equal to the three-year average of the total gross
8 value of production for beef cattle for the three years preced-
9 ing the grazing fee year, multiplied by the 10-year average
10 of the United States Treasury Securities 6-month bill “new
11 issue” rate, and divided by 12. The gross value of produc-
12 tion for beef cattle shall be determined by the Economic Re-
13 search Service of the Department of Agriculture in accord-
14 ance with subsection (e)(1).

15 (b) *DEFINITION OF ANIMAL UNIT MONTH.*—For the
16 purposes of billing only, the term “animal unit month”
17 means one month’s use and occupancy of range by—

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

22 (2) any such animal regardless of age if the ani-
23 mal is weaned on the date on which the animal be-
24 gins grazing on Federal land; and

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

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

11 (d) *OTHER FEES AND CHARGES.*—

12 (1) *CROSSING PERMITS, TRANSFERS, AND BILL-*
13 *ING NOTICES.*—*A service charge shall be assessed for*
14 *each crossing permit, transfer of grazing preference,*
15 *and replacement or supplemental billing notice except*
16 *in a case in which the action is initiated by the au-*
17 *thorized officer.*

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

23 (3) *NOTICE OF CHANGE.*—*Notice of a change in*
24 *a service charge shall be published in the Federal Reg-*
25 *ister.*

1 (e) *CRITERIA FOR ERS.*—

2 (1) *The Economic Research Service of the De-*
 3 *partment of Agriculture shall continue to compile and*
 4 *report the gross value of production of beef cattle, on*
 5 *a dollars-per-bred-cow basis for the United States, as*
 6 *is currently published by the Service in: “Economic*
 7 *Indicators of the Farm Sector: Cost of Production—*
 8 *Major Field Crops and Livestock and Dairy” (Cow-*
 9 *calf production cash costs and returns).*

10 (2) *For the purposes of determining the grazing*
 11 *fee for a given grazing fee year, the gross value of pro-*
 12 *duction (as described above) for the previous calendar*
 13 *year shall be made available to the Secretary of the*
 14 *Interior and the Secretary of Agriculture, and pub-*
 15 *lished in the Federal Register, on or before February*
 16 *15 of each year.*

17 **SEC. 136. USE OF STATE SHARE OF GRAZING FEES.**

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

21 (1) *at the end of subsection (a), by striking “;”*
 22 *and inserting “: Provided further, That no such mon-*
 23 *neys shall be expended for litigation purposes or lobby-*
 24 *ing the Federal Government;”;* and

Subtitle F—Procedure

2 *SEC. 151. PROPOSED DECISIONS.*

3 (a) *SERVICE ON APPLICANTS, PERMITTEES, LESSEES,*
 4 *AND LIENHOLDERS.*—*The authorized officer shall serve, by*
 5 *certified mail or personal delivery, a proposed decision on*
 6 *any applicant, permittee, lessee, or lienholder (or agent of*
 7 *record of the applicant, permittee, lessee, or lienholder) that*
 8 *is affected by—*

9 (1) *a proposed action on an application for a*
 10 *grazing permit or lease, or range improvement per-*
 11 *mit; or*

12 (2) *a proposed action relating to a term or con-*
 13 *dition of a grazing permit or lease, or a range im-*
 14 *provement permit.*

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

18 (c) *CONTENTS.*—*A proposed decision described in sub-*
 19 *section (a) shall—*

20 (1) *state reasons for the action, including ref-*
 21 *erence to applicable law (including regulations);*

22 (2) *be based upon, and supported by rangeland*
 23 *studies, where appropriate; and*

24 (3) *state that any protest to the proposed deci-*
 25 *sion must be filed not later than 30 days after service.*

1 **SEC. 152. PROTESTS.**

2 *An applicant, permittee, or lessee may protest a pro-*
3 *posed decision under section 151 in writing to the author-*
4 *ized officer within 30 days after service of the proposed deci-*
5 *sion.*

6 **SEC. 153. FINAL DECISIONS.**

7 *(a) NO PROTEST.—In the absence of a timely filed pro-*
8 *test, a proposed decision described in section 151(a) shall*
9 *become the final decision of the authorized officer without*
10 *further notice.*

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

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

19 **SEC. 154. APPEALS.**

20 *(a) IN GENERAL.—Any person whose interest is ad-*
21 *versely affected by a final decision of an authorized officer,*
22 *within the meaning of section 702 of title 5, United States*
23 *Code, may appeal the decision within 30 days after the re-*
24 *ceipt of the decision, or within 60 days after the receipt*
25 *of a proposed decision if further notice of a final decision*
26 *is not required under this title, pursuant to applicable laws*

1 *and regulations governing the administrative appeals proc-*
2 *ess of the agency serving the decision. Being an affected in-*
3 *terest as described in section 104(3) shall not in and of itself*
4 *confer standing to appeal a final decision upon any indi-*
5 *vidual or organization.*

6 (b) *SUSPENSION PENDING APPEAL.—*

7 (1) *IN GENERAL.—An appeal of a final decision*
8 *shall suspend the effect of the decision pending final*
9 *action on the appeal unless the decision is made effec-*
10 *tive pending appeal under paragraph (2).*

11 (2) *EFFECTIVENESS PENDING APPEAL.—The au-*
12 *thorized officer may place a final decision in full*
13 *force and effect in an emergency to stop resource dete-*
14 *rioration or economic distress, if the authorized officer*
15 *has substantial grounds to believe that resource dete-*
16 *rioration or economic distress is imminent. Full force*
17 *and effect decisions shall take effect on the date speci-*
18 *fied, regardless of an appeal.*

19 (c) *In the case of an appeal under this section, the*
20 *authorized officer shall, within 30 days of receipt, forward*
21 *the appeal, all documents and information submitted by the*
22 *applicant, permittee, lessee, or lienholder, and any perti-*
23 *nent information that would be useful in the rendering of*
24 *a decision on such appeal, to the appropriate authority re-*
25 *sponsible for issuing the final decision on the appeal.*

1 **SEC. 155. PUBLIC PARTICIPATION AND CONSULTATION.**

2 (a) *GENERAL PUBLIC.*—*The Secretary shall provide*
3 *for public participation, including a reasonable oppor-*
4 *tunity to comment, on—*

5 (1) *land use plans and amendments thereto; and*

6 (2) *development of standards and guidelines to*
7 *provide guidance and direction for Federal land man-*
8 *agers in the performance of their assigned duties.*

9 (b) *AFFECTED INTERESTS.*—*At least 30 days prior to*
10 *the issuance of a final decision, the Secretary shall notify*
11 *affected interests of such proposed decision, and provide a*
12 *reasonable opportunity for comment and informal consulta-*
13 *tion regarding the proposed decision within such 30-day pe-*
14 *riod, for—*

15 (1) *the designation or modification of allotment*
16 *boundaries;*

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

19 (3) *the increase or decrease of permitted use;*

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

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

24 (6) *reports evaluating monitoring data for a per-*
25 *mit or lease; and*

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

3 ***Subtitle G—Advisory Committees***

4 ***SEC. 161. RESOURCE ADVISORY COUNCILS.***

5 (a) *ESTABLISHMENT.*—*The Secretary of Agriculture*
 6 *and the Secretary of the Interior, in consultation with the*
 7 *Governors of the affected States, shall establish and operate*
 8 *joint Resource Advisory Councils on a State or regional*
 9 *level to provide advice on management issues for all lands*
 10 *administered by the Bureau of Land Management and the*
 11 *Forest Service within such State or regional area, except*
 12 *where the Secretaries determine that there is insufficient in-*
 13 *terest in participation on a council to ensure that member-*
 14 *ship can be fairly balanced in terms of the points of view*
 15 *represented and the functions to be performed.*

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

18 (1) *matters regarding the preparation, amend-*
 19 *ment, and implementation of land use and activity*
 20 *plans for public lands and resources within its area;*
 21 *and*

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

25 (c) *DISREGARD OF ADVICE.*—

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

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

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

14 (B) *be subject to appeal.*

15 (d) *MEMBERSHIP.*—

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

21 (2) *In appointing members to a Resource Advi-*
22 *sory Council, the Secretaries shall provide for bal-*
23 *anced and broad representation from among various*
24 *groups, including but not limited to, permittees and*
25 *lessees, other commercial interests, recreational users,*

1 *representatives of recognized local environmental or*
2 *conservation organizations, educational, professional,*
3 *or academic interests, representatives of State and*
4 *local government or governmental agencies, Indian*
5 *tribes, and other members of the affected public.*

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

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

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

15 (e) *SUBGROUPS.—A Resource Advisory Council may*
16 *establish such subgroups as the council deems necessary, in-*
17 *cluding but not limited to working groups, technical review*
18 *teams, and rangeland resource groups.*

19 (f) *TERMS.—Resource Advisory Council members shall*
20 *be appointed for two-year terms. Members may be ap-*
21 *pointed to additional terms at the discretion of the Secretar-*
22 *ies.*

23 (g) *FEDERAL ADVISORY COMMITTEE ACT.—Except to*
24 *the extent that it is inconsistent with this subtitle, the Fed-*

1 eral Advisory Committee Act shall apply to the Resource
2 Advisory Councils established under this section.

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

8 (i) *STATE GRAZING DISTRICTS.*—The Secretary shall
9 ensure that Resource Advisory Councils coordinate activi-
10 ties and cooperate with State Grazing Districts established
11 pursuant to State law.

12 **SEC. 162. GRAZING ADVISORY COUNCILS.**

13 (a) *ESTABLISHMENT.*—The Secretary, in consultation
14 with the Governor of the affected State and with affected
15 counties, shall appoint not fewer than five nor more than
16 nine persons to serve on a Grazing Advisory Council for
17 each district and each national forest within the 16 contig-
18 uous Western States having jurisdiction over more than
19 500,000 acres of public lands subject to commercial livestock
20 grazing. The Secretaries may establish joint Grazing Advi-
21 sory Councils wherever practicable.

22 (b) *DUTIES.*—The duties of Grazing Advisory Councils
23 established pursuant to this section shall be to provide ad-
24 vice to the Secretary concerning management issues directly

1 *related to the grazing of livestock on public lands, includ-*
 2 *ing—*

3 (1) *range improvement objectives;*

4 (2) *the expenditure of range improvement or bet-*
 5 *terment funds under the Public Rangelands Improve-*
 6 *ment Act of 1978 (43 U.S.C. 1901 et seq.) or the Tay-*
 7 *lor Grazing Act (43 U.S.C. 315 et seq.);*

8 (3) *developing and implementation of grazing*
 9 *management programs; and*

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

12 (c) *DISREGARD OF ADVICE.—*

13 (1) *REQUEST FOR RESPONSE.—If a Grazing Ad-*
 14 *visory Council becomes concerned that its advice is*
 15 *being arbitrarily disregarded, the Grazing Advisory*
 16 *Council may, by unanimous vote of its members, re-*
 17 *quest that the Secretary respond directly to the Graz-*
 18 *ing Advisory Council's concerns within 60 days after*
 19 *the Secretary receives the request.*

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

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

1 (B) be subject to appeal.

2 (d) *MEMBERSHIP.*—The members of a Grazing Advi-
3 sory Council established pursuant to this section shall rep-
4 resent permittees, lessees, affected landowners, social and
5 economic interests within the district or national forest, and
6 elected State or county officers. All members shall have a
7 demonstrated knowledge of grazing management and range
8 improvement practices appropriate for the region, and shall
9 be residents of a community within or adjacent to the dis-
10 trict or national forest, or control a permit or lease within
11 the same area. Members shall be appointed by the Secretary
12 for a term of two years, and may be appointed for addi-
13 tional consecutive terms. The membership of Grazing Advi-
14 sory Councils shall be equally divided between permittees
15 or lessees, and other interests: Provided, That one elected
16 State or county officer representing the people of an area
17 within the district or national forest shall be appointed to
18 create an odd number of members: Provided further, That
19 permittees or lessees appointed as members of each Grazing
20 Advisory Council shall be recommended to the Secretary by
21 the permittees or lessees of the district or national forest
22 through an election conducted under rules and regulations
23 prescribed by the Secretary.

24 (e) *FEDERAL ADVISORY COMMITTEE ACT.*—Except to
25 the extent that it is inconsistent with this subtitle, the Fed-

1 *eral Advisory Committee Act shall apply to the Grazing Ad-*
2 *visory Councils established pursuant to this section.*

3 (f) *STATE GRAZING DISTRICTS.*—*The Secretary shall*
4 *ensure that the Grazing Advisory Councils coordinate ac-*
5 *tivities and cooperate with State Grazing Districts estab-*
6 *lished pursuant to State law.*

7 **SEC. 163. GENERAL PROVISIONS.**

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

10 (1) *a grazing district administered under section*
11 *3 of the Act of June 28, 1934 (commonly known as*
12 *the “Taylor Grazing Act”) (48 Stat. 1270, chapter*
13 *865; 43 U.S.C. 315b); or*

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

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

22 (1) *the member—*

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

1 (B) fails or is unable to participate regu-
2 larly in committee work; or

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

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

7 (c) *COMPENSATION AND REIMBURSEMENT OF EX-*
8 *PENSES.*—A member of an advisory committee established
9 under sections 161 and 162 shall not receive any compensa-
10 tion in connection with the performance of the member’s
11 duties as a member of the advisory committee, but shall
12 be reimbursed for travel and per diem expenses only while
13 on official business, as authorized by section 5703 of title
14 5, United States Code.

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

16 (a) *AMENDMENT.*—The third sentence of section 402(d)
17 of the Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1752(d)) is amended by striking “district graz-
19 ing advisory boards established pursuant to section 403 of
20 the Federal Land Policy and Management Act (43 U.S.C.
21 1753)” and inserting “Resource Advisory Councils and
22 Grazing Advisory Councils established under section 161
23 and section 162 of the Public Rangelands Management Act
24 of 1996”.

1 (b) *REPEAL.*—Section 403 of the Federal Land Policy
2 and Management Act of 1976 (43 U.S.C. 1753) is repealed,
3 and the table of contents for such Act is amended by striking
4 the item relating to section 403.

5 ***Subtitle H—Reports***

6 **SEC. 171. REPORTS.**

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

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

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

16 (b) *ITEMIZATION.*—If the itemization of costs under
17 subsection (a)(1) includes any costs incurred in connection
18 with the implementation of any law other than a statute
19 cited in section 102, the Secretaries shall indicate with spec-
20 ificity the costs associated with implementation of each such
21 statute.

1 **TITLE II—MANAGEMENT OF**
2 **NATIONAL GRASSLANDS**

3 **SEC. 201. SHORT TITLE.**

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

6 **SEC. 202. FINDINGS AND PURPOSE.**

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

8 (1) *the inclusion of the National Grasslands*
9 *within the National Forest System has prevented the*
10 *Secretary of Agriculture from effectively administer-*
11 *ing and promoting grassland agriculture on National*
12 *Grasslands as originally intended under the*
13 *Bankhead-Jones Farm Tenant Act;*

14 (2) *the National Grasslands can be more effec-*
15 *tively managed by the Secretary of Agriculture if ad-*
16 *ministered as a separate entity outside of the Na-*
17 *tional Forest System; and*

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

22 (b) *PURPOSE.—The purpose of this title is to provide*
23 *for improved management and more efficient administra-*
24 *tion of grazing activities on National Grasslands while pre-*
25 *serving and protecting multiple uses of such lands, includ-*

1 *ing but not limited to preserving sportmen’s hunting and*
 2 *fishing and other recreational activities, and protecting*
 3 *wildlife habitat in accordance with applicable laws.*

4 **SEC. 203. DEFINITIONS.**

5 *As used in this title, the term—*

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

11 (2) *“Secretary” means the Secretary of Agri-*
 12 *culture.*

13 **SEC. 204. REMOVAL OF NATIONAL GRASSLANDS FROM NA-**
 14 **TIONAL FOREST SYSTEM.**

15 *Section 11(a) of the Forest Rangeland Renewable Re-*
 16 *source Planning Act of 1974 (16 U.S.C. 1609(a)) is amend-*
 17 *ed by striking the phrase “the national grasslands and land*
 18 *utilization projects administered under title III of the*
 19 *Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C.*
 20 *1010–1012),”.*

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

22 (a) *IN GENERAL.—The Secretary, acting through the*
 23 *Chief of the Forest Service, shall manage the National*
 24 *Grasslands as a separate entity in accordance with this title*
 25 *and the provisions and multiple use purposes of title III*

1 *of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–*
2 *1012).*

3 **(b) CONSULTATION.**—*The Secretary shall provide*
4 *timely opportunities for consultation and cooperation with*
5 *interested State and local government entities, and other*
6 *interested individuals and organizations in the development*
7 *and implementation of land use policies and plans, and*
8 *land conservation programs for the National Grasslands.*

9 **(c) GRAZING ACTIVITIES.**—*In furtherance of the pur-*
10 *poses of this title, the Secretary shall administer grazing*
11 *permits and implement grazing management decisions in*
12 *consultation, cooperation, and coordination with local graz-*
13 *ing associations and other grazing permit holders.*

14 **(d) REGULATIONS.**—*The Secretary shall promulgate*
15 *regulations to manage and protect the National Grasslands,*
16 *taking into account the unique characteristics of the Na-*
17 *tional Grasslands and grasslands agriculture conducted*
18 *under the Bankhead-Jones Farm Tenant Act (7 U.S.C.*
19 *1010). Such regulations shall facilitate the efficient admin-*
20 *istration of grazing and provide protection for the environ-*
21 *ment, wildlife, wildlife habitat, and Federal lands equiva-*
22 *lent to that on the National Grasslands on the day prior*
23 *to the date of enactment of this Act.*

1 (1) *IN GENERAL.*—Nothing in this title shall af-
2 fect valid existing rights, reservations, agreements, or
3 authorizations. Section 1323(a) of Public Law 96-
4 487 shall continue to apply to non-Federal land and
5 interests therein within the boundaries of the Na-
6 tional Grasslands.

7 (2) *INTERIM USE AND OCCUPANCY.*—

8 (A) *Until such time as regulations concern-*
9 *ing the use and occupancy of the National*
10 *Grasslands are promulgated pursuant to this*
11 *title, the Secretary shall regulate the use and oc-*
12 *cupancy of such lands in accordance with regu-*
13 *lations applicable to such lands on May 25,*
14 *1995, to the extent practicable and consistent*
15 *with the provisions of this Act.*

16 (B) *Any applications for National Grass-*
17 *lands use and occupancy authorizations submit-*
18 *ted prior to the date of enactment of this Act,*
19 *shall continue to be processed without interrup-*
20 *tion and without reinitiating any processing ac-*
21 *tivity already completed or begun prior to such*
22 *date.*

23 **SEC. 206. FEES AND CHARGES.**

24 *Fees and charges for grazing on the National Grass-*
25 *lands shall be determined in accordance with section 135,*

1 *except that the Secretary may adjust the amount of a graz-*
2 *ing fee to compensate for approved conservation practices*
3 *and administrative expenditures.*