Calendar No. 158

104TH CONGRESS
1ST SESSION

S. 852

[Report No. 104–123]

A BILL

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

JULY 28 (legislative day, JULY 10), 1995

Reported with an amendment

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 158

104TH CONGRESS
1ST SESSION

S. 852

[Report No. 104–123]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 25 (legislative day, MAY 15), 1995

Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BROWN, Mr. CAMPBELL, Mr. HATCH, Mr. BENNETT, Mr. BURNS, Mr. SIMPSON, Mr. THOMAS, Mr. KYL, Mr. PRESSLER, Mr. KEMPTHORNE, Mr. CONRAD, Mr. DORGAN, Mr. DOLE, Mr. GRAMM, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 28 (legislative day, JULY 10), 1995

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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,*

~~SECTION 1. SHORT TITLE; TABLE OF CONTENTS.~~

~~(a) SHORT TITLE.—This Act may be cited as the "Livestock Grazing Act".~~

~~(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:~~

~~Sec. 1. Short title; table of contents.~~
~~Sec. 2. Effective date.~~

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

~~Subtitle A—General Provisions~~

~~Sec. 101. Findings.~~
~~Sec. 102. Application of title.~~
~~Sec. 103. Objective.~~
~~Sec. 104. Definitions.~~
~~Sec. 105. Fundamentals of rangeland health.~~
~~Sec. 106. Land use plans.~~
~~Sec. 107. Rule of construction.~~

~~Subtitle B—Qualifications and Grazing Preferences~~

~~Sec. 111. Mandatory qualifications.~~
~~Sec. 112. Acquired land.~~
~~Sec. 113. Grazing preferences.~~
~~Sec. 114. Changes in grazing preference status.~~
~~Sec. 115. Changes in Federal land acreage.~~

~~Subtitle C—Grazing Management~~

~~Sec. 121. Allotment management plans.~~
~~Sec. 122. Range improvements.~~
~~Sec. 123. Water rights.~~
~~Sec. 124. Management of grazing on land under the jurisdiction of other departments and agencies.~~

~~Subtitle D—Authorization of Grazing Use~~

~~Sec. 131. Applications.~~
~~Sec. 132. Grazing permits or grazing leases.~~
~~Sec. 133. Free-use grazing permits.~~
~~Sec. 134. Other grazing authorizations.~~
~~Sec. 135. Ownership and identification of livestock.~~
~~Sec. 136. Terms and conditions.~~
~~Sec. 137. Fees and charges.~~
~~Sec. 138. Pledge of grazing permits or grazing leases as security for loans.~~

~~Subtitle E—Civil Violations and Failures of Compliance~~

~~Sec. 141. Civil violations and failures of compliance.~~

~~Subtitle F—Unauthorized Grazing Use~~

~~Sec. 151. Liability for damages.~~
~~Sec. 152. Notice and order to remove.~~
~~Sec. 153. Settlement.~~
~~Sec. 154. Impoundment and sale.~~

~~Subtitle G—Procedure~~

~~Sec. 161. Proposed decisions.~~
~~Sec. 162. Protests.~~
~~Sec. 163. Final decisions.~~
~~Sec. 164. Appeals.~~

~~Subtitle H—Advisory Committees~~

~~Sec. 171. Purpose.~~
~~Sec. 172. Objective.~~
~~Sec. 173. Relation to other law.~~
~~Sec. 174. Policy.~~
~~Sec. 175. General provisions.~~
~~Sec. 176. Resource advisory councils.~~
~~Sec. 177. Grazing advisory councils.~~
~~Sec. 178. Meetings.~~
~~Sec. 179. Conforming amendment and repeal.~~

~~Subtitle I—Reports~~

~~Sec. 181. Reports.~~

~~TITLE II—GRASSLAND~~

~~Sec. 201. Removal of grasslands from National Forest system.~~

1 ~~**SEC. 2. EFFECTIVE DATE.**~~

2 ~~(a) IN GENERAL.—This Act and the amendments~~
3 ~~and repeals made by this Act shall become effective on~~
4 ~~March 1, 1996.~~

5 ~~(b) INTERIM PROVISION.—Until the effective date~~
6 ~~specified in subsection (a), management of livestock graz-~~
7 ~~ing on Federal land shall be conducted in accordance with~~
8 ~~the law (including regulations) in effect on May 18, 1995.~~

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

~~Subtitle A—General Provisions~~

~~SEC. 101. FINDINGS.~~

~~(a) FINDINGS.—Congress finds that—~~

~~(1) through the cooperative and concerted efforts of the Federal rangeland livestock industry, Federal and State land management agencies, and the general public, the Federal rangelands are in the best condition they have been in during this century, and their condition continues to improve;~~

~~(2) as a further consequence of those efforts, populations of big game and wildlife are increasing and stabilizing across vast areas of the West;~~

~~(3) further efforts to assist in developing and nurturing that cooperation at all levels of government are important, and those efforts will provide long-term benefits to the Nation's rangelands and their related resources;~~

~~(4) to promote the economic, cultural, and social well being of western States, rural communities in the western States, and the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and grazing leases on Federal land that is based on a formula that—~~

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

~~(B) promotes continuing cooperative stewardship efforts;~~

~~(5) opportunities exist for improving efficiency in the administration of the range programs on Federal land, and those opportunities should be pursued with goals of—~~

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

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

~~(6) in order to provide meaningful review and oversight of the management of the public rangelands and the grazing allotment on those rangelands, refinement of the reporting of costs of various components of the land management program is needed;~~

~~(7) incentives for greater local input into the management of the public rangelands as well as incentives to encourage private investment in improvement of the public rangelands will assist in those efforts and are in the best interests of the United States;~~

~~(8) the western livestock industry that relies on Federal land plays an important and integral role in maintaining and preserving the social, economic, and cultural base of rural communities in the western States and further plays an important and integral role in the economies of the 16 western States in which rangelands managed by the Secretary are situated;~~

~~(9) maintaining the economic viability of the western livestock industry is essential to maintaining open space and habitat for big game, wildlife, and fish, but currently there are pressures to sell the base property of the Federal land ranches for subdivision or other development, which would reduce or remove the available open space and fish and wildlife habitat; and~~

~~(10) since the enactment of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary has been charged with developing land use plans that are consistent with land use plans adopted by State, local, and tribal governments, but to date the planning efforts have not produced land use plans for Federal land that is in fact consistent with State, local, or tribal planning.~~

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

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

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

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

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

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

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

SEC. 102. APPLICATION OF ACT.

Except as provided in section 137(d), this Act applies to—

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

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

(B) the Act of August 28, 1937 (commonly known as the ''Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of

~~1937'')~~ ~~(50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.);~~

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

~~(D) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); and~~

~~(E) any other law; and~~

~~(2) the Secretary on behalf of the head of another department or agency under a memorandum of understanding under section 124.~~

~~SEC. 103. OBJECTIVE.~~

~~The objective of this Act is to achieve—~~

~~(1) orderly use, improvement, and development of Federal land;~~

~~(2) enhancement of productivity of Federal land by conservation of forage resources and reduction of soil erosion and by proper management of other resources such as by control of woody species invasion;~~

~~(3) stabilization of the livestock industry dependent on the public rangeland;~~

~~(4) performance of an inventory and categorization of public rangelands on the basis of range conditions and trends; and~~

~~(5) consideration of wildlife populations and habitat,~~

~~consistent with land-use plans, multiple-use, sustained yield, environmental values, and economic and other objectives stated in the Acts cited in section 102.~~

~~SEC. 104. DEFINITIONS.~~

~~(a) IN GENERAL.—In this Act:~~

~~(1) ACTIVE USE.—The term ''active use'' means the amount of authorized livestock grazing use that is being made at any time.~~

~~(2) ACTUAL USE.—The term ''actual use'' means the places at which, the number and kinds or classes of, and the length of time that livestock graze on an allotment.~~

~~(3) ACTUAL USE REPORT.—The term ''actual use report'' means a report of the actual livestock grazing use submitted by a permittee or lessee.~~

~~(4) AFFECTED INTEREST.—The term ''affected interest'' means an individual or organization that—~~

~~(A) has expressed in writing to an authorized officer concern for the management of livestock grazing on a specific grazing allotment and has provided substantiated evidence that the management of the public lands will affect the individual or organization; and~~

~~(B) has been determined by an authorized officer to be an affected interest.~~

~~(5) ALLOTMENT.—The term ''allotment'' means an area of designated Federal land that includes management for grazing of livestock.~~

~~(6) ALLOTMENT MANAGEMENT PLAN.—The term ''allotment management plan''—~~

~~(A) means a documented program that applies to livestock grazing on an allotment; and~~

~~(B) includes such a documented plan that is included in an activity plan that governs grazing as well as other activities on Federal land.~~

~~(7) ANIMAL UNIT MONTH.—~~

~~(A) STATE DEFINITION.—With respect to grazing on Federal land in a State that charges a fee for grazing on State land based on a formula in which one of the factors is an animal unit month, the term ''animal unit month'' has the meaning established under State law.~~

~~(B) NO STATE DEFINITION.—~~

~~(i) IN GENERAL.—Subject to clause (ii), with respect to grazing on Federal land in a State other than a State described in subparagraph (A), the term ''animal unit month'' means 1 month's use and occupancy of range by—~~

~~(I) 1 cow, bull, steer, heifer, horse, burro, or mule, 7 sheep, or 7 goats, each of which is 6 months of age or older on the date on which the animal begins grazing on Federal land;~~

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

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

~~(ii) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal land for grazing by—~~

~~(I) an animal that is less than 6 months of age on the date on which the animal begins grazing on Federal land and is the natural progeny of an animal on which a grazing fee is paid if the animal is removed from the~~

~~Federal land before becoming 12 months of age; or~~

~~(II) an animal that is progeny, born during the period of use authorized under a grazing permit or grazing lease, of an animal on which a grazing fee is paid.~~

~~(8) AUTHORIZED OFFICER.—The term ''authorized officer'' means a person authorized by the Secretary to administer this title, the Acts cited in section 102, and regulations issued under this title and those Acts.~~

~~(9) BASE PROPERTY.—The term ''base property'' means—~~

~~(A) land that has the capability of producing crops or forage that can be used to support authorized livestock for a specified period of the year; and~~

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

~~(10) CANCEL; CANCELLATION.—The terms ''cancel'' and ''cancellation'' refer to a permanent termination, in whole or in part, of—~~

~~(A) a grazing permit or grazing lease and grazing preference; or~~

~~(B) a free-use grazing permit or other grazing authorization.~~

~~(11) CLASS.—The term ''class'', in reference to livestock, refers to the age and sex of a group of livestock.~~

~~(12) CONSULTATION, COOPERATION, AND CO-ORDINATION.—The term ''consultation, cooperation, and coordination'' has the meaning stated in section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), as amended.~~

~~(13) CONTROL.—The term ''control'', in reference to base property or livestock, means responsibility for providing care and management of base property or livestock.~~

~~(14) FEDERAL LAND.—The term ''Federal land''—~~

~~(A) means land or an interest in land outside the State of Alaska that is owned by the United States and administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management; but~~

~~(B) does not include land held for the benefit of Indians.~~

~~(15) GRAZING DISTRICT.—The term ''grazing district'' means the specific area within which Federal land is administered under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b).~~

~~(16) GRAZING FEE YEAR.—The term ''grazing fee year'', for billing purposes, means a 12-month period that begins on March 1 of a year and ends on the last day of February of the following year.~~

~~(17) GRAZING LEASE.—The term ''grazing lease'' means a document authorizing use of Federal land outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1275, chapter 865; 43 U.S.C. 315m) for the purpose of grazing livestock.~~

~~(18) GRAZING PERMIT.—The term ''grazing permit'' means a document authorizing use of the Federal land within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b), for the purpose of grazing livestock.~~

~~(19) GRAZING PREFERENCE.—The term ''grazing preference'' means the number of animal unit months of livestock grazing on Federal land as adjudicated or apportioned and attached to base property owned or controlled by a permittee or lessee.~~

~~(20) LAND BASE PROPERTY.—The term ''land base property'' means base property described in paragraph (9)(A).~~

~~(21) LAND USE PLAN.—The term ''land use plan'' means—~~

~~(A) a resource management plan; or~~

~~(B) a management framework plan that is in effect pending completion of a resource management plan,~~

~~developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).~~

~~(22) LIVESTOCK.—The term ''livestock'' means—~~

~~(A) a species of domestic livestock, including cattle, sheep, horses, burros, and goats; and~~

~~(B) a member of such a species.~~

~~(23) LIVESTOCK CARRYING CAPACITY.—The term ''livestock carrying capacity'' means the maximum sustainable stocking rate that is possible with-~~

~~out inducing permanent damage to vegetation or related resources.~~

~~(24) MONITORING. The term ''monitoring'' means the periodic observation and orderly collection of data to evaluate—~~

~~(A) effects of management actions; and~~

~~(B) effectiveness of actions in meeting management objectives.~~

~~(25) RANGE IMPROVEMENT. The term ''range improvement''—~~

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

~~(i) improve production of forage;~~

~~(ii) change vegetative composition;~~

~~(iii) control patterns of use;~~

~~(iv) provide water;~~

~~(v) stabilize soil and water conditions; or~~

~~(vi) provide habitat for livestock, wild horses and burros, and wildlife; and~~

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

~~(26) RANGELAND STUDY.—The term ''rangeland study'' means a method of study for collecting data on actual use, utilization, climatic conditions, other special events, production trend, and rangeland condition and trend to determine whether management objectives are being met, that—~~

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

~~(B) is accepted by an authorized officer.~~

~~(27) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.~~

~~(28) SERVICE AREA.—The term ''service area'' means the area that can be properly grazed by livestock watering at a certain water.~~

~~(29) STOCKING RATE.—The term ''stocking rate'' means the number of animal unit months authorized under a grazing permit or grazing lease from year to year.~~

~~(30) SUBLEASE.—The term ''sublease'' means an agreement by a permittee or lessee that—~~

~~(A) allows a person other than the permittee or lessee to graze livestock on Federal land~~

~~without controlling the base property supporting the grazing permit or grazing lease; or~~

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

~~(31) SUPPLEMENTAL FEED.—The term ''supplemental feed'' means a feed that supplements the forage available from Federal land and is provided to improve livestock nutrition or rangeland management.~~

~~(32) SUSPEND; SUSPENSION.—The terms ''suspend'' and ''suspension'' refer to a temporary withholding, in whole or in part, of a grazing preference from active use, ordered by the Secretary or done voluntarily by a permittee or lessee.~~

~~(33) TREND.—The term ''trend'' means the direction of change, over time, toward or away from a desire management objective.~~

~~(34) UTILIZATION.—The term ''utilization'' means the percentage of a year's herbage production consumed or destroyed by herbivores.~~

~~(35) WATER BASE PROPERTY.—The term ''water base property'' means base property described in paragraph (9)(B).~~

(b) CONSULTATION, COOPERATION, AND COORDINATION.—Section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended—

(1) by inserting a comma after ''cooperation'' each place it appears; and

(2) by adding at the end the following: ''As used in this subsection, the term 'consultation, cooperation, and coordination' means engagement in a good faith effort to reach consensus on issues, plans, or management actions from—

''(1) other agencies, permittees, or lessees, and affected interests involved in an activity with respect to which consultation, cooperation, and coordination are required under this title;

''(2) resource advisory councils established under section 177 of the Livestock Grazing Act;

''(3) any State having land within the area to be covered by an allotment management plan; and

''(4) additional affected interests (as defined in section 104(a)(4) of the Livestock Grazing Act).''.

SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.

(a) STANDARDS AND GUIDELINES.—The Secretary shall establish standards and guidelines on a State or regional level in conjunction with the State department of

~~agriculture or other appropriate agency and the land-grant university or other appropriate institution of higher education of each interested State.~~

~~(b) RULE OF CONSTRUCTION.—Nothing in this Act or any other law implies that a minimum national standard or guideline is necessary.~~

~~SEC. 106. LAND USE PLANS.~~

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

~~(b) CONTENTS OF LAND USE PLAN.—A land use plan shall—~~

~~(1) establish allowable resource uses (singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained; and~~

~~(2) set forth programs and general management practices needed to achieve management objectives.~~

~~(c) APPLICATION OF NEPA.—A land use plan shall be developed in conformance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).~~

(d) CONFORMANCE WITH LAND USE PLAN.—Livestock grazing activities and management actions approved by the authorized officer—

(1) may include any such activities as are not clearly prohibited by a land use plan; and

(2) shall not require any consideration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in addition to the studies supporting the land use plan.

SEC. 107. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to reduce or otherwise limit the levels of livestock grazing that were authorized to be permitted as of August 1, 1993.

Subtitle B—Qualifications and Grazing Preferences

SEC. 111. MANDATORY QUALIFICATIONS.

Except as provided under sections 112, 114, and 134(c), to qualify for grazing use on Federal land an applicant shall—

(1) be engaged in the livestock business;

(2) own or control base property; and

(3) be—

(A) a citizen of the United States or a person who has properly filed a valid declaration of

~~intention to become a citizen or a valid petition for naturalization;~~

~~(B) a group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are persons described in subparagraph (A); or~~

~~(C) a corporation authorized to conduct business in the State in which the grazing use is sought.~~

~~SEC. 112. ACQUIRED LAND.~~

~~With respect to land acquired by the Secretary through purchase, exchange, Act of Congress, or Executive order under the terms of which the Secretary is required to honor an existing grazing permit or grazing lease, the permittee or lessee shall be considered qualified for grazing use on that land.~~

~~SEC. 113. GRAZING PREFERENCES.~~

~~(a) BASE PROPERTY.—~~

~~(1) CRITERIA.—An authorized officer shall find land or water owned or controlled by an applicant for a grazing permit or grazing lease to be base property if the land or water—~~

~~(A) serves as a base for a livestock operation that utilizes Federal land within a grazing district; or~~

~~(B) is contiguous land, or noncontiguous land if no applicant for the grazing permit or grazing lease owns or controls contiguous land, used in conjunction with a livestock operation that utilizes Federal land outside a grazing district.~~

~~(2) SPECIFICATION OF LENGTH OF TIME.—After appropriate consultation, cooperation, and coordination with the applicant only, an authorized officer shall specify the length of time for which land base property shall be considered to be capable of supporting authorized livestock during the year, relative to the multiple use management objective of Federal land.~~

~~(3) SUBMISSION BY APPLICANT.—An applicant shall—~~

~~(A) provide a legal description, or plat, of the base property; and~~

~~(B) certify to the authorized officer that the base property meets the requirements under paragraphs (1) and (2).~~

~~(4) LOSS OF OWNERSHIP OR CONTROL.—~~

~~(A) IN GENERAL.—Except as provided in subparagraph (B), if a permittee or lessee loses ownership or control of all or part of the base~~

~~property, the grazing permit or grazing lease, to the extent it was based on the lost property, shall terminate immediately, without notice from the authorized officer.~~

~~(B) EXTENSION OF TERMINATION DATE.—If, prior to losing ownership or control of the base property, the permittee or lessee requests in writing that the grazing permit or grazing lease be extended to the end of the grazing season or grazing year, the authorized officer, after consultation with the new owner or person in control, may grant the request.~~

~~(C) AVAILABILITY FOR TRANSFER.—When a grazing permit or grazing lease terminates because of a loss of ownership or control of a base property, the grazing preference shall remain with the base property and be available for transfer under subsection (c) to the new owner or person in control of the base property.~~

~~(5) ISOLATED OR DISCONNECTED FEDERAL LAND.—An applicant that owns or controls base property contiguous to or cornering on a tract of Federal land outside a grazing district that consists of an isolated or disconnected tract embracing 760 acres or less shall, for a period of 90 days after the~~

~~tract has been offered for grazing lease, have a preference right to graze the tract.~~

~~(b) SPECIFYING GRAZING PREFERENCE.—~~

~~(1) IN GENERAL.—A grazing permit or grazing lease shall specify a grazing preference that includes—~~

~~(A) a historical grazing preference right;~~

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

~~(C) suspended use; and~~

~~(D) voluntary and temporary nonuse.~~

~~(2) ATTACHMENT OF GRAZING PREFERENCE.—A grazing preference identified in a grazing permit or grazing lease shall attach to the base property supporting the grazing permit or grazing lease.~~

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

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

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

~~(c) TRANSFER OF GRAZING PREFERENCE.—~~

~~(1) IN GENERAL.—A transfer of a grazing preference, in whole or in part, may be made in accordance with this subsection.~~

~~(2) QUALIFICATION OF TRANSFEREE.—A transferee shall meet all necessary qualifications for a grazing preference under this title.~~

~~(3) APPLICATION.—An application to transfer a grazing preference shall evidence assignment of interest and obligation in range improvements authorized on Federal land under section 122 and maintained in conjunction with the transferred preference.~~

~~(4) ACCEPTANCE OR REJECTION OF TERMS AND CONDITIONS.—A transferee of a grazing preference may elect to accept or reject the terms and conditions of the terminating grazing permit or grazing lease and of any related cooperative agreement or range improvement permit or to accept those terms and conditions with such modifications as the transferee may request and the authorized officer approve or with such modifications as the authorized officer may require.~~

~~(5) APPLICATION FOR GRAZING PERMIT OR GRAZING LEASE.—A proposed transferee shall file an application for a grazing permit or grazing lease~~

~~to the extent of the transferred grazing preference simultaneously with the filing of a transfer application.~~

~~(6) TRANSFERS.—~~

~~(A) TRANSFERS ON SALE OR GRAZING LEASE OF BASE PROPERTY.—If base property is sold or leased, the transferee, not later than 90 days after the date of sale or grazing lease, shall file with the authorized officer a properly executed transfer application that—~~

~~(i) identifies the base property; and~~

~~(ii) states the amount of grazing preference being transferred in animal unit months.~~

~~(B) TRANSFER FROM BASE PROPERTY TO BASE PROPERTY.—~~

~~(i) IN GENERAL.—If a grazing preference is being transferred from 1 base property to another base property, the transferor shall own or control the base property from which the grazing preference is being transferred and file with the authorized officer a properly completed transfer application for approval.~~

~~(ii) CONSENT OF OWNER OR LEASED BASE PROPERTY.—If the transferor leases the base property, no transfer shall be allowed without the written consent of the owner and of any person or entity holding an encumbrance of the base property from which the transfer is to be made unless the transferor is a lessee without whose livestock operations the grazing preference would not have been established.~~

~~(7) TERMINATION.—On the date of approval of a transfer, the existing grazing permit or grazing lease shall terminate automatically and without notice to the extent of the transfer.~~

~~(8) ACQUISITION OF BASE PROPERTY BY PERSON NOT QUALIFIED.—~~

~~(A) NO EFFECT FOR 2 YEARS.—For a period of 2 years after an unqualified transferee acquires rights in base property through operation of law or testamentary disposition, the transfer shall not—~~

~~(i) affect the grazing preference or any outstanding grazing permit or grazing lease; or~~

~~(ii) preclude the issuance or renewal of a grazing permit or grazing lease based on the base property.~~

~~(B) CANCELLATION.—If an unqualified transferee fails to qualify for a transfer under this section within the 2-year period described in subparagraph (A), the grazing preference shall be subject to cancellation, but the authorized officer my grant extensions of the 2-year period if there have been delays solely attributable to probate proceedings.~~

~~(9) FAILURE TO COMPLY.—Failure of a transferee or transferor to comply with this subsection may result in rejection of the transfer application or cancellation of the grazing preference.~~

~~(d) ALLOTMENTS.—After consultation, cooperation, and coordination with permittees or lessees, an authorized officer may designate and adjust allotment boundaries.~~

~~SEC. 114. CHANGES IN GRAZING PREFERENCE STATUS.~~

~~(a) IN GENERAL.—An authorized officer shall periodically review the stocking rate specified in a grazing permit or grazing lease and may make changes in the status of the stocking rate.~~

~~(b) SUPPORT.—A change in a stock rate shall be supported by monitoring, as evidenced by rangeland studies~~

~~conducted over time, and as is specified in an applicable land use plan or as is necessary to manage, maintain, or improve rangeland productivity.~~

~~(c) INCREASE IN ACTIVE USE.—~~

~~(1) IN GENERAL.—Any additional forage that becomes available may be apportioned to a qualified applicant for livestock grazing use, consistent with multiple-use management objectives.~~

~~(2) TEMPORARY AVAILABILITY.—Any additional forage that becomes temporarily available for livestock grazing use (including forage that is temporarily available within an allotment because of a change in grazing use under section 131(b)) may be apportioned on a nonrenewable basis.~~

~~(3) AVAILABILITY ON SUSTAINED USE BASIS.—~~

~~(A) IN GENERAL.—Any additional forage that becomes available on a sustained yield basis for livestock grazing use shall be apportioned in satisfaction of grazing preferences to the permittees and lessees authorized to graze in the allotment in which the forage is available before being apportioned to other persons under subparagraph (B).~~

~~(B) APPORTIONMENT TO OTHERS.—After consultation, cooperation, and coordination, ad-~~

~~ditional forage on a sustained yield basis available for livestock grazing use exceeding the amount of grazing preferences of the permittees and lessees in an allotment may be apportioned in the following priority to—~~

~~(i) permittees and lessees in proportion to their contribution or efforts that resulted in increased forage production;~~

~~(ii) permittees or lessees in proportion to the amount of their grazing preferences; and~~

~~(iii) other qualified applicants under section 131.~~

~~(d) DECREASE IN AUTHORIZED GRAZING USE.—~~

~~(1) TEMPORARY SUSPENSION.—~~

~~(1) IN GENERAL.—Active use may be suspended in whole or in part on a temporary basis to facilitate—~~

~~(i) recovery from drought, fire, or another natural event; or~~

~~(ii) installation, maintenance, or modification of range improvements.~~

~~(B) IMPLEMENTATION.—If an authorized officer determines that the soil, vegetation, or other resources on Federal land require tem-~~

~~porary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation, cooperation, and coordination with affected permittees or lessees and other affected interests, action shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use.~~

~~(2) PERMANENT SUSPENSION.—When monitoring shows that active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity, as determined through monitoring, an authorized officer, after evaluating and implementing all reasonable and viable management practices or alternatives, shall reduce active use if necessary to maintain or improve rangeland productivity only if the authorized officer determines that a change in management practices would not achieve the management objectives.~~

~~(3) PERIOD OF SUSPENSION.—When active use is reduced, the active use shall be held in suspension or in nonuse for conservation and protection purposes until the authorized officer determines that active use may resume.~~

~~(e) IMPLEMENTATION OF CHANGES IN AVAILABLE FORAGE.—~~

~~(1) PHASING-IN.—A change in active use in excess of 10 percent shall be implemented over a 5-year period, unless, after consultation with the affected permittees or lessees and other affected interests, an agreement is reached to implement the increase or decrease over less than a 5-year period.~~

~~(2) SUSPENSION OF GRAZING PREFERENCE.—~~

~~(A) IN GENERAL.—After consultation, cooperation, and coordination, a suspension of a grazing preference shall be implemented through a documented agreement or by decision of an authorized officer.~~

~~(B) DATA AVAILABLE.—If acceptable range analysis data are properly gathered, analyzed, and reviewed by the authorized officer, an initial decrease shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth year following that effective date, except as provided in paragraph (1).~~

~~(C) DATA NOT AVAILABLE.—If data acceptable to the authorized officer to support an initial decrease are not available—~~

~~(i) additional data shall be collected through monitoring and in coordination with the land-grant university (or other appropriate institution of higher education) and department of agriculture of the State; and~~

~~(ii) adjustments based on the additional data shall be implemented by agreement or decision that will initiate the 5-year implementation period.~~

~~SEC. 115. CHANGES IN FEDERAL LAND ACREAGE.~~

~~(a) INCREASES IN LAND ACREAGE.—If land outside a designated allotment becomes available for livestock grazing—~~

~~(1) the forage available for livestock shall be made available to a qualified applicant at the discretion of the authorized officer; and~~

~~(2) grazing use shall be apportioned under section 131.~~

~~(b) DECREASE IN LAND ACREAGE.—~~

~~(1) IN GENERAL.—If there is a decrease in Federal land acreage available for livestock grazing within an allotment—~~

~~(A) grazing permits or grazing leases may be canceled, suspended, or modified as appropriate to reflect the changed area of use; and~~

~~(B) grazing preferences may be canceled or suspended in whole or in part.~~

~~(2) EQUITABLE APPORTIONMENT.—A cancellation or suspension determined by the authorized officer to be necessary to protect Federal land—~~

~~(A) shall be apportioned as agreed among the authorized users and the authorized officer; or~~

~~(B) if no agreement is reached, shall be equitably apportioned by the authorized officer based on the level of available forage and magnitude of the change in Federal land acreage available.~~

~~(3) DISPOSITION OR USE FOR PUBLIC PURPOSE.—~~

~~(A) IN GENERAL.—If Federal land is disposed of or devoted to a public purpose so as to preclude livestock grazing, the Secretary shall, except in a case of emergency such as need to satisfy a national defense requirement in time of war or a natural disaster, provide permittees and lessees 2 years' notice prior to~~

~~cancellation of grazing permits, grazing leases, and grazing preferences.~~

~~(B) WAIVER.—A permittee or lessee may unconditionally waive the 2-year prior notification required by subparagraph (A).~~

~~(C) RIGHT TO COMPENSATION.—A waiver under subparagraph (B) shall not prejudice a permittee's or lessee's right to reasonable compensation at (but not in excess of) the fair market value of the permittee's or lessee's interest in authorized permanent range improvements located on Federal land.~~

~~Subtitle C—Grazing Management~~

~~SEC. 121. ALLOTMENT MANAGEMENT PLANS.~~

~~(a) IN GENERAL.—An allotment management plan shall be prepared in careful and considered consultation, cooperation, and coordination with permittees and lessees, landowners, the grazing advisory council for the grazing district, and any State having land within the area to be covered by the allotment management plan.~~

~~(b) CONTENTS.—An allotment management plan shall—~~

~~(1) include the terms and conditions described in section 136;~~

~~(2) prescribe the livestock grazing practices necessary to meet specific multiple-use management objectives;~~

~~(3) specify the limits of flexibility within which the permittee or lessee may adjust operations without prior approval of the authorized officer; and~~

~~(4) provide for monitoring to evaluate the effectiveness of management actions in achieving the specific multiple-use management objectives of the plan.~~

~~(c) PRIVATE AND STATE LAND.—Private and State land shall be included in an allotment management plan with the consent or at the request of the person that owns or controls the land.~~

~~(d) INCORPORATION IN GRAZING PERMITS AND GRAZING LEASES.—An allotment management plan shall be incorporated into the affected grazing permits and grazing leases.~~

~~(e) SATISFACTION OF REQUIREMENTS OF OTHER LAWS.—The issuance of a grazing permit or grazing lease that is consistent with a land use plan shall not be considered to be a Federal action requiring the conduct of any study or assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other law.~~

~~SEC. 122. RANGE IMPROVEMENTS.~~

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

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

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

~~(3) TITLE.—~~

~~(A) IN GENERAL.—Subject to valid existing rights, title to an authorized permanent range improvement under a range improvement cooperative agreement shall be in the name of the permittee or lessee and of the United States, respectively, in proportion to the value of the contributions (funding, material, and labor) toward the initial cost of construction by the United States and the permittee or lessee, respectively.~~

~~(B) VALUE OF FEDERAL LAND.—For the purpose of subparagraph (A), only a contribu-~~

~~tion to the construction, installation, modification, or maintenance of a permanent rangeland improvement itself, and not the value of Federal land on which the improvement is placed, shall be taken into account.~~

~~(C) MAINTENANCE.—Maintenance of range improvements in the form of time as labor or monetary expenditures shall be applied to the value and percentage of ownership proportionate to the value of the contribution by a party to the cooperative agreement.~~

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

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

~~(b) RANGE IMPROVEMENT PERMITS.—~~

~~(1) APPLICATION.—A permittee or lessee may apply for a range improvement permit to construct,~~

~~install, modify, maintain, or use a range improvement that is needed to achieve management objectives within the permittee's or lessee's allotment.~~

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

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

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

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

~~(c) STANDARDS, DESIGN, AND STIPULATIONS.—A range improvement cooperative agreement under subsection (a) and a range improvement permit under subsection (b) shall specify the standards and design, construction, and maintenance criteria for the range improvements.~~

~~(d) ASSIGNMENT OF RANGE IMPROVEMENTS.—An authorized officer shall not approve the transfer of a graz-~~

~~ing preference under section 113(c) or approve use by the transferee of existing range improvements unless the transferee has agreed to compensate the transferor for the transferor's interest in the authorized improvements within the allotment as of the date of the transfer.~~

~~(e) REMOVAL AND COMPENSATION FOR LOSS OF RANGE IMPROVEMENTS.—~~

~~(1) PROHIBITION OF REMOVAL.—A person shall not remove a range improvement from Federal land without authorization by the authorized officer.~~

~~(2) REQUIREMENT TO REMOVE.—The authorized officer may require a permittee or lessee to remove a range improvement on Federal land that the permittee or lessee owns if the improvement is no longer helping to achieve land use plan or allotment goals and objectives or if the improvement fails to meet the standards and criteria of subsection (c).~~

~~(3) CANCELLATION OF GRAZING PERMIT OR GRAZING LEASE.—~~

~~(A) IN GENERAL.—If a grazing permit or grazing lease is canceled in order to devote Federal land covered by the grazing permit or grazing lease to another public purpose, including disposal, the permittee or lessee shall be entitled to receive from the United States reason-~~

~~able compensation for the value of the permittee's or lessee's interest in authorized permanent range improvements purchased by the permittee or lessee or placed or constructed by the permittee or lessee on Federal land covered by the canceled grazing permit or grazing lease.~~

~~(B) FAIR MARKET VALUE.—The value of a permittee's or lessee's interest under subparagraph (A) shall be equal to the fair market value of the terminated portion of the permittee's or lessee's interest in the permanent range improvements.~~

~~(C) SALVAGE AND REHABILITATION.—In a case in which a range improvement is authorized by a range improvement permit or range improvement cooperative agreement, the permittee or lessee may elect to salvage materials and perform rehabilitation measures rather than accept compensation for the fair market value.~~

~~(4) CANCELLATION OF RANGE IMPROVEMENT PERMIT OR COOPERATIVE AGREEMENT.—If a range improvement permit or range improvement cooperative agreement is canceled, the permittee or lessee shall be allowed 180 days after the date of cancella-~~

~~tion in which to salvage material owned by the lessee or permittee and perform rehabilitation measures necessitated by the salvage.~~

~~(i) CONTRIBUTIONS.—An authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of Federal land necessary to achieve the objectives of this title.~~

~~(j) TRANSFER OF OWNERSHIP OF IMPROVEMENTS.—~~

~~(1) MEDIATION.—An authorized officer may—~~

~~(A) mediate a dispute regarding reasonable compensation in connection with a transfer of ownership of a range improvement; and~~

~~(B) following consultation with the interested parties, make a determination concerning the fair and reasonable share of operation and maintenance expenses and compensation for use of authorized range improvements.~~

~~(2) NO AGREEMENT.—If an agreement on the amount of compensation cannot be reached, the authorized officer shall issue a temporary grazing authorization, including appropriate terms and conditions and the requirement to compensate the permittee or lessee for the fair share of operation and maintenance, as determined by the authorized officer.~~

~~SEC. 123. WATER RIGHTS.~~

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

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

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

~~SEC. 124. MANAGEMENT OF GRAZING ON LAND UNDER THE JURISDICTION OF OTHER DEPARTMENTS AND AGENCIES.~~

~~(a) IN GENERAL.—In the case of land under the administrative jurisdiction of the head of another entity in the department or of another department or agency on which grazing is managed by the Secretary on behalf of the head of that entity, department, or agency, the Secretary shall enter into a memorandum of understanding setting out the terms and conditions under which grazing will be managed on that land.~~

~~(b) APPLICATION OF TITLE.—This title shall apply to management of grazing under subsection (a) except to~~

~~the extent that the Secretary, in consultation with the head of the department or agency with jurisdiction over the land, in view of the needs of the other department or agency or the applicability of other law, requires application of different rules.~~

~~Subtitle D—Authorization of Grazing Use~~

~~SEC. 131. APPLICATIONS.~~

~~(a) IN GENERAL.—An application for a grazing permit or grazing lease authorizing active use and nonuse, a free-use grazing permit, or other grazing authorization shall be filed with the authorized officer at the local Bureau of Land Management office having jurisdiction over the Federal land that is the subject of the application.~~

~~(b) CHANGES IN GRAZING USE.—~~

~~(1) IN GENERAL.—In the case of any grazing fee year, an application for a change in grazing use should be filed with the authorized officer before the billing notice for the affected grazing use has been issued for the grazing fee year.~~

~~(2) LATE FILING.—An application for a change in grazing use filed after a billing notice for the affected grazing use has been issued that requires the issuance of a replacement or supplemental billing notice shall be subject to a service charge under section 137(d).~~

~~(3) AUTHORITY TO GRANT.—An authorized officer may grant an application for a change in grazing use.~~

~~(c) CONFLICTING APPLICATIONS.—~~

~~(1) FACTORS TO BE CONSIDERED.—If more than 1 qualified applicant applies for livestock grazing use of the same Federal land or if additional forage for livestock or additional acreage becomes available, an authorized officer may authorize grazing use of the Federal land or use of forage—~~

~~(A) as provided in section 114(c); or~~

~~(B) on the basis of any of the following factors:~~

~~(i) Historical use of Federal land.~~

~~(ii) Proper range management and use of water for livestock.~~

~~(iii) General needs of the applicants' livestock operations.~~

~~(iv) Topography.~~

~~(v) Other land use requirements unique to the situation.~~

~~(2) FACTOR NOT TO BE CONSIDERED.—In authorizing grazing use or use of forage under paragraph (1), an authorized officer shall not take into consideration the past practice or present willingness~~

of an applicant to allow public access to Federal land over private land.

SEC. 132. GRAZING PERMITS OR GRAZING LEASES.

(a) SPECIFICATION OF TERMS AND CONDITIONS.—A grazing permit or grazing lease shall specify terms and conditions as required by section 136.

(b) TERM.—A grazing permit or grazing lease shall be issued for a term of 15 years unless—

(1) the land is pending disposal;

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

(3) the Secretary determines that it would be in the best interest of sound land management to specify a shorter term, if the decision to specify a shorter term is supported by appropriate and accepted resource analysis and evaluation.

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

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

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

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

~~SEC. 133. FREE-USE GRAZING PERMITS.~~

~~(a) IN GENERAL.—A free-use grazing permit may be issued, consistent with the Act, cited in section 102, to an applicant—~~

~~(1) whose residence is adjacent to Federal land within a grazing district;~~

~~(2) who needs Federal land to support domestic livestock owned by the applicant; and~~

~~(3) whose products or work related to livestock grazing are used directly and exclusively by the applicant and the applicant's family.~~

~~(b) CONFLICTING APPLICATIONS.—The issuance of a free-use grazing permit is subject to section 131(c).~~

~~(c) TERM.—A free-use grazing permit shall be issued for a term of 1 year.~~

~~(d) NO TRANSFER OR ASSIGNMENT.—A free-use grazing permit may not be transferred or assigned.~~

~~SEC. 134. OTHER GRAZING AUTHORIZATIONS.~~

~~(a) EXCHANGE-OF-USE GRAZING AGREEMENTS.—~~

~~(1) IN GENERAL.—An exchange-of-use grazing agreement may be issued to any applicant that owns or controls land that is unfenced and intermingled with Federal land when use under such an agreement would be in harmony with the management objectives for the allotment.~~

~~(2) EXTENT OF USE.—An exchange-of-use grazing agreement may authorize use of Federal land to the extent of the livestock carrying capacity of the land offered in exchange-of-use.~~

~~(3) NO FEE.—No fee shall be charged for grazing use under an exchange-of-use agreement.~~

~~(b) NONRENEWABLE GRAZING PERMITS AND GRAZING LEASES.—A nonrenewable grazing permit or grazing lease may be issued on an annual basis to a qualified applicant when forage is temporarily available if grazing use under the grazing permit or grazing lease—~~

~~(1) is consistent with multiple-use objectives; and~~

~~(2) does not interfere with other livestock operations on the Federal land concerned.~~

~~(c) CROSSING PERMITS.—An applicant showing the necessity for crossing Federal land or other land under control of the Secretary with livestock for proper and lawful purposes may be issued a crossing permit on such~~

~~terms and conditions as the authorized officer considers necessary to achieve the objectives of this title.~~

~~(d) SPECIAL GRAZING PERMITS OR GRAZING LEASES.—~~

~~(1) IN GENERAL.—A special grazing permit or grazing lease authorizing grazing use by privately owned or controlled indigenous animals may be issued at the discretion of the authorized officer, consistent with multiple-use objectives.~~

~~(2) TERM.—A special grazing permit or grazing lease shall be issued for such a term as the authorized officer considers to be appropriate, not to exceed 10 years.~~

~~(e) NO PRIORITY; NO TRANSFER OR ASSIGNMENT.—An exchange-of-use grazing agreement, nonrenewable grazing permit or grazing lease, crossing permit, or special grazing permit or grazing lease shall have no priority for renewal and may not be transferred or assigned.~~

~~SEC. 135. OWNERSHIP AND IDENTIFICATION OF LIVESTOCK.~~

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

~~(b) COMPLIANCE WITH STATE REQUIREMENTS.—An authorized user shall comply with the requirements of the State in which Federal land is located relating to branding, marking, or tagging of livestock, breed, grade, and number of bulls, health, and sanitation.~~

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

~~(d) FILING OF CONTROL AGREEMENT AND BRAND.—A permittee or lessee that controls but does not own the livestock that graze Federal land shall file with the authorized officer—~~

~~(1) the agreement that gives the permittee or lessee control of the livestock; and~~

~~(2) the brand and other identifying marks on the livestock.~~

~~SEC. 136. TERMS AND CONDITIONS.~~

~~(a) IN GENERAL.—~~

~~(1) SPECIFICATIONS.—An authorized officer shall specify in a grazing permit or grazing lease the kind and number of livestock, the periods of use, the allotments to be used, and the amount of use (stated in animal unit months) for each grazing permit or grazing lease.~~

~~(2) AMOUNT OF USE.—The amount of livestock grazing use that is authorized in a grazing permit or grazing lease shall not exceed the livestock carrying capacity of the Federal land concerned, as determined through monitoring and adjusted as necessary under section 114.~~

~~(3) CANCELLATION, SUSPENSION, OR MODIFICATION.—A grazing permit or grazing lease shall be subject to cancellation, suspension, or modification for any violation of this title or of any term or condition of the grazing permit or grazing lease.~~

~~(b) NO SPECIAL TERMS AND CONDITIONS.—An authorized officer shall not impose any term or condition in a grazing permit or grazing lease other than a term or condition described in subsection (a).~~

~~(c) MODIFICATION.—Following careful and considered consultation, cooperation, and coordination with permittees, lessees, and other affected interests, an authorized officer may modify the terms and conditions of a grazing permit or grazing lease if monitoring data show that the grazing use is not meeting the land use plan or management objectives.~~

~~SEC. 137. FEES AND CHARGES.~~

~~(a) GRAZING FEES.—~~

~~(1) BASIC FEE.—The basic fee for each animal unit month in a grazing fee year shall be equal to the 3-year average of the total gross value of production for livestock, as determined by the National Agricultural Statistics Service of the Department of Agriculture in accordance with paragraph (2) on the basis of economic data published by the Service in the June Agricultural Survey for the 3 years preceding the grazing fee year, multiplied by .06 and divided by 12.~~

~~(2) CRITERIA.—~~

~~(A) IN GENERAL.—The National Agricultural Statistics Service of the Department of Agriculture shall make a determination under paragraph (1) based on the following information gathered from livestock grazing operators, with respect to the largest single grazing lease of each operator (in terms of dollars):~~

~~(i) Whether the operator charged—~~

~~(I) per acre;~~

~~(II) per head per month;~~

~~(III) per pound of gain;~~

~~(IV) per hundredweight of gain;~~

~~or~~

~~(V) by another measure, and the rate charged.~~

~~(ii)(I) The estimated average pounds gained per season for the grazing lease.~~

~~(II) The total dollar amount estimated to be realized from the grazing lease.~~

~~(III) Grazing lease acreage.~~

~~(IV) The State and county where the grazing lease is located.~~

~~(iii) The classes of livestock grazed.~~

~~(iv) The term of the grazing lease.~~

~~(v)(I) Whether grazing lease payments are paid if no grazing occurred.~~

~~(II) Whether the grazing lease contains a take or pay provision.~~

~~(vi) Whether responsibility for the grazing lease is ensured by daily livestock care, water supply, or other factors.~~

~~(B) PRIVATE NATIVE RANGELAND.—For the purpose of determining rates for grazing leases of private native rangeland, rates for irrigated pasture, crop aftermath, and dryland winter wheat shall be excluded.~~

~~(3) SURCHARGE.—~~

~~(A) IN GENERAL.—A surcharge shall be added to the grazing fee billings for authorized grazing of livestock owned by a person other than a permittee or lessee unless—~~

~~(i) the grazing use is made by livestock owned by a spouse, son, daughter, grandson, or granddaughter of the permittee and lessee; or~~

~~(ii) the operator is unable to make full grazing use, as authorized by a grazing permit or grazing lease, due to the age or death of the primary operator.~~

~~(B) PAYMENT IN ADVANCE.—A surcharge shall be paid prior to grazing use.~~

~~(C) LIVESTOCK OWNED BY OTHERS.—A surcharge for authorized pasturing of livestock owned by a person other than a permittee or lessee shall be equal to 25 percent of the difference between the current year's Federal grazing fee and the prior year's private grazing land lease rate per year for the appropriate State, as determined by the National Agricultural Statistics Service in accordance with paragraph (2).~~

~~(4) PAYMENT.—~~

~~(A) DUE DATE.—A grazing fee shall be due on the due date specified in the billing notice.~~

~~(B) PAYMENT PRIOR TO USE.—A grazing fee shall be paid prior to grazing use.~~

~~(C) BILLING AFTER GRAZING SEASON.—If an allotment management plan provides for billing after the grazing season, a grazing fee shall be based on actual grazing use and shall be due upon issuance.~~

~~(5) REFUNDS.—~~

~~(A) IN GENERAL.—A grazing fee may be refunded if an application for change in grazing use and related refund is filed prior to the period of use for which the refund is requested.~~

~~(B) FAILURE TO MAKE GRAZING USE.—~~

~~(i) IN GENERAL.—Except as provided in subparagraph (B), no refund shall be made for failure to make grazing use.~~

~~(ii) RANGE DEPLETION OR DISEASE.—During a period of range depletion due to drought, fire, or other natural cause, or in case of a general spread of disease among the livestock that occurs dur-~~

~~ing the term of a grazing permit or grazing lease, an authorized officer may credit or refund a grazing fee in whole or in part or postpone fee payment for as long as the emergency exists.~~

~~(b) OTHER FEES AND CHARGES.—~~

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

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

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

~~(c) REPEAL AND SUPERSEDURE.—~~

~~(1) REPEAL.—Section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is repealed.~~

~~(2) SUPERSEDURE.—This section supersedes Executive Order 12548 (43 U.S.C. 1905 note) effective March 1, 1996.~~

~~(d) APPLICATION OF SECTION.—This section applies to the management of livestock grazing on Federal land by the Secretary of Agriculture, acting through the Chief of the Forest Service, as well as to the Secretary.~~

~~SEC. 138. PLEDGE OF GRAZING PERMITS OR GRAZING LEASES AS SECURITY FOR LOANS.~~

~~(a) RENEWAL.—A grazing permit or grazing lease that has been pledged as security for a loan from a lending agency shall be renewed by the authorized officer for a period of not to exceed 15 years if—~~

~~(1) the loan is for the purpose of furthering the permittee's or lessee's livestock operation;~~

~~(2) the permittee or lessee has complied with this title; and~~

~~(3) renewal would be in accordance with other applicable laws.~~

~~(b) EFFECT OF PLEDGE.—The pledging of a grazing permit or grazing lease as security for a loan from a lending agency shall not exempt the grazing permit or grazing lease from this title.~~

~~Subtitle E—Civil Violations and Failures of Compliance~~

~~SEC. 141. CIVIL VIOLATIONS AND FAILURES OF COMPLIANCE.~~

~~(a) SCOPE OF SECTION.—~~

~~(1) IN GENERAL.—This section states all of the violations and failures of compliance that pertain specifically to livestock grazing on Federal land that may result in imposition of a sanction described in subsection (c) against a person in the person's capacity as a permittee, lessee, or applicant for a grazing permit or grazing lease.~~

~~(2) OTHER VIOLATIONS.—A permittee, lessee, or applicant for a grazing permit or grazing lease that commits a violation relating to Federal land under a law that applies to all persons generally shall be subject to penalty under that law.~~

~~(b) IN GENERAL.—A person that does 1 of the following shall be subject to a civil sanction under subsection (c):~~

~~(1) Fails to make substantial grazing use as authorized by a grazing permit or grazing lease for 2 consecutive fee years.~~

~~(2) Places supplemental feed on land covered by a grazing permit or grazing lease without authorization.~~

~~(3) Fails to comply with a term, condition, or stipulation of a range improvement cooperative agreement or range improvement permit.~~

~~(4) Enters into an unauthorized sublease.~~

~~(5) Allows livestock or another privately owned or controlled animal to graze on or be driven across Federal land—~~

~~(A) without a grazing permit, grazing lease, or other grazing use authorization;~~

~~(B) in violation of a term or condition of a grazing permit, grazing lease, or other grazing use authorization, including a provision stating the number of livestock covered by the authorization;~~

~~(C) in an area or at a time different from that authorized; or~~

~~(D) if the livestock is not identified in compliance with section 135.~~

~~(6) Installs, uses, modifies, or removes a range improvement on Federal land without authorization.~~

~~(7) Damages or removes Federal Government property from Federal land without authorization.~~

~~(8) Molests livestock authorized to graze on Federal land.~~

~~(9) Interferes with a lawful grazing use or lawful user.~~

~~(10) Knowingly or willfully makes a false statement or representation in a base property certification, grazing application, range improvement permit application, cooperative agreement, or actual use report, or an amendment thereto.~~

~~(11) Grazes livestock on Federal land not substantially in compliance with State livestock requirements relating to—~~

~~(A) branding, marking, or tagging of livestock;~~

~~(B) breed, grade, or number of bulls; or~~

~~(C) health or sanitation.~~

~~(c) PENALTIES.—~~

~~(1) IN GENERAL.—In a case of a violation or failure of compliance described in subsection (b), an authorized officer may—~~

~~(A) withhold issuance of a grazing permit or grazing lease for a period of time;~~

~~(B) suspend the grazing use authorized under a grazing permit or grazing lease for a period of time, in whole or in part; or~~

~~(C) cancel a grazing permit or grazing lease and grazing preference, or a free-use grazing permit or other grazing authorization, in whole or in part.~~

~~(2) SECOND OR SUBSEQUENT WILLFUL VIOLATION.—In a case of a second or subsequent willful civil violation described in subsection (a), an authorized officer shall—~~

~~(A) suspend the grazing use authorized under a grazing permit for a period of time, in whole or in part; or~~

~~(B) cancel a grazing permit or grazing lease and grazing preference, in whole or in part.~~

~~(3) CONSIDERATION OF SEVERITY.—A determination of the length of time that a grazing permit or grazing lease will be withheld or suspended or that a grazing permit or grazing lease will be canceled shall reflect the severity of the violation or failure of compliance.~~

~~(4) REFERRAL FOR ACTION UNDER SUBTITLE F.—If a person other than a permittee or lessee violates subsection (a)(5), and the person has not made satisfactory settlement under section 153, the authorized officer shall refer the matter to proper au-~~

~~thorities for appropriate legal action by the United States against the violator under subtitle F.~~

~~(5) SUBLEASES.—~~

~~(A) IN GENERAL.—A person who violates subsection (b)(4) shall be required to pay to the United States the dollar equivalent value, as determined by the authorized officer, of all compensation received for the sublease that is in excess of the sum of the established grazing fee and the cost incurred by the person for the installation and maintenance of authorized range improvements.~~

~~(B) FAILURE TO PAY.—If the dollar equivalent value is not received by the authorized officer within 30 days of receipt of a final decision, the grazing permit or grazing lease shall be canceled.~~

~~(C) ADDITIONAL PENALTY.—Payment under this paragraph shall be in addition to any other penalties the authorized officer may impose under this subsection.~~

~~(6) FAILURE TO USE.—After consultation, cooperation, and coordination, the authorized officer may cancel a grazing preference to the extent of failure to use when a permittee or lessee has failed to~~

make substantial grazing use as authorized for 2 consecutive years.

Subtitle F—Unauthorized Grazing Use

SEC. 151. LIABILITY FOR DAMAGES.

(a) IN GENERAL.—A person who commits a violation described in section 141(a)(5) shall be liable in damages to the United States for—

(1) the value of forage consumed by the livestock of the person;

(2) injury to Federal property caused by unauthorized grazing use; and

(3) expenses incurred in impoundment and sale of the person's livestock.

(b) NO LIABILITY.—In no circumstances shall a person be liable for damages to the United States for expenses incurred in impoundment or sale of the person's livestock if the person did not commit a violation of section 141(a)(5) or if the impoundment or sale was not conducted in accordance with State law.

SEC. 152. NOTICE AND ORDER TO REMOVE.

(a) KNOWN OWNER.—

(1) SERVICE.—When it appears that a violation described in section 151 has occurred or is occurring and the owner of the unauthorized livestock is known, an authorized officer shall serve written no-

~~tice of unauthorized use and an order to remove livestock by a specified date on the owner (or the owner's agent of record) by certified mail or personal delivery.~~

~~(2) OPPORTUNITY TO RESPOND.—Written notice under paragraph (1) shall allow a specified time from receipt of notice for the livestock owner to—~~

~~(A) show that there has been no violation; or~~

~~(B) make settlement under section 153.~~

~~(b) UNKNOWN OWNER.—When it appears that a violation described in section 151 has occurred or is occurring and neither the owner or the unauthorized livestock nor an agent of the owner is known, an authorized officer may immediately proceed to impound the livestock under section 154.~~

~~SEC. 153. SETTLEMENT.~~

~~(a) DETERMINATION OF WILLFULNESS.—An authorized officer shall determine whether a violation described in section 151 is a nonwillful, willful, or second or subsequent willful violation.~~

~~(b) SECOND OR SUBSEQUENT WILLFUL VIOLATIONS.—In the case of a second or subsequent willful violation, the authorized officer shall—~~

~~(1) suspend the grazing use authorized under a grazing permit or grazing lease, in whole or in part; or~~

~~(2) cancel a grazing permit or grazing lease and grazing preference, or a free-use grazing permit or other grazing authorization, in whole or in part.~~

~~(c) SETTLEMENT AMOUNT.—Except as provided in subsection (e), the settlement amount in the case of a violation described in section 151 shall include—~~

~~(1) the value of forage consumed as determined under subsection (d);~~

~~(2) the full value for all damage to Federal land and other property of the United States resulting from the violation; and~~

~~(3) all reasonable expenses incurred by the United States in detecting, investigating, and resolving the violation, and livestock impoundment costs.~~

~~(d) VALUE OF FORAGE.—~~

~~(1) NONWILLFUL VIOLATION.—In the case of a nonwillful violation, the value of forage consumed shall be the product of—~~

~~(A) average monthly rate per animal unit month for pasturing livestock on privately owned land (excluding irrigated land) for the 16~~

~~western States as published annually by the Department of Agriculture; and~~

~~(B) the period of the violation.~~

~~(2) WILLFUL VIOLATIONS.—In the case of a willful violation, the value of forage consumed shall be twice the value determined under paragraph (1).~~

~~(3) SECOND OR SUBSEQUENT WILLFUL VIOLATIONS.—In the case of a second or subsequent willful violation, the value of forage consumed shall be 3 times the value determined under paragraph (1).~~

~~(e) NONMONETARY SETTLEMENT.—An authorized officer may approve a nonmonetary settlement of a case of a violation described in section 151 if the authorized officer determines that each of the following conditions is satisfied:~~

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

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

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

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

~~(f) EFFECT OF SETTLEMENT.—Payment of a settlement amount under this section shall not relieve the violator of any criminal liability under Federal or State law.~~

~~(g) NO GRAZING USE.—A person who is found to have committed a violation described in section 151 shall not be authorized to make grazing use until any settlement amount found to be due under this section has been paid.~~

~~(h) OTHER SANCTIONS.—An authorized officer may cancel or suspend a grazing authorization or deny approval of an application for grazing use until a settlement amount found to be due under this section has been paid.~~

~~SEC. 154. IMPOUNDMENT AND SALE.~~

~~(a) IN GENERAL.—Subject to section 152(b), unauthorized livestock remaining on Federal land after the date specified in a notice and order under section 152(a) may be impounded and sold by the authorized officer, acting in conjunction with the State Livestock Board.~~

~~(b) NOTICE OF INTENT TO IMPOUND.—~~

~~(1) KNOWN OWNER.—~~

~~(A) SERVICE.—A written notice of intent to impound shall be sent by certified mail or personally delivered to the livestock owner (or the owner's agent).~~

~~(B) CONTENTS.—The written notice shall state that unauthorized livestock on specified Federal land may be impounded any time after 10 days following delivery of the notice.~~

~~(2) UNKNOWN OWNER.—~~

~~(A) PUBLICATION AND POSTING.—If the livestock owner and owner's agent are unknown, or if both a known owner and the owner's agent refuse to accept delivery of notice, a notice of intent to impound shall be published in a local newspaper and posted at the county courthouse and a post office near the Federal land concerned.~~

~~(B) CONTENTS.—The notice shall state that unauthorized livestock on specified Federal land may be impounded any time after 10 days following publication and posting of the notice.~~

~~(c) IMPOUNDMENT.—After 10 days following delivery or publication and posting of a notice under subsection (b), the notice shall become effective, and unauthorized livestock may be impounded without further notice any time with the 12-month period following the effective date of the notice.~~

~~(d) NOTICE OF PUBLIC SALE.—~~

~~(1) IN GENERAL.—Following the impoundment of livestock under this section, the livestock may be sold by the authorized officer or, if a suitable agreement is in effect, turned over to the State for sale, in accordance with subsection (f).~~

~~(2) NOTIFICATION.—Any known livestock owner (or owner's agent) shall be notified in writing by certified mail or by personal delivery of the sale and the procedure by which the impounded livestock may be redeemed prior to the sale.~~

~~(e) REDEMPTION.—An owner (or owner's agent) or lienholder of record of impounded livestock may redeem the livestock in accordance with State law, prior to the time of sale upon settlement with the United States under section 153 or adequate showing that there has been no violation.~~

~~(f) SALE.—If livestock are not redeemed on or before the date and time fixed for sale, the livestock shall be offered at public sale to the highest bidder by the authorized officer under State law, or by the State.~~

~~Subtitle G—Procedure~~

~~SEC. 161. PROPOSED DECISIONS.~~

~~(a) PROPOSED DECISIONS ON GRAZING PERMITS OR GRAZING LEASES.—~~

~~(1) SERVICE ON APPLICANTS, PERMITTEES, LESSEES, AND LIENHOLDERS.—In the absence of a written agreement between an authorized officer and any applicant, grazing permittee, lessee, or lienholder, the authorized officer shall serve, by certified mail or personal delivery, a proposed decision on any applicant, permittee, lessee, or lienholder (or agent of record of the applicant, permittee, lessee, or lienholder) that is affected by—~~

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

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

~~(2) CONTENTS.—A proposed decision described in paragraph (1) shall—~~

~~(A) state reasons for the action, including reference to pertinent provision of this title or other applicable law (including regulations); and~~

~~(B) state that any protest to the proposed decision must be filed not later than 15 days after service.~~

~~(b) PROPOSED DECISIONS ON ALLEGED VIOLATIONS.—~~

~~(1) SERVICE.—If the authorized officer determines that a permittee or lessee appears to have violated any provision of this title, the authorized officer shall serve a proposed decision on the permittee or lessee (or permittee's or lessee's agent) by certified mail or personal delivery.~~

~~(2) CONTENTS.—A proposed decision shall—~~

~~(A) state—~~

~~(i) the alleged violation and refer to the specific provision of this title that is alleged to have been violated;~~

~~(ii) the reasons for the proposed decision;~~

~~(iii) the fee due under section 137(a) or settlement amount due under section 153; and~~

~~(iv) any civil penalty to be imposed under section 141; and~~

~~(B) state that any protest to the proposed decision must be filed not later than 15 days after service.~~

~~SEC. 172. PROTESTS.~~

~~An applicant, permittee, lessee, or other affected interest may protest a proposed decision under section 161~~

~~in person or in writing to the authorized officer within 15 days after service of the proposed decision.~~

~~SEC. 163. FINAL DECISIONS.~~

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

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

~~(c) SERVICE.—After reviewing the protest, the authorized officer shall serve a final decision on the parties to the proceeding.~~

~~SEC. 164. APPEALS.~~

~~(a) IN GENERAL.—In the case of a final decision of an authorized officer with respect to which a protest under section 162 was timely filed, a permittee, lessee, or affected interest may appeal the final decision for the purpose of a hearing before an administrative law judge by filing a notice of appeal in the office of the authorized officer within 30 days after the service of the final decision.~~

~~(b) SUSPENSION PENDING APPEAL.—~~

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

~~(2) EFFECTIVENESS PENDING APPEAL.—~~

~~(A) IN GENERAL.—A District Manager of the Bureau of Land Management may order that a decision on a grazing permit application shall remain in effect during an appeal of the decision if it is determined that imminent and irreversible damage to land resources would be likely to result from delay of effectiveness of the decision.~~

~~(B) BASIS OF ORDER.—An order under subparagraph (A) shall be made in accordance with—~~

~~(i) state-of-the-art science;~~

~~(ii) information and opinions offered by State land grant universities; and~~

~~(iii) the preponderance of evidence gathered in the proceeding.~~

~~(c) EXPEDITIOUS DISMISSAL OF NONMERITORIOUS APPEALS.—The District Manager shall—~~

~~(1) examine each appeal as soon as practicable after it is filed; and~~

~~(2) expeditiously dismiss an appeal that does not raise a substantially meritorious issue.~~

~~(d) AUTHORITY.—A final decision of an appeal shall be issued by a District Manager.~~

~~Subtitle H—Advisory Committees~~

~~SEC. 171. PURPOSE.~~

~~This subtitle contains standards and procedures for the establishment, operation, and termination of advisory committees to advise the Secretary on matters relating to grazing on Federal land and resources under the administrative jurisdiction of the Bureau of Land Management.~~

~~SEC. 172. OBJECTIVE.~~

~~The objective of an advisory committee established under this subtitle is to provide to the Secretary expert recommendations of concerned, knowledgeable citizens and public officials regarding—~~

~~(1) the formulation of operating guidelines; and~~

~~(2) the preparation and execution of plans and programs for the use and management of Federal land, the natural and cultural resources on Federal land, and the environment.~~

~~SEC. 173. RELATION TO OTHER LAW.~~

~~Except to the extent that the following laws may be inconsistent with this subtitle, the following laws shall~~

~~apply to an advisory committee established under this subtitle:~~

~~(1) The Federal Advisory Committee Act (5 U.S.C. App.).~~

~~(2) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).~~

~~(3) Section 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App.).~~

~~SEC. 174. POLICY.~~

~~(a) IN GENERAL.—After consultation, cooperation, and coordination with State and local government officials, the Secretary shall establish advisory committees representative of major citizens' interests to advise the Secretary regarding policy formulation, program planning, decisionmaking, attainment of program objectives, and achievement of improved program coordination and economies in the management of Federal land and resources.~~

~~(b) OPTIMAL EMPLOYMENT.—The Secretary shall ensure that—~~

~~(1) advisory committees are optimally utilized; and~~

~~(2) the number of advisory committees is limited to the number that is essential to the conduct of the public's business.~~

~~**SEC. 175. GENERAL PROVISIONS.**~~

~~(a) CHARTERS.—~~

~~(1) IN GENERAL.—For each advisory committee established by the Secretary, the Secretary shall—~~

~~(A) prepare a charter describing the advisory committee's structure and functions; and~~

~~(B) file the charter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.~~

~~(2) AMENDMENT.—Except for the correction of errors and other minor changes, a charter filed under paragraph (1) shall not be amended without authorization by an Act of Congress.~~

~~(b) CALLS FOR NOMINATIONS.—Candidates for appointment to an advisory committee shall be sought through public calls for nominations made through publication in the Federal Register and through media releases and systematic contacts with State and local government officials and individuals and organizations interested in the use and management of Federal land and resources.~~

~~(c) COMPOSITION.—~~

~~(1) STRUCTURE.—An advisory committee shall be structured—~~

~~(A) to provide fair membership balance (geographic and interest-specific) in terms of~~

~~the functions to be performed and points of view to be represented, as prescribed by the advisory committee's charter; and~~

~~(B) to provide representative advice about Federal land and resource planning, retention, management, and disposal.~~

~~(2) NO DISCRIMINATION.—No person shall be denied an opportunity to serve on an advisory committee because of race, age, sex, religion, or national origin.~~

~~(3) QUALIFICATIONS.—A person shall be qualified to serve on an advisory committee if—~~

~~(A) the person's education, training, or experience enables the person to give informed and objective advice regarding an industry, discipline, or interest specified in the committee's charter;~~

~~(B) the person has demonstrated experience or knowledge of the geographical area under the purview of the advisory committee; and~~

~~(C) the person has demonstrated a commitment to seeking consensus solutions to resource management issues.~~

~~(d) AVOIDANCE OF CONFLICTS OF INTEREST.—~~

~~(1) PARTICIPATION IN DELIBERATIONS.—An advisory committee member shall not participate in deliberations or vote on any matter if the decision of the matter would, on its face or as applied, affect only an interest held by that member and not the interests of permittees, lessees, or other affected interests generally.~~

~~(2) DISCLOSURE OF INTERESTS.—~~

~~(A) IN GENERAL.—Each member of an advisory committee shall be required to disclose the member's direct or indirect interest in grazing leases, licenses, permits, contracts, or claims and related litigation that involve lands or resources administered by the Secretary.~~

~~(B) DEFINITION.—In this paragraph, the term ''indirect interest'' includes holdings of a spouse or dependent children of a member.~~

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

~~(1) the member—~~

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

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

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

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

~~(f) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—A member of an advisory committee shall not receive any compensation or reimbursement of expenses in connection with the performance of the member's duties as a member of the advisory committee.~~

~~SEC. 176. RESOURCE ADVISORY COUNCILS.~~

~~(a) RESOURCE ADVISORY COUNCIL FOR EACH GRAZING DISTRICT.—The Secretary, after consultation, cooperation, and coordination with the State and affected counties, shall appoint not fewer than 9 nor more than 15 persons to serve on a resource advisory council for each grazing district.~~

~~(b) MEMBERSHIP.—~~

~~(1) REPRESENTATION OF INTERESTS.—The members of a resource advisory council shall be selected from among persons that represent historical use, multiple uses, affected landowners, county social and economic interests, elected State and county officers, and the public at large.~~

~~(2) PERMITTEES AND LESSEES.—Permittees and lessees may be appointed to serve on a resource advisory council.~~

~~(3) RESIDENCY.—Members of a resource advisory council shall be residents of the State in which the grazing district is situated.~~

~~(4) TERMS.—~~

~~(A) IN GENERAL.—A member of a resource advisory council shall serve a 3-year term, except that as nearly as possible one-third of the initial members shall be appointed for a 1-year term and one-third of the initial members shall be appointed for a 2-year term.~~

~~(B) MEMBERS EX OFFICIO.—On the departure from elective office of a member of a resource advisory council who was appointed on the basis of the member's status as an elected official of general purpose government serving the people of the grazing district for which the resource advisory council is established prior to the end of the member's term, the newly elected official shall serve the remainder of the member's term.~~

~~(C) VACANCIES.—A vacancy occurring by reason of removal, resignation, or death of a~~

~~member of a resource advisory council shall be filled for the balance of the member's term using the same method by which the member was appointed.~~

~~(D) REAPPOINTMENT.—~~

~~(i) SECOND CONSECUTIVE TERM.—A member of a resource advisory council who has served a 3-year term on a resource advisory council may be reappointed to a second consecutive 3-year term.~~

~~(ii) SUBSEQUENT TERM.—A member of a resource advisory council who has served 2 consecutive 3-year terms may be subsequently reappointed no earlier than 3 years after the member's last date of membership on that resource advisory council, except that the Secretary may reappoint the member to a 1-year term if the Secretary determines that the member's continued or renewed service on the resource advisory council is in the public interest and is critical to the effective functioning of the resource advisory council.~~

~~(E) DATE OF APPOINTMENT.—For the purpose of eligibility for reappointment under~~

~~subparagraph (C) or (D), an appointment shall be considered to be made on January 1 of the first year of the term to which a member is appointed regardless of the date on which the appointment is actually made.~~

~~(c) RESPONSIBILITIES.—~~

~~(1) IN GENERAL.—A resource advisory council shall have the responsibility of advising the Secretary and appropriate State officials on major management decisions while working within the broad management goals established for the grazing district.~~

~~(2) LAND USE PLANS.—A resource advisory council shall advise the Secretary regarding the preparation, amendment, and implementation of land use plans for Federal land and resources within the grazing district.~~

~~(3) ALLOCATION AND EXPENDITURE OF FUNDS.—Except for the purposes of long-range planning and the establishment of resource management priorities, a resource advisory council shall not provide the Secretary advice regarding—~~

~~(A) the allocation or expenditure of funds; or~~

~~(B) personnel actions.~~

~~(d) DISREGARD OF ADVICE.—~~

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

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

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

~~(B) be subject to appeal.~~

~~(e) ADMINISTRATIVE SUPPORT.—Administrative support for a resource advisory council shall be provided by the office of the authorized officer.~~

~~SEC. 177. GRAZING ADVISORY COUNCILS.~~

~~(a) GRAZING ADVISORY COUNCIL FOR EACH GRAZING DISTRICT.—The Secretary, in consultation with the State and affected counties, shall appoint not fewer than 5 nor more than 9 persons to serve on a grazing advisory council for each grazing district.~~

~~(b) MEMBERSHIP.—~~

~~(1) REPRESENTATION OF INTERESTS.—The members of a grazing advisory council shall be selected from among persons that represent permittees, lessees, affected landowners, county social and economic interests, and elected State and county officers.~~

~~(2) PERMITTEES AND LESSEES.—Permittees and lessees shall constitute the majority of the membership of a grazing advisory council.~~

~~(3) RESIDENCY.—Members of a grazing advisory council shall be residents of a community within or adjacent to the grazing district.~~

~~(4) TERMS.—An appointment to a grazing advisory council shall be for a 2-year term.~~

~~(5) REAPPOINTMENT.—A member of a grazing advisory council may be appointed to additional terms.~~

~~(c) RESPONSIBILITIES.—A grazing advisory council shall set range improvement objectives, advise on the expenditure of range improvement funds under the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.), advise on grazing management programs and implementation, and address range management decisions and actions at the allotment management plan level or permit management plan level.~~

~~(d) DISREGARD OF ADVICE.—~~

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

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

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

~~(B) be subject to appeal.~~

~~SEC. 178. MEETINGS.~~

~~(a) IN GENERAL.—All meetings of an advisory committee and associated field examinations shall be open to the public and news media.~~

~~(b) NOTICE OF MEETINGS.—~~

~~(1) IN GENERAL.—A notice of a meeting of an advisory committee shall be published in the Federal Register and distributed to the news media at least 30 days in advance of the meeting.~~

~~(2) URGENT MATTERS.—If an urgent matter arises, a notice of a meeting of an advisory committee shall be published in the Federal Register and distributed to the news media at least 15 days in advance of the meeting.~~

~~(3) CONTENTS.—A notice of a meeting of an advisory committee shall state the date, time, and place of the meeting and describe the topics or issues to be discussed at the meeting.~~

~~(c) APPEARANCES.—Any person may appear before or file a statement with an advisory committee regarding matters on the meeting agenda.~~

~~(d) SCHEDULING.—The scheduling of meetings of an advisory committee and the preparation of agenda shall be done in a manner that encourages and facilitates public attendance and participation.~~

~~(e) EXTENSION OF TIME.—The amount of time scheduled for a meeting of an advisory committee may be extended if an authorized officer considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.~~

~~(f) AUTHORITY TO SCHEDULE.—An advisory committee shall meet only at the call of the Secretary or of an authorized officer.~~

~~(g) ATTENDANCE BY AUTHORIZED OFFICER.—No meeting of an advisory committee shall be held in the absence of an authorized officer or designee of an authorized officer.~~

~~(h) AGENDA.—A meeting of an advisory committee shall be conducted with close adherence to the agenda approved in advance by an authorized officer.~~

~~(i) ADJOURNMENT.—An authorized officer may adjourn a meeting of an advisory committee at any time if—~~

~~(1) continuance would be inconsistent with the purpose for which the meeting was called or with the rules established for the conduct of the advisory committee; or~~

~~(2) adjournment is determined to be in the public interest.~~

~~(j) RECORDS.—~~

~~(1) IN GENERAL.—Detailed records shall be kept of each meeting of an advisory committee.~~

~~(2) REQUIREMENTS.—The records of a meeting of an advisory committee shall include, at a minimum—~~

~~(A) the time and place of the meeting;~~

~~(B) copies of the Federal Register and other public notices announcing the meeting;~~

~~(C) a list of members of the advisory committee and of Federal employees (in the capacity of Federal employee) present;~~

~~(D) a list of members of the public present, and a description of the interest represented by each member;~~

~~(E) the meeting agenda;~~

~~(F) a complete summary description of matters discussed and conclusions reached;~~

~~(G) a list of recommendations made by the advisory committee;~~

~~(H) copies of all reports received, issued, or approved by the advisory committee; and~~

~~(I) a description of the nature of public participation.~~

~~(3) CERTIFICATION BY CHAIRPERSON.—The Chairperson of an advisory committee shall certify the accuracy of the records of the advisory committee.~~

~~(4) AVAILABILITY FOR INSPECTION AND COPYING.—All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection~~

~~and copying in the Federal office responsible for support of the advisory committee.~~

~~(k) SUBCOMMITTEES.—Each of the requirements of this section that applies to an advisory committee applies to any subcommittee of an advisory committee.~~

~~SEC. 179. CONFORMING AMENDMENT AND REPEAL.~~

~~(a) AMENDMENT.—The third sentence of section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended by striking ''district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)'' and inserting ''grazing advisory councils established under section 177 of the Livestock Grazing Act''.~~

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

~~Subtitle I—Reports~~

~~SEC. 181. REPORTS.~~

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

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

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

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

~~(c) SUSPENSION OF IMPLEMENTATION OF OTHER LAW IN ABSENCE OF REPORT.—During any period in which a report due to be submitted under subsection (a) has not been submitted in accordance with the requirements of this section, the Secretary shall conduct livestock grazing management on Federal land without regard to any law other than a statute cited in section 102.~~

~~TITLE II—GRASSLAND~~

~~SEC. 201. REMOVAL OF GRASSLANDS FROM NATIONAL FOREST SYSTEM.~~

~~(a) FINDINGS.—Congress finds that the inclusion of the National Grasslands (and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act) within the National Forest System constrains the Secretary of Agriculture in managing the National~~

~~Grasslands as intended under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).~~

~~(b) AMENDMENT OF THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.—Section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) is amended in the second sentence by striking ''the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012),''.~~

~~(c) AMENDMENT OF THE BANKHEAD-JONES FARM TENANT ACT.—Section 31 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010) is amended by adding the following:~~

~~''SEC. 31. LAND CONSERVATION AND LAND UTILIZATION.~~

~~''(a) PROGRAM.~~

~~''(1) IN GENERAL.—To accomplish the purposes of the Livestock Grazing Act, the Secretary shall develop a program of land conservation and utilization as a basis for grassland agriculture, to promote secure occupancy and economic stability of farms, and thus assist in controlling soil erosion, preserving natural resources, protecting fish and wildlife, developing and protecting recreational facilities, mitigating flood damage, preventing impairment of dams and~~

~~reservoirs, developing energy resources, protecting the watersheds of navigable streams, conserving surface and subsurface moisture, and protecting public land, health, safety and welfare.~~

~~''(2) LIMITATION.—In carrying out paragraph (1), the Secretary shall not build an industrial park or establish a private industrial or commercial enterprise.~~

~~''(b) LIVESTOCK GRAZING LEASES.—The Secretary, in cooperation and coordination with grazing associations, shall issue renewable livestock grazing leases to achieve the land conservation and utilization goals of this section.''.~~

~~(d) CONSERVATION PROGRAMS.—In managing livestock grazing on National Grasslands under title I, the Secretary of the Interior may continue to establish and implement conservation programs authorized by title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.)~~

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Public Rangelands Management Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

SUBTITLE A—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Application of title.
Sec. 103. Objective.
Sec. 104. Definitions.
Sec. 105. Fundamentals of rangeland health.
Sec. 106. Land use plans.
Sec. 107. Rule of construction.

SUBTITLE B—QUALIFICATIONS AND GRAZING PREFERENCES

Sec. 111 Mandatory qualifications.
Sec. 112. Acquired land.
Sec. 113. Grazing preferences.
Sec. 114. Changes in grazing preference status.
Sec. 115. Changes in Federal land acreage.

SUBTITLE C—GRAZING MANAGEMENT

Sec. 121. Allotment management plans.
Sec. 122. Range improvements.
Sec. 123. Water rights.
Sec. 124. Management of grazing on land under the jurisdiction of other departments and agencies.

SUBTITLE D—AUTHORIZATION OF GRAZING USE

Sec. 131. Applications.
Sec. 132. Grazing permits or grazing leases.
Sec. 133. Free-use grazing permits.
Sec. 134. Other grazing authorizations.
Sec. 135. Ownership and identification of livestock.
Sec. 136. Terms and conditions.
Sec. 137. Fees and charges.
Sec. 138. Pledge of grazing permits or grazing leases as security for loans.

SUBTITLE E—CIVIL VIOLATIONS AND FAILURES OF COMPLIANCE

Sec. 141. Civil violations and failures of compliance.

SUBTITLE F—UNAUTHORIZED GRAZING USE

Sec. 151. Liability for damages.
Sec. 152. Notice and order to remove.
Sec. 153. Settlement.
Sec. 154. Impoundment and sale.

SUBTITLE G—PROCEDURE

Sec. 161. Proposed decisions.
Sec. 162. Protests.
Sec. 163. Final decisions.
Sec. 164. Appeals.

SUBTITLE H—ADVISORY COMMITTEES

Sec. 171. Purpose.
Sec. 172. Objective.
Sec. 173. Relation to other law.
Sec. 174. Policy.
Sec. 175. General provisions.
Sec. 176. Resource advisory councils.
Sec. 177. Grazing advisory boards.
Sec. 178. Meetings.
Sec. 179. Conforming amendment and repeal.

SUBTITLE I—REPORTS

Sec. 181. Reports.

TITLE II—GRASSLAND

Sec. 201. Removal of grasslands from National Forest System.

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments and repeals made by this Act shall become effective on March 1, 1996.

(b) INTERIM PROVISION.—Until the effective date specified in subsection (a), management of livestock grazing on Federal land shall be conducted in accordance with the law (including regulations) in effect on May 18, 1995.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

Subtitle A—General Provisions

SEC. 101. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) through the cooperative and concerted efforts of the Federal rangeland livestock industry, Federal and State land management agencies, and the general public, the Federal rangelands are in the best condi-

tion they have been in during this century, and their condition continues to improve;

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

(3) further efforts to assist in developing and nurturing that cooperation at all levels of government are important, and those efforts will provide long-term benefits to the Nation's rangeland and their related resources;

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

(5) to promote the economic, cultural, and social well being of western States, rural communities in the western States, and the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and grazing leases on Federal land that is based on a formula that—

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

(B) promotes continuing cooperative stewardship efforts;

(6) opportunities exist for improving efficiency in the administration of the range programs on Federal land, and those opportunities should be pursued with goals of—

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

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

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

(8) incentives for greater local input into the management of the public rangelands as well as incentives to encourage private investment in improvement of the public rangelands will assist in those efforts and are in the best interests of the United States;

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

which rangelands managed by the Secretary of the Interior and the Secretary of Agriculture are situated;

(10) maintaining the economic viability of the western livestock industry is essential to maintaining open space and habitat for big game, wildlife, and fish, but currently there are pressures to sell the base property of the Federal land ranches for subdivision or other development, which would reduce or remove the available open space and fish and wildlife habitat;

(11) since the enactment of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the amendment of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) by the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Secretary of the Interior and the Secretary of Agriculture have been charged with developing land use plans that are consistent with land use plans adopted by State, local, and tribal governments, but to date the planning efforts have not produced land use plans for Federal land that are in fact consistent with State, local, or tribal planning;

(12) the levels of livestock grazing that were authorized to be permitted as of August 1, 1993 are con-

sistent with this title and may be increased or decreased, as appropriate, consistent with this title;

(13) it is a goal of this title to maintain and improve the condition of riparian areas which are critical to wildlife habitat and water quality; and

(14) multiple use, as set forth in current law, has been and continues to be a guiding principle in the management of public lands and national forests.

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

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

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

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

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

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

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

SEC. 102. APPLICATION OF ACT.

This title applies to—

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

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

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

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

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

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

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

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

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

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

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

(3) management of grazing by the Secretary on behalf of the head of another department or agency under a memorandum of understanding under section 125.

Nothing in this title authorizes grazing in any unit of the National Park System, National Wildlife Refuge System, or on any other Federal lands where such use is prohibited by statute, nor supersedes or amends any limitation on the levels of use for grazing that may be specified in other Federal law, nor expands or enlarges any such prohibition or limitation.

SEC. 103. OBJECTIVE.

The objective of this title is to achieve—

(1) orderly use, improvement, and development of Federal land;

(2) enhancement of productivity of Federal land by conservation of forage resources and reduction of soil erosion and by proper management of other resources such as by control of woody species invasion;

(3) stabilization of livestock industry dependent on the public rangeland;

(4) performance of an inventory and categorization of public rangelands on the basis of proven scientific monitoring of range conditions and trends;

(5) consideration of wildlife populations and habitat, consistent with land-use plans, multiple-use, sustained yield, environmental values, and economic and other objectives stated in the Acts cited in section 102; and

(6) promotion of healthy, sustained rangeland.

SEC. 104. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) ACTIVE USE.—The term ''active use'' means the amount of authorized livestock grazing use made at any time.

(2) ACTUAL USE.—The term ''actual use'' means the number of kinds of classes of, and the length of time that livestock graze on, an allotment.

(3) ACTUAL USE REPORT.—The term ''actual use report'' means a report of the actual use submitted by a permittee or lessee.

(4) ALLOTMENT.—The term ''allotment'' means an area of designated Federal land that includes management for grazing of livestock.

(5) ALLOTMENT MANAGEMENT PLAN.—The term ''allotment management plan''—

(A) means a documented program that applies to livestock grazing on an allotment; and

(B) includes such a documented plan that is included in an activity plan that governs grazing as well as other activities on Federal land.

(6) AUTHORIZED OFFICER.—The term ''authorized officer'' means a person authorized by the Secretary to administer this title, the Acts cited in section 102, and regulations issued under this title and those Acts.

(7) BASE PROPERTY.—The term ''base property'' means—

(A) private land that has the capability of producing crops or forage that can be used to support authorized livestock for a specified period of the year; or

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

(8) CANCEL; CANCELLATION.—The term ''cancel'' and ''cancellation'' refer to a permanent termination, in whole or in part, of—

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

(B) a free-use grazing permit or other grazing authorization.

(9) CLASS..—The term ''class'', in reference to livestock, refers to the age and sex of a group of livestock.

(10) CONSULTATION, COOPERATION, AND COORDINATION..—The term ''Consultation, cooperation, and coordination'' means, for the purposes of this title and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), engagement in good faith efforts to reach consensus.

(11) CONTROL.—The term ''control'', in reference to base property or livestock, means responsibility for providing care and management of base property or livestock.

(12) FEDERAL LAND.—The term ''Federal land''—

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

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

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service; but

(B) does not include land held in trust for the benefit of Indians.

(13) GRAZING DISTRICT.—The term ''grazing district''—

(A) with respect to land administered by the Secretary of the Interior, means the specific area within which Federal land is administered under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b), including lands outside grazing districts but eligible for grazing pursuant to section 15 of such Act; and

(B) with respect to grazing on Federal land administered by the Secretary of Agriculture, means a national forest.

(14) GRAZING FEE YEAR.—The term ''grazing fee year'', for billing purposes, means a 12-month period that begins on March 1 of a year and ends on the last day of February of the following year.

(15) GRAZING LEASE.—The term ''grazing lease'' means a document authorizing use of Federal land outside grazing districts under section 15 of the Act

of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1275, chapter 865; 43 U.S.C. 315m), for the purpose of grazing livestock.

(16) GRAZING PERMIT.—The term ''grazing permit'' means a document authorizing use of the Federal land within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b), for the purpose of grazing livestock.

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

(18) LAND BASE PROPERTY.—The term ''land base property'' means base property described in paragraph (7)(A).

(19) LAND USE PLAN.—The term ''land use plan'' means—

(A) with respect to Federal land administered by the Bureau of Land Management—

(i) a resource management plan; or

(ii) a management framework plan that is in effect pending completion of a resource management plan, developed in ac-

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

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

(20) LIVESTOCK.—The term ''livestock'' means—

(A) a species of domestic livestock, including cattle, sheep, horses, burros, and goats; and

(B) a member of such a species.

(21) LIVESTOCK CARRYING CAPACITY.—The term ''livestock carrying capacity'' means the maximum sustainable stocking rate that is possible without inducing permanent damage to vegetation or related resources as determined by monitoring.

(22) MONITORING.—The term ''monitoring'' means the periodic observation and orderly collection of data to evaluate—

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

(B) effectiveness of actions in meeting management objectives.

(23) RANGE IMPROVEMENT.—The term ''range improvement'' means—

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

(i) improve production of forage;

(ii) change vegetative composition;

(iii) control patterns of use;

(iv) provide water;

(v) stabilize soil and water conditions; or

(vi) provide habitat for livestock, wild horses and burros, and wildlife; and

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

(24) RANGELAND STUDY.—The term ''rangeland study'' means a method of study for collecting data on actual use, utilization, climatic conditions, other special events, production trend, and rangeland condition and trend to determine whether management objectives are being met, that—

(A) uses physical examination of measurements of range attributes and does not rely on a cursory visual scanning of land unless the con-

dition to be assessed is patently obvious and requires no physical examination; and

(B) is accepted by an authorized officer.

(25) SECRETARY.—The term ''Secretary'' means—

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

(B) the Secretary of Agriculture, in reference to livestock grazing on Federal land administered by the Chief of the Forest Service.

(26) SERVICE AREA.—The term ''service area'' means the area that can be properly grazed by livestock watering at a certain water.

(27) STOCKING RATE.—The term ''stocking rate'' means the number of animal unit months authorized under a grazing permit or grazing lease from year to year.

(28) SUBLEASE.—The term ''sublease'' means an agreement by a permittee or lessee that—

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

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

(29) SUPPLEMENTAL FEED.—The term ''supplemental feed'' means a feed that supplements the forage available from Federal land and is provided to improve livestock nutrition or rangeland management.

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

(31) UTILIZATION.—The term ''utilization'' means the percentage of a year's herbage production consumed or destroyed by herbivores.

(32) WATER BASE PROPERTY.—The term ''water base property'' means base property described in paragraph (7)(B).

(b) CONSULTATION, COOPERATION, AND COORDINATION.—Section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended—

(1) by inserting comma after ''cooperation'' each place it appears; and

(2) by adding at the end the following: ''As used in this subsection, the term 'consultation, cooperation,

and coordination' means engagement in a good faith effort to reach consensus on issues, plans, or management actions from—

"(1)(A) other agencies, permittees, or lessees, and affected interests involved in an activity respect to which consultation, cooperation, and coordination are required under this title;

"(2)(B) resource advisory councils established under section 177 of the Livestock Grazing Act;

"(3)(C) any State having land within the area to be covered by an allotment management plan; and

"(4) additional affected interests (as defined in section 104(a)(4) of the Livestock Grazing Act).".

SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.

(a) STANDARDS AND GUIDELINES.—The Secretary shall establish standards and guidelines on a State or regional level in cooperation with the State department of agriculture or other appropriate State agency and the land-grant university or other appropriate institution of higher education of each interested State.

(b) NONTRADITIONAL MANAGEMENT.—The Secretary shall, where appropriate, authorize and encourage the use of non-traditional grazing management practices that are scientifically based on research conducted by land-grant universities.

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

SEC. 106. LAND USE PLANS.

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

(b) CONTENTS OF LAND USE PLAN.—A land use plan shall—

(1) establish allowable resource uses (single or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained; and

(2) set forth programs and general management practices needed to achieve management objectives.

(c) APPLICATION OF NEPA.—A land use plan shall be developed in conformance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) CONFORMANCE WITH LAND USE PLAN.—Livestock grazing activities and management actions approved by the authorized officer—

(1) may include any such activities as are not clearly prohibited by a land use plan;

(2) shall not require any consideration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in addition to the studies supporting the land use plan.

(e) SATISFACTION OF REQUIREMENTS OF OTHER LAWS.—The issuance of a grazing permit or grazing lease that is consistent with a land use plan shall not be considered to be a Federal action requiring the conduct of any study or assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

Subtitle B—Qualifications and Grazing Preferences

SEC. 111. MANDATORY QUALIFICATIONS.

Except as provided under sections 112, 114, and 134(d), to qualify for grazing use on Federal land an applicant shall—

(1) be engaged in the livestock business;

(2) own or control base property; and

(3) be—

(A) a citizen of the United States or a person who has properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization;

(B) a group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are persons described in subparagraph (A); or

(C) a corporation authorized to conduct business in the State in which the grazing use is sought.

SEC. 112. ACQUIRED LAND.

With respect to land acquired by the Secretary through purchase, exchange, Act of Congress, or Executive order under the terms of which the Secretary is required to honor an existing grazing permit or grazing lease, the permittee or lessee shall be considered qualified for grazing use on that land.

SEC. 113. GRAZING PREFERENCES.

(a) BASE PROPERTY.—

(1) CRITERIA.—An authorized officer shall find land or water owned or controlled by an applicant for a grazing permit or grazing lease to be base property if the land or water—

(A) serves as a base for a livestock operation that utilizes Federal land within a grazing district; or

(B) is contiguous land, or noncontiguous land if no applicant for the grazing permit or grazing lease owns or controls contiguous land, used in conjunction with a livestock operation that utilizes Federal land outside a grazing district.

(2) SPECIFICATION OF LENGTH OF TIME.—After appropriate consultation, cooperation, and coordination with the applicant only, an authorized officer shall specify the length of time for which land base property shall be considered to be capable of supporting authorized livestock during the year, relative to the multiple use management objective of Federal land.

(3) SUBMISSION BY APPLICANT.—An applicant shall—

(A) provide a legal description, or plat, of the base property; and

(B) certify to the authorized officer that the base property meets the requirements under paragraphs (1) and (2).

(4) LOSS OF OWNERSHIP OR CONTROL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a permittee or lessee loses ownership or control of all or part of the base property, the grazing permit or grazing lease, to the extent it was based on the lost property, shall terminate immediately, without notice from the authorized officer.

(B) EXTENSION OF TERMINATION DATE.—If, prior to losing ownership or control of the base property, the permittee or lessee requests in writing that the grazing permit or grazing lease be extended to the end of the grazing season or grazing year, the authorized officer, after consultation with the new owner or person in control, may grant the request.

(C) AVAILABILITY FOR TRANSFER.—When a grazing permit or grazing lease terminates because of a loss of ownership or control of a base property, the grazing preference shall remain with the base property and be available for transfer under subsection (c) to the new owner or person in control of the base property.

(5) ISOLATED OR DISCONNECTED FEDERAL LAND.—An applicant that owns or controls base property contiguous to or cornering on a tract of Fed-

eral land outside a grazing district that consists of an isolated or disconnected tract embracing 760 acres or less shall, for a period of 90 days after the tract has been offered for grazing lease, have a preference right to graze the tract.

(b) SPECIFYING GRAZING PREFERENCE.—

(1) IN GENERAL.—A grazing permit or grazing lease shall specify a grazing preference that includes—

(A) a historical grazing preference;

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

(C) suspended use; and

(D) voluntary and temporary nonuse.

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

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

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

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

(c) TRANSFER OF GRAZING PREFERENCE.—

(1) IN GENERAL.—A transfer of a grazing preference, in whole or in part, may be made in accordance with this subsection.

(2) QUALIFICATION OF TRANSFEREE.—A transferee shall meet all necessary qualifications for a grazing preference under this title.

(3) APPLICATION.—An application to transfer a grazing preference shall evidence assignment of interest and obligation in range improvements authorized on Federal land under section 122 and maintained in conjunction with the transferred preference.

(4) ACCEPTANCE OR REJECTION OF TERMS AND CONDITIONS.—A transferee of a grazing preference may elect to accept or reject the terms and conditions of the terminating grazing permit or grazing lease and of any related cooperative agreement or range improvement permit or to accept those terms and conditions with such modifications as the transferee may request and the authorized officer approve or with such modifications as the authorized officer may require.

(5) APPLICATION FOR GRAZING PERMIT OR GRAZING LEASE.—A proposed transferee shall file an application for a grazing permit or grazing lease to the extent of the transferred grazing preference simultaneously with the filing of a transfer application.

(6) TRANSFERS.—

(A) TRANSFERS ON SALES OR GRAZING LEASE OF BASE PROPERTY.—If base property is sold or leased, the transferee, not later than 90 days after the date of sale or grazing lease, shall file with the authorized officer a properly executed transfer application that—

(i) identifies the base property; and

(ii) states the amount of grazing preference being transferred in animal unit months.

(B) TRANSFER FROM BASE PROPERTY TO BASE PROPERTY.—

(i) IN GENERAL.—If a grazing preference is being transferred from one base property to another base property, the transferor shall own or control the base property from which the grazing preference is being transferred and file with the au-

thorized officer a properly completed transfer application for approval.

(ii) CONSENT OF OWNER OF LEASED BASE PROPERTY.—If the transferor leases the base property, no transfer shall be allowed without the written consent of the owner and of any person or entity holding an encumbrance of the base property from which the transfer is to be made unless the transferor is a lessee without whose livestock operations the grazing preference would not have been established.

(7) TERMINATION.—On the date of approval of a transfer, the existing grazing permit or grazing lease shall terminate automatically and without notice to the extent of the transfer.

(8) ACQUISITION OF BASE PROPERTY BY PERSON NOT QUALIFIED.—

(A) NO EFFECT FOR TWO YEARS.—For a period of two years after an unqualified transferee acquires rights in base property through operation of law or testamentary disposition, the transfer shall not—

(i) affect the grazing preference or any outstanding grazing permit or grazing lease; or

(ii) preclude the issuance or renewal of a grazing permit or grazing lease based on the base property.

(B) CANCELLATION.—If an unqualified transferee fails to qualify for a transfer under this section within the two-year period described in subparagraph (A), the grazing preference shall be subject to cancellation, but the authorized officer may grant extensions of the two-year period if there have been delays solely attributable to probate proceedings.

(9) FAILURE TO COMPLY.—Failure of a transferee or transferor to comply with this subsection may result in rejection of the transfer application or cancellation of the grazing preference.

(d) ALLOTMENTS.—After consultation, cooperation, and coordination with permittees or lessees, an authorized officer may designate and adjust allotment boundaries.

SEC. 114. CHANGES IN GRAZING PREFERENCE STATUS.

(a) IN GENERAL.—An authorized officer shall periodically review the stocking rate specified in a grazing permit

or grazing lease and may make changes in the status of the stocking rate.

(b) SUPPORT.—A change in a stocking rate shall be supported by monitoring, as evidenced by rangeland studies conducted over time, and as is specified in an applicable land use plan or as is necessary to manage, maintain, or improve rangeland productivity.

(c) INCREASE IN ACTIVE USE.—

(1) IN GENERAL.—Any additional forage that becomes available may be apportioned to a qualified applicant for livestock grazing use, consistent with multiple-use management objectives.

(2) TEMPORARY AVAILABILITY.—Any additional forage that becomes temporarily available for livestock grazing use (including forage that is temporarily available within an allotment because of a change in grazing use under section 131(b)) may be apportioned on a nonrenewable basis.

(3) AVAILABILITY ON SUSTAINED USE BASIS.—

(A) IN GENERAL.—Any additional forage that becomes available on a sustained yield basis for livestock grazing use shall be apportioned in satisfaction of grazing preferences to the permittees and lessees authorized to graze in the allotment in which the forage is available before

being apportioned to other persons under subparagraph (B).

(B) APPORTIONMENT TO OTHERS.—After consultation, cooperation, and coordination with the permittees, lessees, and other qualified applicants, additional forage on a sustained yield basis available for livestock grazing use exceeding the amount of grazing preferences of the permittees and lessees in an allotment may be apportioned in the following priority to—

(i) permittees and lessees in proportion to their contribution or efforts that resulted in increased forage production;

(ii) permittees or lessees in proportion to the amount of their grazing preferences; and

(iii) other qualified applicants under section 131.

(d) DECREASE IN AUTHORIZED GRAZING USE.—

(1) TEMPORARY SUSPENSION.—

(A) IN GENERAL.—Active use may be suspended in whole or in part on a temporary basis to facilitate—

(i) recovery from drought, fire, or another natural event; or

(ii) installation, maintenance, or modification of range improvements.

(B) IMPLEMENTATION.—If an authorized officer determines that the soil, vegetation, or other resources on Federal land require temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation, cooperation, and coordination with affected permittees or lessees, action shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use.

(2) PERMANENT SUSPENSION.—When monitoring shows that active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity, as determined through monitoring, an authorized officer, after evaluating all uses and implementing all reasonable and viable management practices or alternatives, shall reduce active use if necessary to maintain or improve rangeland productivity only if the authorized officer determines that a change in other uses or a change in grazing management practices would not achieve the management objectives.

(3) PERIOD OF SUSPENSION.—When active use is reduced, the active use shall be held in suspension or in nonuse for conservation and protection purposes until the authorized officer determines that active use may resume.

(e) IMPLEMENTATION OF CHANGES IN AVAILABLE FORAGE.—

(1) PHASING-IN.—A change in active use in excess of ten percent shall be implemented over a five-year period, unless, after consultation, cooperation, and coordination with the affected permittees or lessees, an agreement is reached to implement the increase or decrease over less than a five-year period.

(2) SUSPENSION OF GRAZING PREFERENCE.—

(A) IN GENERAL.—After consultation, cooperation, and coordination with the permittee or lessee, a suspension of a grazing preference shall be implemented through a documented agreement or by decision of an authorized officer.

(B) DATA AVAILABLE.—If acceptable range analysis data are poorly gathered, analyzed, and reviewed by the authorized officer, an initial decrease shall be taken on the effective date of the agreement or decision and the balance taken in

the third and fifth years following that effective date, except as provided in paragraph (1).

(C) DATA NOT AVAILABLE.—If data acceptable to the authorized officer to support an initial decrease are not available—

(i) additional data shall be collected through monitoring and in coordination with the land-grant university (or other appropriate institution of higher education) and department of agriculture of the State; and

(ii) adjustments based on the additional data shall be implemented by agreement or decision that will initiate the five-year implementation period.

SEC. 115. CHANGES IN FEDERAL LAND ACREAGE.

(a) INCREASES IN LAND ACREAGE.—If land outside a designated allotment becomes available for livestock grazing—

(1) the forage available for livestock shall be made available to a qualified applicant at the discretion of the authorized officer; and

(2) grazing use shall be apportioned under section 131.

(b) DECREASE IN LAND ACREAGE.—

(1) IN GENERAL.—If there is a decrease in Federal land acreage available for livestock grazing within an allotment—

(A) grazing permits or grazing leases may be canceled, suspended, or modified as appropriate to reflect the changed area of use; and

(B) grazing preferences may be canceled or suspended in whole or in part.

(2) EQUITABLE APPORTIONMENT.—A cancellation or suspension determined by the authorized officer to be necessary to protect Federal land—

(A) shall be apportioned as agreed among the authorized users and the authorized officer; or

(B) if no agreement is reached, shall be equitably apportioned by the authorized officer based on the level of available forage and magnitude of the change in Federal land acreage available.

(3) DISPOSITION OR USE FOR PUBLIC PURPOSE.—

(A) IN GENERAL.—If Federal land is disposed of or devoted to a public purpose so as to preclude livestock grazing, the Secretary shall, except in a case of emergency such as need to

satisfy a national defense requirement in time of war or a natural disaster, provide permittees and lessees two years' notice prior to cancellation of grazing permits, grazing leases, and grazing preferences.

(B) WAIVER.—A permittee or lessee may unconditionally waive the two-year prior notification required by subparagraph (A).

(C) RIGHT TO COMPENSATION.—A waiver under subparagraph (B) shall not prejudice a permittee's or lessee's right to reasonable compensation at (but not in excess of) the fair market value of the permittee's or lessee's interest in authorized permanent range improvements located on Federal land.

Subtitle C—Grazing Management

SEC. 121. ALLOTMENT MANAGEMENT PLANS.

(a) If the Secretary concerned elects to develop an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation, and coordination with the lessees, permittees, and landowners involved, the Resource Advisory Councils and the Grazing Advisory Boards established pursuant to section 176 and section 177, and any State or States having lands within the area to be covered by such allotment management plan.

(b) CONTENTS.—An allotment management plan shall—

(1) include the terms and conditions described in section 136;

(2) prescribe the livestock grazing practices necessary to meet specific multiple-use management objectives;

(3) specify the limits of flexibility within which the permittee or lessee may adjust operations without prior approval of the authorized officer; and

(4) provide for monitoring to evaluate the effectiveness of management actions in achieving the specific multiple-use management objectives of the plan.

(c) PRIVATE AND STATE LAND.—Private and State land shall be included in an allotment management plan with the consent or at the request of the person that owns or controls the land.

(d) INCORPORATION IN GRAZING PERMITS AND GRAZING LEASES.—An allotment management plan shall be incorporated into the affected grazing permits and grazing leases.

SEC. 122. RANGE IMPROVEMENTS.

(a) RANGE IMPROVEMENT COOPERATIVE AGREEMENTS.—

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

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

(3) TITLE.—

(A) IN GENERAL.—Subject to valid existing rights, title to an authorized permanent range improvement under a range improvement cooperative agreement shall be in the name of the permittee or lessee and of the United States, respectively, in proportion to the value of the contributions (funding, material, and labor) toward the initial cost of construction by the United States and the permittee or lessee, respectively.

(B) VALUE OF FEDERAL LAND.—For the purpose of subparagraph (A), only a contribution to the construction, installation, modification, or maintenance of a permanent rangeland improvement itself, and not the value of Federal

land on which the improvement is placed, shall be taken into account.

(C) MAINTENANCE.—Maintenance of range improvements in the form of time as labor or monetary expenditures shall be applied to the value and percentage of ownership proportionate to the value of the contribution by a party to the cooperative agreement.

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

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

(b) RANGE IMPROVEMENTS PERMITS.—

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

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

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

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

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

(c) STANDARDS, DESIGN, AND STIPULATIONS.—A range improvement cooperative agreement under subsection (a) and a range improvement permit under subsection (b) shall specify the standards and design, construction, and maintenance criteria for the range improvements.

(d) ASSIGNMENT OF RANGE IMPROVEMENTS.—An authorized officer shall not approve the transfer of a grazing preference under section 113(c) or approve use by the transferee of existing range improvements unless the transferee has agreed to compensate the transferor for the transferor's

interest in the authorized improvements within the allotment as of the date of the transfer.

(e) REMOVAL AND COMPENSATION FOR LOSS OF RANGE IMPROVEMENTS.—

(1) PROHIBITION OF REMOVAL.—A person shall not remove a range improvement from Federal land without authorization by the authorized officer.

(2) REQUIREMENT TO REMOVE.—The authorized officer may require a permittee or lessee to remove a range improvement on Federal land that the permittee or lessee owns if the improvement is no longer helping to achieve land use plan or allotment goals and objectives or if the improvement fails to meet the standards and criteria of subsection (c).

(3) CANCELLATION OF GRAZING PERMIT OR GRAZING LEASE.—

(A) IN GENERAL.—If a grazing permit or grazing lease is canceled in order to devote Federal land covered by the grazing permit or grazing lease to another public purpose, including disposal, the permittee or lessee shall be entitled to receive from the United States reasonable compensation for the value of the permittee's or lessee's interest in authorized permanent range improvements purchased by the permittee or lessee

or placed or constructed by the permittee or lessee on Federal land covered by the canceled grazing permit or grazing lease.

(B) FAIR MARKET VALUE.—The value of a permittee's or lessee's interest under subparagraph (A) shall be equal to the fair market value of the terminated portion of the permittee's or lessee's interest in the permanent range improvements.

(C) SALVAGE AND REHABILITATION.—In a case in which a range improvement is authorized by a range improvement permit or range improvement cooperative agreement, the permittee or lessee may elect to salvage materials and perform rehabilitation measures rather than accept compensation for the fair market value.

(4) CANCELLATION OF RANGE IMPROVEMENT PERMIT OR COOPERATIVE AGREEMENT.—If a range improvement permit or range improvement cooperative agreement is canceled, the permittee or lessee shall be allowed 180 days after the date of cancellation in which to salvage material owned by the lessee or permittee and perform rehabilitation measures necessitated by the salvage.

(A) CONTRIBUTIONS.—An authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of Federal land necessary to achieve the objectives of this title.

(B) TRANSFER OF OWNERSHIP OF IMPROVEMENTS.—

(i) MEDIATION.—An authorized officer may—

(I) mediate a dispute regarding reasonable compensation in connection with a transfer of ownership of a range improvement; and

(II) following consultation with the interested parties, make a determination concerning the fair and reasonable share of operation and maintenance expenses and compensation for use of authorized range improvements.

(ii) NO AGREEMENT.—If an agreement on the amount of compensation cannot be reached, the authorized officer shall issue a temporary grazing authorization, including appropriate terms and conditions and the requirement to compensate the permittee or

lessee for the fair share of operation and maintenance, as determined by the authorized officer.

SEC. 123. MONITORING.

(a) IN GENERAL.—Any monitoring or inspection of allotment territory for condition or compliance with grazing rules and regulations and the terms and conditions of grazing permits and allotment management plans shall be performed only by the permittee, qualified personnel, qualified consultants retained by the United States, or qualified consultants retained by the grazing permittee or lessee. An individual is qualified within the meaning of this section if he or she possesses the training, educational credentials or experience necessary to properly perform such monitoring or inspection.

(b) REQUIREMENT OF REQUESTING PERMITTEE OR LESSEE PARTICIPATION IN ALLOTMENT MONITORING.—No inspection or monitoring documentation, data, information, or reports shall be relied on, or included in the permittee's or lessee's allotment file in any form unless the permittee or lessee has been invited and allowed to be present at and to participate in the inspection or other activity in which the information or data was gathered or which resulted in the report. No invitation to the permittee's or lessee's presence shall be valid for the purposes of this section

unless the qualified personnel carrying out the inspection or monitoring activity made reasonable accommodations to the permittee's or lessee's schedule and circumstances allow the permittee or lessee to be present.

SEC. 124. WATER RIGHTS.

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

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

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

SEC. 125. MANAGEMENT OF GRAZING ON LAND UNDER THE JURISDICTION OF OTHER DEPARTMENTS AND AGENCIES.

(a) IN GENERAL.—In the case of land under the administrative jurisdiction of the head of another entity in the department or of another department or agency on which grazing is managed by the Secretary on behalf of the head of that entity, department, or agency, the Secretary

shall enter into a memorandum of understanding setting out the terms and conditions under which grazing will be managed on that land.

(b) APPLICATION OF TITLE.—This title shall apply to management of grazing under subsection (a) except to the extent that the Secretary, in consultation with the head of the department or agency with jurisdiction over the land, in view of the needs of the other department or agency or the applicability of other law, requires application of different rules; Provided, That title II shall govern the management of grazing on national grasslands.

Subtitle D—Authorization of Grazing Use

SEC. 131. APPLICATIONS.

(a) IN GENERAL.—An application for a grazing permit or grazing lease authorizing active use and nonuse, a free-use grazing permit, or other grazing authorization shall be filed with the authorized officer at the local Bureau of Land Management or Forest Service office having jurisdiction over the Federal land that is the subject of the application.

(b) CHANGES IN GRAZING USE.—

(1) IN GENERAL.—In the case of any grazing fee year, an application for a change in grazing use should be filed with the authorized officer before the

billing notice for the affected grazing use has been issued for the grazing fee year.

(2) LATE FILING.—An application for a change in grazing use filed after a billing notice for the affected grazing use has been issued that requires the issuance of a replacement or supplemental billing notice shall be subject to a service charge under section 137(d).

(3) AUTHORITY TO GRANT.—An authorized officer may grant an application for a change in grazing use.

(c) CONFLICTING APPLICATIONS.—

(1) FACTORS TO BE CONSIDERED.—If more than one qualified applicant applies for livestock grazing use of the same Federal land or if additional forage for livestock or additional acreage becomes available, an authorized officer may authorize grazing use of the Federal land or use of forage—

(A) as provided in section 114(c); or

(B) on the basis of any of the following factors:

(i) Historical use of Federal land.

(ii) Proper range management and use of water for livestock.

(iii) General needs of the applicants' livestock operations.

(iv) Topography.

(v) Other land use requirements unique to the situation.

(2) FACTOR NOT TO BE CONSIDERED.—In authorizing grazing use or use of forage under paragraph (1), an authorized officer shall not take into consideration the past practice or present willingness of an applicant to allow public access to Federal land over private land.

SEC. 132. GRAZING PERMITS OR GRAZING LEASES.

(a) SPECIFICATION OF TERMS AND CONDITIONS.—A grazing permit or grazing lease shall specify terms and conditions as required by section 136.

(b) TERM.—A grazing permit or grazing lease shall be issued for a term of 15 years unless—

(1) the land is pending disposal;

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

(3) the Secretary determines that it would be in the best interest of sound land management to specify a shorter term, if the decision to specify a shorter

term is supported by appropriate and accepted resource analysis and evaluation.

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

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

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

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

SEC. 133. FREE-USE GRAZING PERMITS.

(a) IN GENERAL.—A free-use grazing permit may be issued, consistent with the title, to an applicant—

(1) whose residence is adjacent to Federal land within a grazing district;

(2) who needs Federal land to support domestic livestock owned by the applicant; and

(3) whose products or work related to livestock grazing are used directly and exclusively by the applicant and the applicant's family.

(b) CONFLICTING APPLICATIONS.—The issuance of a free-use grazing permit is subject to section 131(c).

(c) TERM.—A free-use grazing permit shall be issued for a term of one year.

(d) NO TRANSFER OR ASSIGNMENT.—A free-use grazing permit may not be transferred or assigned.

SEC. 134. OTHER GRAZING AUTHORIZATIONS.

(a) EXCHANGE-OF-USE GRAZING AGREEMENTS.—

(1) IN GENERAL.—An exchange-of-use grazing agreement may be issued to any applicant that owns or controls land that is unfenced and intermingled with Federal land when use under such an agreement would be in harmony with the management objectives for the allotment.

(2) EXTENT OF USE.—An exchange-of-use grazing agreement may authorize use of Federal land to the extent of the livestock carrying capacity of the land offered in exchange-of-use.

(3) NO FEE.—No fee shall be charged for grazing use under an exchange-of-use agreement.

(b) NONRENEWABLE GRAZING PERMITS AND GRAZING LEASES.—A nonrenewable grazing permit or grazing lease maybe issued on an annual basis to a qualified applicant when forage is temporarily available if grazing use under the grazing permit or grazing lease—

(1) is consistent with multiple-use objectives; and

(2) does not interfere with other livestock operations on the Federal land concerned.

(c) CROSSING PERMITS.—An applicant showing the necessity for crossing Federal land or other land under control of the Secretary with livestock for proper and lawful purposes may be issued a crossing permit on such terms and conditions as the authorized officer considers necessary to achieve the objectives of this title.

(d) SPECIAL GRAZING PERMITS OR GRAZING LEASES.—

(1) IN GENERAL.—A special grazing permit or grazing lease authorizing grazing use by privately owned or controlled indigenous animals may be issued at the discretion of the authorized officer, consistent with multiple-use objectives.

(2) TERM.—A special grazing permit or grazing lease shall be issued for such a term as the authorized officer considers to be appropriate, not to exceed 10 years.

(e) NO PRIORITY; NO TRANSFER OR ASSIGNMENT.—An exchange-of-use grazing agreement, nonrenewable grazing permit or grazing lease, crossing permit, or special grazing permit or grazing lease shall have no priority for renewal and may not be transferred or assigned.

SEC. 135. OWNERSHIP AND IDENTIFICATION OF LIVESTOCK.

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

(b) COMPLIANCE WITH STATE REQUIREMENTS.—An authorized user shall comply with the requirements of the State in which Federal land is located relating to branding, marking, or tagging of livestock, breed, grade, and number of bulls, health, and sanitation.

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

(d) FILING OF CONTROL AGREEMENT AND BRAND.—A permittee or lessee that controls but does not own the livestock that graze Federal land shall file with the authorized officer—

(1) the agreement that gives the permittee or lessee control of the livestock; and

(2) the brand and other identifying marks on the livestock.

SEC. 136. TERMS AND CONDITIONS.

(a) IN GENERAL.—

(1) SPECIFICATIONS.—An authorized officer shall specify in a grazing permit or grazing lease the kind and number of livestock, the periods of use, the

allotments to be used, and the amount of use (stated in animal unit months) for each grazing permit or grazing lease.

(2) AMOUNT OF USE.—The amount of livestock grazing use that is authorized in a grazing permit or grazing lease shall not exceed the livestock carrying capacity of the Federal land concerned, as determined through monitoring and adjusted as necessary under section 114.

(3) GENERAL.—A grazing lease or permit shall be subject to such other reasonable terms or conditions as may be required by this Act.

(b) NO SPECIAL TERMS AND CONDITIONS.—An authorized officer shall not impose any term or condition in a grazing permit or grazing lease other than a term or condition described in subsection (a) or as contained in an allotment management plan as described in section 121.

(c) MODIFICATION.—Following careful and considered consultation, cooperation, and coordination with permittees and lessees, an authorized officer may modify the terms and conditions of a grazing permit or grazing lease if monitoring data show that the grazing use is not meeting the land use plan or management objectives.

(d) SUBLEASING.—The Secretary shall not permit—

(1) the lease or sublease of a Federal grazing permit or lease, associated with the lease or sublease of base property, to another party without a required transfer approved by the Secretary;

(2) the lease or sublease of a Federal grazing permit or lease to another party without the assignment of the associated base property;

(3) allowing another party, other than a spouse, child, or grandchild of the permittee or lessee to graze livestock that are not owned or controlled by the permittee or lessee on public lands, unless such grazing use is due to the lessee or permittee being unable to make full grazing use due to the ill health or death of the permittee or lessee; or

(4) allowing another party, other than a spouse, child, or grandchild of the permittee or lessee to graze livestock on public lands under a pasturing agreement without the approval of the Secretary.

SEC. 137. FEES AND CHARGES.

(a) DEFINITION.—Animal unit month. The term ''animal unit month'' means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six

months of age or older on the date on which the animal begins grazing on Federal land;

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

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

(b) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal land for grazing by—

(1) an animal that is less than six months of age on the date on which the animal begins grazing on Federal land and is the natural progeny of an animal on which a grazing fee is paid if the animal is removed from the Federal land before becoming 12 months of age; or

(2) an animal that is progeny, born during the period of use authorized under a grazing permit or grazing lease, of an animal on which a grazing fee is paid.

(c) GRAZING FEES.—

(1) BASIC FEE.—The basic fee for each animal unit month in a grazing fee year to be determined by the Bureau of Land Management and the Forest

Service shall be equal to the three-year average of the total gross value of production for beef cattle, as compiled by the Economic Research Service of the Department of Agriculture in accordance with paragraph (2) on the basis of economic data published by the Service in the Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops & Livestock and Dairy for the three years preceding the grazing fee year, multiplied by .06 and divided by 12.

(2) CRITERIA.—

IN GENERAL.—The Economic Research Service of the Department of Agriculture shall: continue to compile the gross production value of production of beef cattle as reported in a dollar per bred cow basis in the ''U.S. Cow-Calf Production Cash Costs and Returns.''.

(3) SURCHARGE.—

(A) A surcharge shall be added to the grazing fee billings for authorized grazing of livestock owned by persons other than the permittee or lessee except where—

(1) such use is made by livestock owned by a spouse, child, or grandchild of the permittee and lessee; or

(2) the permittee or lessee is unable to make full grazing use, as authorized by a grazing permit or lease, due to the informed condition or death of the permittee or lessee.

(B) The surcharge shall be over and above any other fees that may be charged for public land forage.

(C) Surcharges shall be paid prior to grazing use.

(D) The surcharge for authorized pasturing of livestock owned by persons other than the permittee or lessee will be equal to 25 percentum of the difference between the current year's Federal grazing fee and the prior year's private grazing land lease rate per AUM for the appropriate State as compiled by the national Agricultural Statistics Service.

(E) IN GENERAL.—The Bureau of Land Management and the Forest Service shall make a determination under paragraph (1) based on the following information gathered by the National Agriculture Statistics Service of the Department of the Agriculture with respect to the largest single grazing lease of each grazing operator (in terms of dollars):

(i) Whether the operator charged—

(I) per acre;

(II) per head per month;

(III) per pound of gain;

(IV) per hundredweight of gain; or

(V) by another measure, and the rate charged.

(ii)(I) The estimated average pounds gained per season for the grazing lease.

(II) The total dollar amount estimated to be realized from the grazing lease.

(III) Grazing lease acreage.

(IV) The State and county where the grazing lease is located.

(iii) The classes of livestock grazed.

(iv) The term of the grazing lease.

(v)(I) Whether grazing lease payments are paid if no grazing occurred.

(II) Whether the grazing lease contains a take or pay provision.

(vi) Additional information on whether the following are provided by the lessor on a five-year basis:

(I) Fencing maintenance;

(II) Animal management and oversight;

(III) Water maintenance;

(IV) Salt and minerals;

(V) Other service (specified);

(VI) No services;

(VII) Hunting;

(VIII) Fishing;

(IX) Other (specified); and

(X) None.

(F) PRIVATE NATIVE RANGELAND.—For the purpose of determining rates for grazing leases of private native rangeland, rates for irrigated pasture, crop aftermath, and dryland winter wheat shall be excluded.

(4) PAYMENT.—

(A) DUE DATE.—A grazing fee shall be due on the due date specified in the billing notice.

(B) PAYMENT PRIOR TO USE.—A grazing fee shall be paid prior to grazing use.

(C) BILLING AFTER GRAZING SEASON.—If an allotment management plan provides for billing after the grazing season, a grazing fee shall be based on actual grazing use and shall be due upon issuance.

(5) REFUNDS.—

(A) IN GENERAL.—A grazing fee may be refunded if an application for change in grazing use and related refund is filed prior to the period of use for which the refund is requested.

(B) FAILURE TO MAKE GRAZING USE.—

(i) IN GENERAL.—Except as provided in subparagraph (B), no refund shall be made for failure to make grazing use.

(ii) RANGE DEPLETION OR DISEASE.—During a period of range depletion due to drought, fire, or other natural cause, or in case of a general spread of disease among the livestock that occurs during the term of a grazing permit or grazing lease, an authorized officer may credit or refund a grazing fee in whole or in part or postpone fee payment for as long as the emergency exists.

(d) OTHER FEES AND CHARGES.—

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

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

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

(e) REPEAL.—Section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is repealed.

(f) APPLICATION OF SECTION.—This section applies to the management of livestock grazing on Western Federal land by the Secretary of Agriculture, acting through the Chief of the Forest Service, as well as to the Secretary.

SEC. 138. PLEDGE OF GRAZING PERMITS OR GRAZING LEASES AS SECURITY FOR LOANS.

(a) RENEWAL.—A grazing permit or grazing lease that has been pledged as security for a loan from a lending agency shall be renewed by the authorized officer for a period of not to exceed 15 years if—

(1) the loan is for the purpose of furthering the permittee's or lessee's livestock operation;

(2) the permittee or lessee has complied with this title; and

(3) renewal would be in accordance with other applicable laws.

(b) EFFECT OF PLEDGE.—The pledging of a grazing permit or grazing lease as security for a loan from a lending agency shall not exempt the grazing permit or grazing lease from this title.

Subtitle E—Civil Violations and Failures of Compliance

SEC. 141. CIVIL VIOLATIONS AND FAILURES OF COMPLIANCE.

(a) SCOPE OF SECTION.—

(1) IN GENERAL.—This section states all of the violations and failures of compliance that pertain specifically to livestock grazing on Federal land that may result in imposition of a sanction described in subsection (c) against a person in the person's capacity as a permittee, lessee, or applicant for a grazing permit or grazing lease.

(2) OTHER VIOLATIONS.—A permittee, lessee, or applicant for a grazing permit or grazing lease that commits a violation relating to Federal land under a law that applies to all persons generally shall be subject to penalty under that law.

(b) IN GENERAL.—A person that knowingly and willfully does one of the following shall be subject to a civil sanction under subsection (c):

(1) Fails to make substantial grazing use as authorized by a grazing permit or grazing lease for two consecutive fee years.

(2) Places supplemental feed on land covered by a grazing permit or grazing lease without authorization.

(3) Fails to comply with a term, condition, or stipulation of a range improvement cooperative agreement or range improvement permit.

(4) Enters into an unauthorized sublease.

(5) Allows livestock or another privately owned or controlled animal to graze on or be driven across Federal land—

(A) without a grazing permit, grazing lease, or other grazing use authorization;

(B) in violation of a term or condition of a grazing permit, grazing lease, or other grazing use authorization, including a provision stating the number of livestock covered by the authorization;

(C) in an area or at a time different from that authorized; or

(D) if the livestock is not identified in compliance with section 135.

(6) Installs, uses, modifies, or removes a range improvement on Federal land without authorization.

(7) Damages or removes Federal Government property from Federal land without authorization.

(8) Molests livestock authorized to graze on Federal land.

(9) Interferes with a lawful grazing use or lawful user.

(10) Makes a false statement or representation in a base property certification, grazing application, range improvement permit application, cooperative agreement, or actual use report, or an amendment thereto.

(11) Grazes livestock on Federal land not substantially in compliance with State livestock requirements relating to—

(A) branding, marking, or tagging of livestock;

(B) breed, grade, or number of bulls; or

(C) health or sanitation.

(c) PENALTIES.—

(1) IN GENERAL.—In a case of a violation or failure of compliance described in subsection (b), an authorized officer may—

(A) withhold issuance of a grazing permit or grazing lease for a period of time;

(B) suspend the grazing use authorized under a grazing permit or grazing lease for a period of time, in whole or in part; or

(C) cancel a grazing permit or grazing lease and grazing preference, or a free-use grazing permit or other grazing authorization, in whole or in part.

(2) A grazing lease or permit may be cancelled, suspended, or modified for—

(A) any violation of this title, or for

(B) any violation of a term or condition of the permit or lease, or for

(C) conviction for failure to comply with Federal laws or regulations relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit or lease.

(3) SECOND OR SUBSEQUENT WILLFUL VIOLATION.—In a case of a second or subsequent willful civil violation described in subsection (a), an authorized officer shall—

(A) suspend the grazing use authorized under a grazing permit for a period of time, in whole or in part; or

(B) cancel a grazing permit or grazing lease and grazing preference, in whole or in part.

(4) CONSIDERATION OF SEVERITY.—A determination of the length of time that a grazing permit or grazing lease will be withheld or suspended or that a grazing permit or grazing lease will be canceled shall reflect the severity of the violation or failure of compliance.

(5) REFERRAL FOR ACTION UNDER SUBTITLE F.—If a person other than a permittee or lessee violates subsection (a)(5), and the person has not made satisfactory settlement under section 153, the authorized officer shall refer the matter to proper authorities for appropriate legal action by the United States against the violator under subtitle F.

(6) SUBLEASES.—

(A) IN GENERAL.—A person who violates subsection (b)(4) shall be required to pay to the United States the dollar equivalent value, as determined by the authorized officer, of all compensation received for the sublease that is in excess of the sum of the established grazing fee and

the cost incurred by the person for the installation and maintenance of authorized range improvements.

(B) FAILURE TO PAY.—If the dollar equivalent value is not received by the authorized officer within 30 days of receipt of a final decision, the grazing permit or grazing lease shall be canceled.

(C) ADDITIONAL PENALTY.—Payment under this paragraph shall be in addition to any other penalties the authorized officer may impose under this subsection.

(7) FAILURE TO USE.—After consultation, cooperation, and coordination, the authorized officer may cancel a grazing preference to the extent of failure to use when a permittee or lessee has failed to make substantial grazing use as authorized for two consecutive years.

Subtitle F—Unauthorized Grazing Use

SEC. 151. LIABILITY FOR DAMAGES.

(a) IN GENERAL.—A person who commits a violation described in section 141(b)(5) shall be liable in damages to the United States for—

(1) the value of forage consumed by the livestock of the person;

(2) injury to Federal property caused by unauthorized grazing use; and

(3) expenses incurred in impoundment and sale of the person's livestock.

(b) NO LIABILITY.—In no circumstances shall a person be liable in damages to the United States for expenses incurred in impoundment or sale of the person's livestock if the person did not commit a violation of section 141(b)(5) or if the impoundment or sale was not conducted in accordance with State law.

SEC. 152. NOTICE AND ORDER TO REMOVE.

(a) KNOWN OWNER.—

(1) SERVICE.—When it appears that a violation described in section 151 has occurred or is occurring and the owner of the unauthorized livestock is known, an authorized officer shall serve written notice of unauthorized use and an order to remove livestock by a specified date on the owner (or the owner's agent of record) by certified mail or personal delivery.

(2) OPPORTUNITY TO RESPOND.—Written notice under paragraph (1) shall allow a specified time from receipt of notice for the livestock owner to—

(A) show that there has been no violation; or

(B) make settlement under section 153.

(b) UNKNOWN OWNER.—When it appears that a violation described in section 151 has occurred or is occurring and neither the owner of the unauthorized livestock nor an agent of the owner is known, an authorized officer may immediately proceed to impound the livestock under section 154.

SEC. 153. SETTLEMENT.

(a) DETERMINATION OF WILLFULNESS.—An authorized officer shall determine whether a violation described in section 151 is a nonwillful, willful, or second or subsequent willful violation.

(b) SECOND OR SUBSEQUENT WILLFUL VIOLATIONS.—In the case of a second or subsequent willful violation, the authorized officer shall—

(1) suspend the grazing use authorized under a grazing permit or grazing lease, in whole or in part; or

(2) cancel a grazing permit or grazing lease and grazing preference, or a free-use grazing permit or other grazing authorization, in whole or in part.

(c) SETTLEMENT AMOUNT.—Except as provided in subsection (e), the settlement amount in the case of a violation described in section 151 shall include—

(1) the value of forage consumed as determined under subsection (d);

(2) the full value for all damage to Federal land and other property of the United States resulting from the violation; and

(3) all reasonable expenses incurred by the United States in detecting, investigating, and resolving the violation, and livestock impoundment costs.

(d) VALUE OF FORAGE.—

(1) NONWILLFUL VIOLATION.—In the case of a nonwillful violation, the value of forage consumed shall be the product of—

(A) average monthly rate per animal unit month for pasturing livestock on privately owned land (excluding irrigated land) for the 16 Western States as published annually by the Department of Agriculture; and

(B) the period of the violation.

(2) WILLFUL VIOLATIONS.—In the case of a willful violation, the value of forage consumed shall be twice the value determined under paragraph (1).

(3) SECOND OR SUBSEQUENT WILLFUL VIOLATIONS.—In the case of a second or subsequent willful violation, the value of forage consumed shall be three times the value determined under paragraph (1).

(e) NONMONETARY SETTLEMENT.—An authorized officer may approve a nonmonetary settlement of a case of a

violation described in section 151 if the authorized officer determines that each of the following conditions is satisfied:

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

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

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

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

(f) EFFECT OF SETTLEMENT.—Payment of a settlement amount under this section shall not relieve the violator of any criminal liability under Federal or State law.

(g) NO GRAZING USE.—A person who is found to have committed a violation described in section 151 shall not be authorized to make grazing use until any settlement amount found to be due under this section has been paid.

(h) OTHER SANCTIONS.—An authorized officer may cancel or suspend a grazing authorization or deny approval of an application for grazing use until a settlement amount found to be due under this section has been paid.

SEC. 154. IMPOUNDMENT AND SALE.

(a) IN GENERAL.—Subject to section 152(b), unauthorized livestock remaining on Federal land after the date

specified in a notice and order under section 152(a) may be impounded and sold by the authorized officer, acting in conjunction with the State Livestock Board.

(b) NOTICE OF INTENT TO IMPOUND.—

(1) KNOWN OWNER.—

(A) SERVICE.—A written notice of intent to impound shall be sent by certified mail or personally delivered to the livestock owner (or the owner's agent).

(B) CONTENTS.—The written notice shall state that unauthorized livestock on specified Federal land may be impounded any time after 10 days following delivery of the notice.

(2) UNKNOWN OWNER.—

(A) PUBLICATION AND POSTING.—If the livestock owner and owner's agent are unknown, or if both a known owner and the owner's agent refuse to accept delivery of notice, a notice of intent to impound shall be published in a local newspaper and posted at the county courthouse and a post office near the Federal land concerned.

(B) CONTENTS.—The notice shall state that unauthorized livestock on specified Federal land

may be impounded any time after 10 days following publication and posting of the notice.

(c) IMPOUNDMENT.—After 10 days following delivery or publication and posting of a notice under subsection (b), the notice shall become effective, and unauthorized livestock may be impounded without further notice any time within the 12-month period following the effective date of the notice.

(d) NOTICE OF PUBLIC SALE.—

(1) IN GENERAL.—Following the impoundment of livestock under this section, the livestock may be sold by the authorized officer or, if a suitable agreement is in effect, turned over to the State for sale, in accordance with subsection (f).

(2) NOTIFICATION.—Any known livestock owner (or owner's agent) shall be notified in writing by certified mail or by personal delivery of the sale and the procedure by which the impounded livestock may be redeemed prior to the sale.

(e) REDEMPTION.—An owner (or owner's agent) or lienholder of record of impounded livestock may redeem the livestock in accordance with State law, prior to the time of sale upon settlement with the United States under section 153 or adequate showing that there has been no violation.

(f) SALE.—If livestock are not redeemed on or before the date and time fixed for sale, the livestock shall be offered at public sale to the highest bidder by the authorized officer under State law, or by the State.

Subtitle G—Procedure

SEC. 161. PROPOSED DECISIONS.

(a) PROPOSED DECISIONS ON GRAZING PERMITS OR GRAZING LEASES.—

(1) SERVICE ON APPLICANTS, PERMITTEES, LESSEES, AND LIENHOLDERS.—In the absence of a written agreement between an authorized officer and any applicant, grazing permittee, lessee, or lienholder, the authorized officer shall serve, by certified mail or personal delivery, a proposed decision on any applicant, permittee, lessee, or lienholder (or agent of record of the applicant, permittee, lessee, or lienholder) that is affected by—

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

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

(2) CONTENTS.—A proposed decision described in paragraph (1) shall

(A) state reasons for the action, including reference to pertinent provision of this title or other applicable law (including regulations); and

(B) state that any protest to the proposed decision must be filed not later than 15 days after service.

(b) PROPOSED DECISIONS ON ALLEGED VIOLATIONS.—

(1) SERVICE.—If the authorized officer determines that a permittee or lessee appears to have violated any provision of this title, the authorized officer shall serve a proposed decision on the permittee or lessee (or permittee's or lessee's agent) by certified mail or personal delivery.

(2) CONTENTS.—A proposed decision shall—

(A) state

(i) the alleged violation and refer to the specific provision of this title that is alleged to have been violated;

(ii) the reasons for the proposed decision;

(iii) the fee due under section 137(a) or settlement amount due under section 153; and

(iv) any civil penalty to be imposed under section 141; and

(B) state that any protest to the proposed decision must be filed not later than 15 days after service.

SEC. 162. PROTESTS.

An applicant, permittee, or lessee may protest a proposed decision under section 161 in person or in writing to the authorized officer within 15 days after service of the proposed decision.

SEC. 163. FINAL DECISIONS.

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

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

(c) SERVICE.—After reviewing the protest, the authorized officer shall serve a final decision on the parties to the proceeding.

SEC. 164. APPEALS.

(a)(1) IN GENERAL.—After a decision by an authorized officer has become final, a permittee or lessee may appeal the final decision for the purpose of a hearing before

an administrative law judge by filing a notice of appeal in the office of the authorized officer within 30 days after the service of the final decision. A hearing shall be conducted pursuant to 5 U.S.C. 554–559. Any person desiring to appear as amicus curiae in any hearing shall make timely request stating the grounds for such request. Permission to appear, if granted, will be for such purposes as established by the Director of the Department of the Interior's Office of Hearings and appeals or the appropriate officer at the Department of Agriculture.

(2) When a grazing decision is appealed to an administrative law judge, the burden of proof shall be on the proponent of the rule or order. The standard of proof shall be by a preponderance of the evidence in the record as a whole.

(b) SUSPENSION PENDING APPEAL.—

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

(2) EFFECTIVENESS PENDING APPEAL.—

(A) IN GENERAL.—A District Manager of the Bureau of Land Management may order that a decision on a grazing permit application shall remain in effect during an appeal of the decision if it is determined that imminent and irrevers-

ible damage to land resources would be likely to result from delay of effectiveness of the decision.

(B) BASIS OF ORDER.—An order under subparagraph (A) shall be made in accordance with

(i) state-of-the-art science;

(ii) information and opinions offered by State land grant universities; and

(iii) the preponderance of evidence gathered in the proceeding.

(3) DISTRICT MANAGER'S DUTIES CONCERNING APPEALS.—In the case of an appeal concerning grazing on lands administered by the Department of the Interior, the District Manager shall, within 30 days, forward the appeal, and any pertinent information that would be useful in the rendering of a decision on such appeal, to the Office of Hearings and Appeals. The Office of Hearings and Appeals shall make an expedited determination whether the determination of the District Manager pursuant to subsection (b) of this section to have a decision on a grazing permit application take immediate effect is warranted.

(d) FOREST SERVICE APPEALS.—Appeals regarding grazing leases or permits on lands administered by the Chief of the Forest Service shall be handled accordingly to

the regulations codified in 36 CFR 215, 217, or 251, whichever is applicable.

Subtitle H—Advisory Committees

SEC. 171. PURPOSE.

This subtitle contains standards and procedures for the establishment, operation, and termination of advisory committees to advise the Secretary of the Interior and the Secretary of Agriculture on matters relating to grazing on Federal land and resources under the administrative jurisdiction of the Bureau of Land Management and the Forest Service.

SEC. 172. OBJECTIVE.

The objective of an advisory committee established under this subtitle is to provide to the Secretary expert recommendations of concerned, knowledgeable citizens and public officials regarding—

(1) the formulation of operating guidelines; and

(2) the preparation and execution of plans and programs for the use and management of Federal land, the natural and cultural resources on Federal land, and the environment.

SEC. 173. RELATION TO OTHER LAW.

Except to the extent that the following laws may be inconsistent with this subtitle, the following laws shall

apply to an advisory committee established under this subtitle:

(1) The Federal Advisory Committee Act (5 U.S.C. App.).

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

(3) Section 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App.).

SEC. 174. POLICY.

(a) IN GENERAL.—After consultation, cooperation, and coordination with State and local government officials, the Secretary shall establish advisory committees representative of major citizens' interests to advise the Secretary regarding the policies and programs set forth in this Act.

(b) OPTIMAL EMPLOYMENT.—The Secretary shall ensure that—

(1) advisory committees are optimally utilized; and

(2) the number of advisory committees is limited to the number that is essential to the conduct of the public's business.

SEC. 175. GENERAL PROVISIONS.

(a) CHARTERS.—

(1) IN GENERAL.—For each advisory committee established by the Secretary pursuant to this Act, the Secretary shall—

(A) prepare a charter describing the advisory committee's structure and functions; and

(B) file the charter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) AMENDMENT.—Except for the correction of errors and other minor changes, a charter filed under paragraph (1) shall not be amended without authorization by an Act of Congress.

(b) CALLS FOR NOMINATIONS.—Candidates for appointment to an advisory committee shall be sought through public calls for nominations made through publication in the Federal Register and through media releases and systematic contacts with State and local government officials and individuals and organizations interested in the use and management of Federal land and resources.

(c) COMPOSITION.—

(1) STRUCTURE.—An advisory committee shall be structured—

(A) to provide fair membership balance (geographic and interest-specific) in terms of the

functions to be performed and points of view to be represented, as prescribed by the advisory committee's charter; and

(B) to provide representative advice about Federal land and resource planning, retention, management, and disposal.

(2) NO DISCRIMINATION.—No person shall be denied an opportunity to serve on an advisory committee because of race, age, sex, religion, or national origin.

(3) QUALIFICATIONS.—A person shall be qualified to serve on an advisory committee if—

(A) the person's education, training, or experience enables the person to give informed and objective advice regarding an industry, discipline, or interest specified in the committee's charter;

(B) the person has demonstrated experience or knowledge of the geographical area under the purview of the advisory committee; and

(C) the person has demonstrated a commitment to seeking consensus solutions to resource management issues.

(d) AVOIDANCE OF CONFLICTS OF INTEREST.—

(1) PARTICIPATION IN DELIBERATIONS.—An advisory committee member shall not participate in deliberations or vote on any matter if the decision of the matter would, on its face or as applied, affect only an interest held by that member and not the interests of permittees or lessees generally.

(2) DISCLOSURE OF INTERESTS.—IN GENERAL.—Each member of an advisory committee shall be required to disclose the member's direct or indirect interest, including holdings of a spouse or dependent children of a member, in grazing leases, licenses, permits, contracts, or claims and related litigation that involve lands or resources administered by the Secretary.

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

(1) the member—

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

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

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

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

(f) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—A member of an advisory committee shall not receive any compensation or reimbursement of expenses in connection with the performance of the member's duties as a member of the advisory committee.

SEC. 176. RESOURCE ADVISORY COUNCILS.

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

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

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

(2) major management decisions while working within the broad management goals established for the grazing district; and on

(3) matters relating to the development of and range management decisions and actions taken regarding allotment management plans prepared pursuant to section 121.

(c) DISREGARD OF ADVICE.—

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

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

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

(B) be subject to appeal.

(d) MEMBERSHIP.—

(1) The Secretary, in consultation with the Governor of the affected State or States, shall appoint the

members of each Resource Advisory Council. A council shall consist of not less than nine members and not more than fifteen members.

(2) In appointing members to a Resource Advisory Council, the Secretary shall provide for balanced and broad representation from among various groups, including but not limited to, permittees and lessees, other commercial interests, recreational users, representatives of recognized local environmental or conservation organizations, educational, professional, or academic interests, representatives of State and local government or governmental agencies, Indian tribes, and other members of the affected public.

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

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

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

(e) SUBGROUPS.—A Resource Advisory Council may establish such subgroups as the council deems necessary, in-

cluding but not limited to working groups, technical review teams, and rangeland resource groups.

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

(g) PER DIEM EXPENSES.—Resource Advisory Council members shall serve without compensation as such, but shall be reimbursed for travel and per diem expenses while on official business, as authorized by section 5703 of title 5, United States Code.

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

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

SEC. 177. GRAZING ADVISORY BOARDS.

(a) ESTABLISHMENT.—For each district office of the Bureau of Land Management in the sixteen contiguous Western States having jurisdiction over more than 500,000 acres of public lands subject to commercial livestock graz-

ing, the Secretary, upon the petition of a simple majority of livestock lessees and permittees under the jurisdiction of such office, shall establish and maintain at least one Grazing Advisory Board of not more than fifteen members.

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

(1) range improvement objectives;

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

(3) grazing management programs and implementation; and

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

(c) DISREGARD OF ADVICE.—

(1) REQUEST FOR RESPONSE.—If a grazing advisory board becomes concerned that its advice is being arbitrarily disregarded, the grazing advisory board may, by unanimous vote of its members, request that the Secretary respond directly to the graz-

ing advisory board's concerns within 60 days after the Secretary receives the request.

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

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

(B) be subject to appeal.

(d) MEMBERS.—The number of members on each Grazing Advisory Board shall be determined by the Secretary. Members shall serve for a term of two years. Each board shall consist of livestock representatives who shall be lessees or permittees in the area administered by the district office and shall be chosen by the lessees and permittees in the area through an election prescribed by the Secretary.

(e) PER DIEM EXPENSES.—Grazing Advisory Board members shall serve without compensation as such, but shall be reimbursed for travel and per diem expenses while on official business, as authorized by section 5703 of title 5, United States Code.

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

SEC. 178. MEETINGS.

(a) IN GENERAL.—All meetings of an advisory committee and associated field examinations shall be open to the public and news media.

(b) NOTICE OF MEETINGS.—

(1) IN GENERAL.—A notice of a meeting of an advisory committee shall be published in the Federal Register and distributed to the news media at least 30 days in advance of the meeting.

(2) URGENT MATTERS.—If an urgent matter arises, a notice of a meeting of an advisory committee shall be published in the Federal Register or distributed to the news media at least 15 days in advance of the meeting.

(3) CONTENTS.—A notice of a meeting of an advisory committee shall state the date, time, and place of the meeting and describe the topics or issues to be discussed at the meeting.

(c) APPEARANCES.—Any person may appear before or file a statement with an advisory committee regarding matters on the meeting agenda.

(d) SCHEDULING.—The scheduling of meetings of an advisory committee and the preparation of agenda shall be done in a manner that encourages and facilitates public attendance and participation.

(e) EXTENSION OF TIME.—The amount of time scheduled for a meeting of an advisory committee may be extended if an authorized officer considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

(f) AUTHORITY TO SCHEDULE.—An advisory committee shall meet only at the call of the Secretary or of an authorized officer.

(g) ATTENDANCE BY AUTHORIZED OFFICER.—No meeting of an advisory committee shall be held in the absence of an authorized officer or designee of an authorized officer.

(h) AGENDA.—A meeting of an advisory committee shall be conducted with close adherence to the agenda approved in advance by an authorized officer.

(i) ADJOURNMENT.—An authorized officer may adjourn a meeting of an advisory committee at any time if—

(1) continuance would be inconsistent with the purpose for which the meeting was called or with the rules established for the conduct of the advisory committee; or

(2) adjournment is determined to be in the public interest.

(j) RECORDS.—

(1) IN GENERAL.—Detailed records shall be kept of each meeting of an advisory committee.

(2) REQUIREMENTS.—The records of a meeting of an advisory committee shall include, at a minimum—

(A) the time and place of the meeting;

(B) copies of the Federal Register and other public notices announcing the meeting;

(C) a list of members of the advisory committee and of Federal employees (in the capacity of Federal employee) present;

(D) a list of members of the public present, and a description of the interest represented by each member;

(E) the meeting agenda;

(F) a complete summary description of matters discussed and conclusions reached;

(G) a list of recommendations made by the advisory committee;

(H) copies of all reports received, issued, or approved by the advisory committee; and

(I) a description of the nature of public participation.

(3) CERTIFICATION BY CHAIRPERSON.—The Chairperson of an advisory committee shall certify the accuracy of the records of the advisory committee.

(4) AVAILABILITY FOR INSPECTION AND COPYING.—All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Federal office responsible for support of the advisory committee.

(k) SUBCOMMITTEES.—Each of the requirements of this section that applies to an advisory committee applies to any subcommittee of an advisory committee.

SEC. 179. CONFORMING AMENDMENT AND REPEAL.

(a) AMENDMENT.—The third sentence of section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended by striking ''district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)'' and inserting ''resource advisory councils and grazing advisory boards established under section 176 and section 177 of the Livestock Grazing Act''.''

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

Subtitle I—Reports

SEC. 181. REPORTS.

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

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

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

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

TITLE II—MANAGEMENT OF NATIONAL GRASSLANDS

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Grasslands Management Act of 1995''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

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

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

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

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

SEC. 203. DEFINITIONS.

As used in this title, the term—

(1) ''National Grasslands'' means those areas managed as National Grasslands by the Secretary of

Agriculture under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) on the day before the date of enactment of this title; and

(2) ''Secretary'' means the Secretary of Agriculture.

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

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

SEC. 205. MANAGEMENT OF NATIONAL GRASSLANDS.

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

(b) CONSULTATION.—The Secretary shall provide timely opportunities for consultation and cooperation with interested State and local governmental entities and others in the development of land use policies and plans, and land conservation programs for the National Grasslands.

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

(d) REGULATIONS.—The Secretary shall promulgate regulations to manage and protect the National Grasslands, taking into account the unique characteristics of the National Grasslands and grasslands agriculture conducted under the Bankhead-Jones Farm Tenant Act. Such regulations shall facilitate the efficient administration of grazing and provide protection for the environment, wildlife, wildlife habitat, and Federal lands equivalent to that on units of the National Forest System.

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

''To accomplish the purposes of title III of this Act, the Secretary is authorized and directed to develop a separate program of land conservation and utilization for the National Grasslands, in order thereby to correct maladjustments in land use, and thus assist in promoting grassland agriculture and secure occupancy and economic stability of farms and ranches, controlling soil erosion, reforestation, preserving and protecting natural resources, protecting fish

and wildlife and their habitat, developing and protecting recreational opportunities and facilities, mitigating floods, preventing impairment of dams and reservoirs, developing energy resources, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety and welfare, but not to build industrial parks or commercial enterprises.''.

(f) HUNTING, FISHING, AND RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding hunting or fishing activities on National Grasslands in accordance with applicable Federal and State laws, nor shall appropriate recreational activities be limited or precluded.

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

S 852 RS——2

S 852 RS——3

S 852 RS——4

S 852 RS——5

S 852 RS——6

S 852 RS——7

S 852 RS——8

S 852 RS——9

S 852 RS——10

S 852 RS——11