

PUBLIC RANGELANDS MANAGEMENT ACT OF 1996

JULY 12, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany S. 1459]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the Act (S. 1459) to provide for uniform management of livestock grazing on Federal land, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the Act as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Rangelands Management Act of 1996”.

SEC. 2. EFFECTIVE DATE.

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

(b) **APPLICABLE REGULATIONS.**—

(1) Except as provided in paragraph (2), grazing of domestic livestock on lands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, shall be administered in accordance with the applicable regulations in effect for each agency as of February 1, 1995, until such time as the Secretary of Agriculture and the Secretary of the Interior promulgate new regulations in accordance with this Act.

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

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

(1) the Secretary of Agriculture and the Secretary of the Interior shall provide, to the maximum extent practicable, for consistent and coordinated administration of livestock grazing and management of rangelands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, consistent with the laws governing the public lands and the National Forest System; and

(2) the Secretary of Agriculture and the Secretary of the Interior shall, to the maximum extent practicable, coordinate the promulgation of new regulations and shall publish such regulations simultaneously.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

Subtitle A—General Provisions

SEC. 101. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) 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;

(2) 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;

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

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

(5) it is in the public interest to charge a fee for livestock grazing permits and 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 by—

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

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

(10) maintaining the economic viability of the western livestock industry is in the best interest of the United States in order to maintain 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 coordinating land use inventory, planning and management programs on Bureau of Land Management and National Forest System lands with each other, other Federal departments and agencies, Indian tribes, and State and local governments within which the lands are located, but to date such coordination has not existed to the extent allowed by law; and

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

(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.

(a) 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.); and

(D) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 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 Act of April 24, 1950 (commonly known as the “Granger-Thye Act of 1950”) (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 580l);

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

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

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

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

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

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

(b) Nothing in this title shall affect grazing in any unit of the National Park System, National Wildlife Refuge System or on any lands that are not Federal lands as defined in this title.

(c) Nothing in this title shall limit or preclude the use of and access to Federal land for hunting, fishing, recreational, watershed management or other appropriate multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

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

SEC. 103. OBJECTIVE.

The objective of this title is to—

(1) promote healthy, sustained rangeland;

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

(3) enhance productivity of Federal land by conservation of forage resources, reduction of soil erosion, and proper management of other resources such as control of noxious species invasion;

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

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

(6) maintain and improve the condition of riparian areas which are critical to wildlife habitat and water quality; and

(7) maintain and improve the condition of Federal land for multiple-use purposes, including but not limited to wildlife and habitat, consistent with land use plans and other objectives of this section.

SEC. 104. DEFINITIONS.

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 and kinds or classes of livestock, and the length of time that livestock graze on, an allotment.
- (3) AFFECTED INTEREST.—The term “affected interest” means an individual or organization that has expressed in writing to the Secretary concern for the management of a specific allotment, for the purpose of receiving notice of and the opportunity for comment and informal consultation on proposed decisions of the Secretary affecting the allotment.
- (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” has the same meaning as defined in section 103(k) of Public Law 94–579 (43 U.S.C. 1702(k)).
- (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 terms “cancel” and “cancellation” refer to a permanent termination, in whole or in part, of—
- (A) a grazing permit or lease and grazing preference; or
- (B) other grazing authorization.
- (9) 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.
- (10) COORDINATED RESOURCE MANAGEMENT.—The term “coordinated resource management”—
- (A) means the planning and implementation of management activities in a specified geographic area that require the coordination and cooperation of the Bureau of Land Management or the Forest Service with affected State agencies, private land owners, and Federal land users; and
- (B) may include, but is not limited to practices that provide for conservation, resource protection, resource enhancement or integrated management of multiple-use resources.
- (11) 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 in the 16 contiguous Western States; but
- (B) does not include—
- (i) land held in trust for the benefit of Indians; or
- (ii) the National Grasslands as defined in section 203.
- (12) GRAZING PERMIT OR LEASE.—The term “grazing permit or lease” means a document authorizing use of the Federal land—
- (A) 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;
- (B) 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; or
- (C) in a national forest under section 19 of the Act of April 24, 1950 (commonly known as the “Granger-Thye Act of 1950”) (64 Stat. 88, chapter 97; 16 U.S.C. 5801), for the purposes of grazing livestock.
- (13) 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.

- (14) **LAND BASE PROPERTY.**—The term “land base property” means base property described in paragraph (7)(A).
- (15) **LAND USE PLAN.**—The term “land use plan” means—
 (A) with respect to Federal land administered by the Bureau of Land Management, one of the following developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)—
 (i) a resource management plan; or
 (ii) a management framework plan that is in effect pending completion of a resource management plan; 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).
- (16) **LIVESTOCK CARRYING CAPACITY.**—The term “livestock carrying capacity” means the maximum seasonal stocking rate that is possible without inducing long-term damage to vegetation or related resources.
- (17) **MONITORING.**—The term “monitoring” means the orderly collection of data using scientifically-based techniques to determine trend and condition of rangeland resources. Data may include historical information, but must be sufficiently reliable to evaluate—
 (A) effects of ecological changes and management actions; and
 (B) effectiveness of actions in meeting management objectives.
- (18) **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, wildlife, and wild horses and burros consistent with existing law; and
 (B) includes structures, treatment projects, and use of mechanical means to accomplish the goals described in subparagraph (A).
- (19) **RANGELAND STUDY.**—The term “rangeland study” means a documented study or analysis of data obtained on actual use, utilization, climatic conditions, other special events, production trend, and resource condition and trend to determine whether management objectives are being met, that—
 (A) relies on the examination of physical measurements of range attributes and not on cursory visual scanning of land, unless the condition to be assessed is patently obvious and requires no physical measurements;
 (B) utilizes a scientifically based and verifiable methodology; and
 (C) is accepted by an authorized officer.
- (20) **SECRETARY; SECRETARIES.**—The terms “Secretary” or “Secretaries” mean—
 (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 or the National Grasslands referred to in title II.
- (21) **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 lease; or
 (B) allows grazing on Federal land by livestock not owned or controlled by the permittee or lessee.
- (22) **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.
- (23) **WATER BASE PROPERTY.**—The term “water base property” means base property described in paragraph (7)(B).

SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.

- (a) **STANDARDS AND GUIDELINES.**—The Secretary shall establish standards and guidelines for addressing resource condition and trend on a State or regional level in consultation with the Resource Advisory Councils established in section 161,

State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State. Standards and guidelines developed pursuant to this subsection shall be consistent with the objectives provided in section 103 and incorporated, by operation of law, into the applicable land use plan to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) **COORDINATED RESOURCE MANAGEMENT.**—The Secretary shall, where appropriate, authorize and encourage the use of voluntary coordinated resource management practices. Coordinated resource management practices shall be—

- (1) scientifically based;
- (2) consistent with goals and management objectives of the applicable land use plan;
- (3) for the purposes of promoting good stewardship and conservation of multiple-use rangeland resources; and
- (4) authorized under a cooperative agreement with a permittee or lessee, or an organized group of permittees or lessees in a specified geographic area. Notwithstanding the mandatory qualifications required to obtain a grazing permit or lease by this or any other Act, such agreement may include other individuals, organizations, or Federal land users.

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

- (1) the Bureau of Land Management;
- (2) the Forest Service; and
- (3) the Natural Resources Conservation Service.

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

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

- (1) consider the impacts of all multiple uses, including livestock and wildlife grazing, on the environment and condition of public rangelands, and the contributions of these uses to the management, maintenance and improvement of such rangelands;
- (2) establish available animal unit months for grazing use, related levels of allowable grazing use, resource condition authorize grazing use, establish resource condition goals, and management objectives for the Federal land covered by the plan; and
- (3) set forth programs and general management practices needed to achieve the purposes of this title.

(c) **APPLICATION OF NEPA.**—Land use plans and amendments thereto 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, management actions and decisions approved by the authorized officer, including the issuance, renewal, or transfer of grazing permits or leases, shall not constitute major Federal actions requiring consideration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in addition to that which is necessary to support the land use plan, and amendments thereto.

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

SEC. 107. REVIEW OF RESOURCE CONDITION.

(a) Upon the issuance, renewal, or transfer of a grazing permit or lease, and at least once every 6 years, the Secretary shall review all available monitoring data for allotments. If the Secretary's review indicates that the resource condition is not meeting management objectives, then the Secretary shall prepare a brief summary report which—

- (1) evaluates the monitoring data;
- (2) identifies the unsatisfactory resource conditions and the use or management activities contributing to such conditions; and

(3) makes recommendations for any modifications to management activities, or permit or lease terms and conditions necessary to meet management objectives.

(b) The Secretary shall make copies of the summary report available to the permittee or lessee, and affected interests, and shall allow for a 30-day comment period to coincide with the 30-day time period provided in section 155. At the end of such comment period, the Secretary shall review all comments, and as the Secretary deems necessary, modify management activities, and pursuant to section 134, the permit or lease terms and conditions.

(c) If the Secretary determines that available monitoring data, or budget or personnel resources are insufficient to make recommendations pursuant to subsection (a)(3), the Secretary shall establish a reasonable schedule to gather sufficient data pursuant to section 123. Insufficient monitoring data shall not be grounds for the Secretary to refuse to issue, renew or transfer a grazing permit or lease, or to terminate or modify the terms and conditions of an existing grazing permit or lease.

Subtitle B—Qualifications and Grazing Preferences

SEC. 111. SPECIFYING GRAZING PREFERENCE.

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

- (1) a historical grazing preference;
- (2) active use, based on the amount of forage available for livestock grazing established in the land use plan;
- (3) suspended use; and
- (4) voluntary and temporary nonuse.

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

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

- (1) the acreage of land base property on a pro rata basis; or
- (2) water base property on the basis of livestock forage production within the service area of the water.

Subtitle C—Grazing Management

SEC. 121. ALLOTMENT MANAGEMENT PLANS.

If the Secretary elects to develop or revise 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 grazing advisory councils established pursuant to section 162, and any State or States having lands within the area to be covered by such allotment management plan. The Secretary shall provide for public participation in the development or revision of an allotment management plan as provided in section 155.

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, removal, 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 structural range improvement under a range improvement cooperative agreement shall be shared by the cooperator(s) and the United States in proportion to the value of the contributions (funding, material, and labor) toward the initial cost of construction.

(B) **VALUE OF FEDERAL LAND.**—For the purpose of subparagraph (A), only a contribution to the construction, installation, or modification of a permanent rangeland improvement itself, and not the value of Federal land on which the improvement is placed, shall be taken into account.

(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) **INCENTIVES.**—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) **ASSIGNMENT OF RANGE IMPROVEMENTS.**—An authorized officer shall not approve the transfer of a grazing preference, 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 permanent improvements within the allotment as of the date of the transfer.

SEC. 123. MONITORING AND INSPECTION.

(a) **MONITORING.**—Monitoring of resource condition and trend of Federal land on an allotment shall be performed by qualified persons approved by the Secretary, including but not limited to Federal, State, or local government personnel, consultants, and grazing permittees or lessees.

(b) **INSPECTION.**—Inspection of a grazing allotment shall be performed by qualified Federal, State or local agency personnel, or qualified consultants retained by the United States.

(c) **MONITORING CRITERIA AND PROTOCOLS.**—Rangeland monitoring shall be conducted according to regional or State criteria and protocols that are scientifically based. Criteria and protocols shall be developed by the Secretary in consultation with the Resource Advisory Councils established in section 161, State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State.

(d) **OVERSIGHT.**—The authorized officer shall provide sufficient oversight to ensure that all monitoring is conducted in accordance with criteria and protocols established pursuant to subsection (c).

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

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 right ownership and appropriation.

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

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

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

Subtitle D—Authorization of Grazing Use

SEC. 131. GRAZING PERMITS OR LEASES.

(a) TERMS.—A grazing permit or 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, and a shorter term is determined to be necessary, based upon monitoring information, to achieve resource condition goals and management objectives.

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

- (1) the land for which the grazing permit or 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 lease; and
- (3) the permittee or lessee accepts the terms and conditions included by the authorized officer in the new grazing permit or lease.

SEC. 132. SUBLEASING.

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

- (1) if the permittee or lessee is unable to make full grazing use due to ill health or death; or
- (2) under a cooperative agreement with a grazing permittee or lessee (or group of grazing permittees or lessees), pursuant to section 105(b).

(b) CONSIDERATIONS.—

- (1) Livestock owned by a spouse, child, or grandchild of a permittee or lessee shall be considered as owned by the permittee or lessee for the sole purposes of this title.
- (2) Leasing or subleasing of base property, in whole or in part, shall not be considered as subleasing of a Federal grazing permit or lease: *Provided*, That the grazing preference associated with such base property is transferred to the person controlling the leased or subleased base property.

SEC. 133. 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 lease.

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

SEC. 134. TERMS AND CONDITIONS.

(a) IN GENERAL.—

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

(2) A grazing permit or lease shall be subject to such other reasonable terms or conditions, as developed under subsection (b), as may be necessary to achieve the objectives of this title, or as contained in an approved allotment management plan.

(3) No term or condition of a grazing permit or lease shall be imposed pertaining to past practice or present willingness of an applicant, permittee or lessee to relinquish control of public access to Federal land across private land.

(4) The authorized officer shall ensure that a grazing permit or lease will be consistent with appropriate standards and guidelines developed pursuant to section 105 as are appropriate to the permit or lease.

(b) MODIFICATION.—Following careful and considered consultation, cooperation, and coordination with permittees and lessees, an authorized officer shall modify the terms and conditions of a grazing permit or lease if monitoring data show that the grazing use is not meeting the management objectives established in a land use plan or allotment management plan, and if modification of such terms and conditions is necessary to meet specific management objectives.

SEC. 135. FEES AND CHARGES.

(a) **GRAZING FEES.**—The fee for each animal unit month in a grazing fee year for livestock owned or controlled shall be computed by the Secretary, and such fee shall be equal to the three-year average of the total gross value of production for beef cattle for the three years preceding the grazing fee year, multiplied by the 10-year average of the United States Treasury Securities 6-month bill “new issue” rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (e)(1).

(b) **DEFINITION OF ANIMAL UNIT MONTH.**—For the purposes of billing only, 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 lease.

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

(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 charge shall be published in the Federal Register.

(e) **CRITERIA FOR ERS.**—

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

(2) For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary of the Interior and the Secretary of Agriculture, and published in the Federal Register, on or before February 15 of each year.

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

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

(1) at the end of subsection (a), by striking “,” and inserting “: *Provided further*, That no such moneys shall be expended for litigation purposes or lobbying the Federal Government;”; and

(2) at the end of subsection (b), by striking “.” and inserting “: *Provided further*, That no such moneys shall be expended for litigation purposes or lobbying the Federal Government.”.

Subtitle E—Unauthorized Grazing Use

SEC. 141. NONMONETARY SETTLEMENT.

An authorized officer may approve a nonmonetary settlement of a case of a violation 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.

SEC. 142. IMPOUNDMENT AND SALE.

Any impoundment and sale of unauthorized livestock on Federal land shall be conducted in accordance with State law.

Subtitle F—Procedure

SEC. 151. PROPOSED DECISIONS.

(a) SERVICE ON APPLICANTS, PERMITTEES, LESSEES, AND LIENHOLDERS.—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—

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

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

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

(c) CONTENTS.—A proposed decision described in subsection (a) shall—

(1) state reasons for the action, including reference to applicable law (including regulations);

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

(3) state that any protest to the proposed decision must be filed not later than 30 days after service.

SEC. 152. PROTESTS.

An applicant, permittee, or lessee may protest a proposed decision under section 151 in writing to the authorized officer within 30 days after service of the proposed decision.

SEC. 153. FINAL DECISIONS.

(a) NO PROTEST.—In the absence of a timely filed protest, a proposed decision described in section 151(a) 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 AND NOTIFICATION.—After reviewing the protest, the authorized officer shall serve a final decision on the parties to the proceeding, and notify affected interests of the final decision.

SEC. 154. APPEALS.

(a) IN GENERAL.—Any person whose interest is adversely affected by a final decision of an authorized officer, within the meaning of section 702 of title 5, United States Code, may appeal the decision within 30 days after the receipt of the decision, or within 60 days after the receipt of a proposed decision if further notice of a final decision is not required under this title, pursuant to applicable laws and regulations governing the administrative appeals process of the agency serving the decision. Being an affected interest as described in section 104(3) shall not in and of itself confer standing to appeal a final decision upon any individual or organization.

(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.—The authorized officer may place a final decision in full force and effect in an emergency to stop resource deterioration or economic distress, if the authorized officer has substantial grounds to believe that resource deterioration or economic distress is imminent. Full force and effect decisions shall take effect on the date specified, regardless of an appeal.

(c) In the case of an appeal under this section, the authorized officer shall, within 30 days of receipt, forward the appeal, all documents and information submitted by the applicant, permittee, lessee, or lienholder, and any pertinent information that would be useful in the rendering of a decision on such appeal, to the appropriate authority responsible for issuing the final decision on the appeal.

SEC. 155. PUBLIC PARTICIPATION AND CONSULTATION.

(a) **GENERAL PUBLIC.**—The Secretary shall provide for public participation, including a reasonable opportunity to comment, on—

(1) land use plans and amendments thereto; and

(2) development of standards and guidelines to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) **AFFECTED INTERESTS.**—At least 30 days prior to the issuance of a final decision, the Secretary shall notify affected interests of such proposed decision, and provide a reasonable opportunity for comment and informal consultation regarding the proposed decision within such 30-day period, for—

(1) the designation or modification of allotment boundaries;

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

(3) the increase or decrease of permitted use;

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

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

(6) reports evaluating monitoring data for a permit or lease; and

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

Subtitle G—Advisory Committees

SEC. 161. RESOURCE ADVISORY COUNCILS.

(a) **ESTABLISHMENT.**—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Governors of the affected States, shall establish and operate joint Resource Advisory Councils on a State or regional level to provide advice on management issues for all lands administered by the Bureau of Land Management and the Forest Service within such State or regional area, except where the Secretaries determine 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 Secretaries 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; and

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

(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 Secretaries respond directly to the Resource Advisory Council's concerns within 60 days after the Secretaries receive the request.

(2) **EFFECT OF RESPONSE.**—The response of the Secretaries 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 Secretaries, 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 Secretaries 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 Secretaries 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, including 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 Secretaries.

(g) **FEDERAL ADVISORY COMMITTEE ACT.**—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Resource Advisory Councils established under this section.

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

(i) **STATE GRAZING DISTRICTS.**—The Secretary shall ensure that Resource Advisory Councils coordinate activities and cooperate with State Grazing Districts established pursuant to State law.

SEC. 162. GRAZING ADVISORY COUNCILS.

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

(b) **DUTIES.**—The duties of Grazing Advisory Councils 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 or betterment funds under the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) or the Taylor Grazing Act (43 U.S.C. 315 et seq.);

(3) developing and implementation of grazing management programs; and

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

(c) **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.

(d) **MEMBERSHIP.**—The members of a Grazing Advisory Council established pursuant to this section shall represent permittees, lessees, affected landowners, social and economic interests within the district or national forest, and elected State or county officers. All members shall have a demonstrated knowledge of grazing management and range improvement practices appropriate for the region, and shall be residents of a community within or adjacent to the district or national forest, or control a permit or lease within the same area. Members shall be appointed by the Secretary for a term of two years, and may be appointed for additional consecutive terms. The membership of Grazing Advisory Councils shall be equally divided between permittees or lessees, and other interests: *Provided*, That one elected State or county officer representing the people of an area within the district or national forest shall be appointed to create an odd number of members: *Provided further*, That permittees or lessees appointed as members of each Grazing Advisory Council shall be recommended to the Secretary by the permittees or lessees of the district or national forest through an election conducted under rules and regulations prescribed by the Secretary.

(e) **FEDERAL ADVISORY COMMITTEE ACT.**—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Grazing Advisory Councils established pursuant to this section.

(f) **STATE GRAZING DISTRICTS.**—The Secretary shall ensure that the Grazing Advisory Councils coordinate activities and cooperate with State Grazing Districts established pursuant to State law.

SEC. 163. GENERAL PROVISIONS.

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

(1) a grazing district 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); or

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

(b) **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.

(c) **COMPENSATION AND REIMBURSEMENT OF EXPENSES.**—A member of an advisory committee established under sections 161 and 162 shall not receive any compensation in connection with the performance of the member’s duties as a member of the advisory committee, but shall be reimbursed for travel and per diem expenses only while on official business, as authorized by section 5703 of title 5, United States Code.

SEC. 164. 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 Councils established under section 161 and section 162 of the Public Rangelands Management Act of 1996”.

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

Subtitle H—Reports

SEC. 171. REPORTS.

(a) **IN GENERAL.**—Not later than March 1, 1997, and annually thereafter, the Secretaries 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 Secretaries shall indicate 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 1996”.

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 sporting, 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 sportmen’s hunting and fishing and other 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 government entities, and other interested individuals and organizations in the development and implementation 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 (7 U.S.C. 1010). 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 the National Grasslands on the day prior to the date of enactment of this Act.

(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:

“PROGRAM

“SEC. 31. 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, to promote 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 AND FISHING, AND OTHER 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.—

(1) IN GENERAL.—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 land and interests therein within the boundaries of the National Grasslands.

(2) INTERIM USE AND OCCUPANCY.—

(A) Until such time as regulations concerning the use and occupancy of the National Grasslands are promulgated pursuant to this title, the Secretary shall regulate the use and occupancy of such lands in accordance with regulations applicable to such lands on May 25, 1995, to the extent practicable and consistent with the provisions of this Act.

(B) Any applications for National Grasslands use and occupancy authorizations submitted prior to the date of enactment of this Act, shall continue to be processed without interruption and without reinitiating any processing activity already completed or begun prior to such date.

SEC. 206. FEES AND CHARGES.

Fees and charges for grazing on the National Grasslands shall be determined in accordance with section 135, except that the Secretary may adjust the amount of a grazing fee to compensate for approved conservation practices and administrative expenditures.

PURPOSE OF THE BILL

The purpose of S. 1459 is to provide for uniform management of livestock grazing on Federal land.

BACKGROUND AND NEED FOR LEGISLATION

Much of the grazing heritage of the Western United States is an outgrowth of the period when settlers migrated there to grow crops and raise animals on homesteads. Those settlers established a way of life that continues today. Their descendants still attempt to make a living from ranching and livestock grazing, but under different and difficult circumstances. Some of the challenges are the same as those of a century ago: inadequate water supplies, disease and predators. However, the Federal Government atmosphere regarding the availability of public land for livestock grazing and its attitude toward rangeland management have changed dramatically.

In the early years, as livestock grazing became a part of the West and its economic base, ranchers grazed animals on their own land, and on neighboring land—Federal land—as well. Congress did nothing to legislate against this practice and States encouraged the full and free use of Federal land for livestock grazing.

In the late 1890s and early 1900s, however, the Federal lands were divided through the creation of national forest reserves, and the U.S. Forest Service derived authority to manage grazing on national forest lands from its 1897 Organic Act. The unreserved Federal lands, however, remained subject to free and uncontrolled grazing.

Only when it became apparent during the Depression that the rangeland could not continue to support the large number of animals being grazed and that the livestock industry itself was in dire need of assistance, did Congress act. The Taylor Grazing Act, enacted in 1934, was significant in many respects. It was one of the first major conservation laws, and it accomplished several other important objectives.

First, it ended free access to and use of the public range. Second, it established grazing districts on unappropriated and unreserved public lands and ended large-scale disposition of public lands. Third, it provided authority to classify lands according to their best use for the first time. Finally, it recognized that the Federal Government has a responsibility to care for Federal land and take into account the people who use it.

Subsequently, the Grazing Service was created to implement the Taylor Grazing Act. It was merged with the General Land Office in 1946—97 years after the creation of the Department of the Interior—to form the Bureau of Land Management (BLM).

Thus, for almost 50 years livestock grazing has been administered by two different land management agencies under two different statutory regimes. This has caused confusion and inconsistencies in areas where grazing allotments consist of intermingled parcels of Forest Service, BLM, and private or State lands.

On March 25, 1994, the Department of the Interior published proposed regulations governing grazing on lands administered by BLM (58 Fed. Reg. 14314). The proposed rules were the subject of an initial 120-day comment period that was scheduled to close on July 28, 1994. The comment period was extended to run through September 9, 1994. Numerous public meetings were held by the Department on the proposed regulations.

No House hearings were held, but the Senate Committee on Energy and Natural Resources held a series of hearings on the proposed regulations in Washington, D.C., on April 20, 1994; in Albuquerque, New Mexico, on May 14, 1994; in Twin Falls, Idaho, on July 8, 1994; in Richfield, Utah, on July 11, 1994; and in Casper, Wyoming, on July 15, 1994 (S. Hrg. 103–655).

Final grazing regulations were promulgated by the Department on February 22, 1995 (60 Fed. Reg. 9894). As a result of an informal agreement reached with several members of Congress, the regulations did not take effect until August 21, 1995.

Based on concerns about the sweeping nature of the new Interior Department grazing management regulations, several Western Members of Congress prepared legislation to assure that livestock grazing could continue to be a part of the economic base of the West and the culture that has been handed down from generation to generation. There also were concerns about the scope of grazing regulations the Forest Service is developing. To address those concerns, the sponsors sought to develop legislation that would adopt portions of the BLM grazing regulations, as well as elements of the new Forest Service rules.

COMMITTEE ACTION

A House grazing bill, H.R. 1713, taking a different tack from the Interior Department's regulations, was introduced on May 25, 1995, by Congressman Wes Cooley (R-OR). The bill was referred to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks, Forests and Lands. This bill was the subject of a hearing on July 11, 1995, (H. Hrg. 104–38) by the Subcommittee, which ordered the bill reported with amendments to the Full Resources Committee on September 12, 1995, by voice vote.

A companion bill, S. 852, was introduced by Senator Pete V. Domenici (R-NM) in the Senate the same day that H.R. 1713 was introduced, and a hearing was held on S. 852 on June 22, 1995, by the Subcommittee on Forests and Public Land Management. At the business meeting on July 19, 1995, the Senate Committee on Energy and Natural Resources ordered the measure favorably re-

ported, with amendments (S. Rep. 104–123). Thereafter, S. 852 was placed on the Senate Calendar (No. 158) but has not been considered by the Senate. It is generally conceded that S. 852 has several shortcomings.

Following the reporting of S. 852, a bipartisan effort was mounted to craft new legislation that would not contain the same deficiencies as S. 852 and that would address issues of concern to Members from Western grazing States. That effort culminated in a new bill, S. 1459, the Public Rangelands Management Act, authored by Senator Domenici. The Committee on Energy and Natural Resources ordered the bill reported November 30, 1995, by voice vote to the full Senate (S. Rep. 104–181). S. 1459 was considered by the Senate on March 21, 1996, amended, and passed by a vote of 50 to 41.

In the House of Representatives, S. 1459 was referred to the Committee on Resources, and in addition to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks, Forests and Lands. On April 25, 1996, S. 1459 was discharged from the Subcommittee on National Parks, Forests and Lands and was considered by the Full Resources Committee. Congressman Cooley offered an amendment in the nature of a substitute.

Congressman Tim Johnson (D–SD) offered a substitute amendment that failed by a roll call vote of 5 to 33, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS

ROLLCALL VOTE NO. 1

Bill: S. 1459, Public Rangelands Management Act of 1996.

Amendment or matter voted on: Johnson Amendment in the Nature of a Substitute.

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman)		X		Mr. Miller		X	
Mr. Tauzin		X		Mr. Markey		X	
Mr. Hansen		X		Mr. Rahall			
Mr. Saxton				Mr. Vento		X	
Mr. Gallegly				Mr. Kildee		X	
Mr. Duncan		X		Mr. Williams	X		
Mr. Hefley		X		Mr. Gejdenson		X	
Mr. Doolittle		X		Mr. Richardson			
Mr. Allard		X		Mr. DeFazio		X	
Mr. Gilchrest		X		Mr. Faleomavaega	X		
Mr. Calvert		X		Mr. Johnson	X		
Mr. Pombo		X		Mr. Abercrombie	X		
Mr. Torkildsen		X		Mr. Studds			
Mr. Hayworth		X		Mr. Ortiz			
Mr. Cremeans		X		Mr. Pickett			
Mrs. Cubin		X		Mr. Pallone		X	
Mr. Cooley		X		Mr. Dooley		X	
Mrs. Chenoweth		X		Mr. Romero-Barceló		X	
Mrs. Smith		X		Mr. Hinchey		X	
Mr. Radanovich		X		Mr. Underwood			
Mr. Jones		X		Mr. Farr	X		
Mr. Thornberry				Mr. Kennedy		X	
Mr. Hastings							
Mr. Metcalf							
Mr. Longley		X					
Mr. Shadegg		X					

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Ensign	X	.....	.....	.....	.....	.....

Congresswoman Barbara Cubin (R–WY) offered an amendment that allows for the use of grazing fee moneys for purposes other than just rangeland improvements. Congressman George Miller (D–CA) amended the Cubin amendment by unanimous consent to prohibit the use of these moneys for lobbying the Federal Government. Congresswoman Cubin’s amendment, as amended by Congressman Miller’s amendment, was adopted by voice vote.

Congressman Bill Richardson (D–NM) offered an amendment on hunting and fishing access which originally passed by voice vote and then withdrawn by agreement with Chairman Don Young (R–AK) to work out language.

Congressman Richardson offered a second amendment on protection of fish and wildlife and withdrew it with an agreement to work out language.

Congressman Richardson offered a third amendment that would raise the fee for permittees with more than 2,000 animal unit months, which failed by voice vote.

Congressman Pat Williams (D–MT) offered an amendment which would have eliminated the Grazing Advisory Councils and combined their duties with the Resource Advisory Councils, which failed by voice vote.

Congressman Edward J. Markey (D–MA) offered an amendment which would have set the basic fee for each animal unit month equal to the rate charged for grazing on State lands in the State in which the Federal lands under a permit are authorized, which failed by a roll call vote of 11 to 28, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS

ROLLCALL VOTE NO. 2

Bill: S. 1459, Public Rangelands Management Act of 1996.
Amendment or matter voted on: Markey Amendment.

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman)	X	.....	Mr. Miller	X	.....	.....
Mr. Tauzin	X	.....	Mr. Markey	X	.....	.....
Mr. Hansen	X	.....	Mr. Rahall .....	.....	.....	.....
Mr. Saxton	Mr. Vento	X	.....	.....
Mr. Gallegly	Mr. Kildee	X	.....	.....
Mr. Duncan	Mr. Williams .....	.....	X	.....
Mr. Hefley	X	.....	Mr. Gejdenson	X	.....	.....
Mr. Doolittle	X	.....	Mr. Richardson .....	.....	X	.....
Mr. Allard	X	.....	Mr. DeFazio	X	.....	.....
Mr. Gilchrest	Mr. Faleomavaega .....	.....	X	.....
Mr. Calvert	X	.....	Mr. Johnson .....	.....	X	.....
Mr. Pombo	X	.....	Mr. Abercrombie .....	.....	.....	.....
Mr. Torkildsen	X	.....	.....	Mr. Studds .....	.....	.....	.....
Mr. Hayworth	X	.....	Mr. Ortiz .....	.....	.....	.....
Mr. Cremeans	X	.....	Mr. Pickett .....	.....	.....	.....
Mrs. Cubin	X	.....	Mr. Pallone	X	.....	.....
Mr. Cooley	X	.....	Mr. Dooley .....	.....	X	.....
Mrs. Chenoweth	X	.....	Mr. Romero-Barceló .....	.....	X	.....
Mrs. Smith	X	.....	Mr. Hinchey	X	.....	.....
Mr. Radanovich	X	.....	Mr. Underwood .....	.....	.....	.....
Mr. Jones	X	.....	Mr. Farr	X	.....	.....

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Thornberry	X	.....	Mr. Kennedy	X	.....	.....
Mr. Hastings	X	.....	.....	.....	.....	.....
Mr. Metcalf	X	.....	.....	.....	.....	.....
Mr. Longley	X	.....	.....	.....	.....	.....
Mr. Shadegg	X	.....	.....	.....	.....	.....

Congressman Cooley’s amendment in the nature of substitute, as amended, was adopted by voice vote, and S. 1459, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 23 to 15, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS

ROLLCALL VOTE NO. 3

Bill: S. 1459, Public Rangelands Management Act of 1996.
Amendment or matter voted on: Final Passage.

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman)	X	.....	.....	Mr. Miller .....	.....	X	.....
Mr. Tauzin	X	.....	.....	Mr. Markey .....	.....	X	.....
Mr. Hansen	X	.....	.....	Mr. Rahall .....	.....	.....	.....
Mr. Saxton .....	.....	.....	.....	Mr. Vento .....	.....	X	.....
Mr. Gallegly .....	.....	.....	.....	Mr. Kildee .....	.....	X	.....
Mr. Duncan .....	.....	.....	.....	Mr. Williams	X	.....	.....
Mr. Hefley	X	.....	.....	Mr. Gejdenson .....	.....	X	.....
Mr. Doolittle	X	.....	.....	Mr. Richardson .....	.....	.....	.....
Mr. Allard	X	.....	.....	Mr. DeFazio .....	.....	X	.....
Mr. Gilchrest .....	.....	.....	.....	Mr. Faleomavaega .....	.....	X	.....
Mr. Calvert .....	.....	X	.....	Mr. Johnson .....	.....	X	.....
Mr. Pombo	X	.....	.....	Mr. Abercrombie .....	.....	X	.....
Mr. Torkildsen .....	.....	X	.....	Mr. Studds .....	.....	.....	.....
Mr. Hayworth	X	.....	.....	Mr. Ortiz .....	.....	.....	.....
Mr. Cremeans	X	.....	.....	Mr. Pickett .....	.....	.....	.....
Mrs. Cubin	X	.....	.....	Mr. Pallone .....	.....	X	.....
Mr. Cooley	X	.....	.....	Mr. Dooley	x	.....	.....
Mrs. Chenoweth	X	.....	.....	Mr. Romero-Barceló .....	.....	X	.....
Mrs. Smith .....	.....	.....	.....	Mr. Hinchey .....	.....	X	.....
Mr. Radanovich	X	.....	.....	Mr. Underwood .....	.....	.....	.....
Mr. Jones	X	.....	.....	Mr. Farr .....	.....	X	.....
Mr. Thornberry	X	.....	.....	Mr. Kennedy .....	.....	X	.....
Mr. Hastings	X	.....	.....	.....	.....	.....	.....
Mr. Metcalf	X	.....	.....	.....	.....	.....	.....
Mr. Longley	X	.....	.....	.....	.....	.....	.....
Mr. Shadegg	X	.....	.....	.....	.....	.....	.....
Mr. Ensign	X	.....	.....	.....	.....	.....	.....

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The Act is cited as the “Public Rangelands Management Act of 1996”.

Section 2. Effective date

Subsection (a) states that the Act and its amendments and repeals are effective on the date of enactment.

Subsection (b) requires livestock grazing on lands administered by the Department of the Interiors Bureau of Land Management (BLM) to be conducted in accordance with Federal regulations in effect on February 1, 1995. It also requires grazing on lands admin-

istered by the Forest Service to be conducted according to regulations that are substantially similar to the BLM regulations. The Secretary of Agriculture is required to promulgate regulations applicable to Forest Service lands, which can deviate from the rules applicable to BLM to the extent necessary to conform to National Forest System laws. The Secretaries of the Interior and Agriculture are required to coordinate the promulgation of substantially similar regulations.

Subsection (c) further provides that Resource Advisory Councils established by the Secretary of the Interior after August 21, 1995, are authorized to continue under their current charters until February 28, 1997.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

Section 101. Findings

This section provides Congressional findings, of which several are worth emphasis. Multiple use, as set forth in current law, has been and will continue to be a guiding principle in the management of public lands and national forests. Through cooperative and concerted efforts, the Federal rangelands are in the best condition they have been in during this century and their condition continues to improve. As a result, wildlife populations are increasing and stabilizing in vast areas of the West. Grazing preferences must continue to be adequately safeguarded to promote the economic stability of the Western livestock industry. It is in the public interest to charge a fee for livestock grazing that reflects a fair return to the Federal Government and promotes continuing cooperative stewardship efforts. Greater local input into the management of the public rangelands is in the best interests of the United States. Maintaining the economic viability of the Western livestock industry is essential to maintaining open space and fish and wildlife habitat. The levels of livestock that were authorized to be permitted as of August 1, 1993, are consistent with title I of the Act and may be increased or decreased, as appropriate, consistent with title I of the Act.

Section 102. Application of Act

This section states that the Act applies to the management of grazing on lands administered by the Secretaries of the Interior and Agriculture under various statutes and laws.

The section clarifies that nothing in the Act 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.

The section also declares that nothing in title I shall limit or preclude the use of and access to Federal land for fishing, hunting, recreational, watershed management or other appropriate multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

Section 103. Objective

The statement of objectives is self-explanatory.

Section 104. Definitions

This section provides definitions for the Act.

The term “affected interest” means an individual or organization that has expressed in writing to the authorized officer a desire to be notified in writing of proposed decisions of the authorized officer related to a specific allotment.

“Coordinated resource management” means the planning and implementation of management activities in a specified geographic area that require the coordination and cooperation of the BLM and Forest Service with affected State agencies, private land owners and Federal land users. It may include, but is not limited to, practices that provide for conservation, resource protection, resource enhancement or integrated management of multiple-use resources.

The term “grazing permit or lease” means a document authorizing the use of the Federal land: within a grazing district under section 3 of the Taylor Grazing Act; outside grazing districts under section 15 of the Taylor Grazing Act; and in a national forest under section 19 of the Granger-Thye Act of 1950.

“Livestock carrying capacity” means the maximum seasonal stocking rate that is possible without inducing long-term damage to vegetation or related resources. This definition is meant to reflect the fact that carrying capacity should be based on flexibility and adjustments for seasons and among years.

The term “monitoring” means the orderly collection of data using scientifically-based techniques to determine trend and condition of rangeland resources. Data collected may include historical information, but must be statistically reliable to evaluate effects of ecological changes and management actions and effectiveness of actions in meeting management objectives.

“Rangeland study” means a documented study or analysis of data obtained 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: rely on examination of physical measurements of range attributes and not on cursory visual scanning of land, unless the condition to be assessed is patently obvious and requires no physical measurements; utilize scientifically based and statistically verifiable methodology; and are accepted by an authorized officer. “Utilization” means the percentage of a year’s forage production consumed or destroyed by herbivores.

The remaining definitions are self-explanatory.

Section 105. Fundamentals of rangeland health

Subsection (a) requires the Secretaries of the Interior and Agriculture to establish standards and guidelines for addressing rangeland condition and trend on a State or regional basis in consultation with the Resource Advisory Committees established in section 161 and in cooperation with State departments of agriculture or other appropriate State agencies and academic institutions in each interested State.

Subsection (b) requires the Secretaries, where appropriate, to authorize and encourage the voluntary use of coordinated resource management practices that are: scientifically based; consistent with the goals and objectives of the applicable land use plan; for the purposes of promoting good stewardship of multiple-use rangeland resources; and authorized under a cooperative agreement with a permittee or lessee, or an organized group of permittees or lessees in a specified geographic area. Such agreements can include other individuals, organizations or Federal land users.

Subsection (c) authorizes and directs the Secretaries to enter into cooperative agreements to coordinate the activities of the BLM, Forest Service and the Natural Resources Conservation Service where coordinated resources management involves private, State and Federal land managed by the BLM and Forest Service.

Subsection (d) declares that nothing in title I or any other law should be construed to imply that minimum national standards or guidelines are necessary.

Section 106. Land use plans

Subsection (a) requires an authorized officer to manage livestock grazing on Federal land under the principles of multiple-use and sustained yield and in accordance with applicable land use plans.

Subsection (b) declares that land use plans shall: consider the impacts of all multiple uses, including livestock and wildlife grazing, on the environment and the condition of the public rangelands as well as the contributions of these uses to the management, maintenance and improvement of the rangelands; establish allowable grazing use in combination with other multiple uses, related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained; and set forth programs and general management practices needed to achieve the purposes of title I. The land use plans are meant to address resource conditions and management objectives rather than site-specific use, which is more appropriately covered by allotment management plans.

Subsection (c) provides that land use plans and amendments thereto shall continue to be developed in accordance with the National Environmental Policy Act of 1969 (NEPA).

Subsection (d) declares that livestock grazing activities and management actions approved by an authorized officer, including the issuance, renewal or transfer of grazing permits or leases, shall not constitute major Federal actions requiring consideration under NEPA in addition to that which is necessary to support the land use plan and amendments thereto.

Subsection (e) clarifies that nothing in this section is intended to override the planning and public involvement processes of any other Federal law pertaining to Federal lands, including public participation in the NEPA process itself.

Section 107. Review of resource condition

Subsection (a) provides that upon the issuance, renewal, or transfer of a grazing permit or lease, if the Secretaries review indicates that the resource condition is not meeting management objectives, the Secretary shall review all available monitoring data for

the allotment and at least once every six years, shall prepare a brief summary report which: evaluates the monitoring data; identifies the unsatisfactory resource conditions and the use or management activities contributing to such conditions; and makes recommendations for any modifications to management activities, or permit or lease terms or conditions necessary to meet management objectives.

Under subsection (c), if the Secretary determines that there is not enough monitoring data, or budget or personnel resources are insufficient to make recommendations, the Secretary shall establish a schedule to gather sufficient data. Grazing shall continue under the current permit or lease if monitoring or agency resources are insufficient to complete reviews.

Section 111. Specifying grazing preference

This section is self-explanatory.

Section 121. Allotment management plans

This section is self-explanatory.

Section 122. Range improvements

This section is self-explanatory.

Section 123. Monitoring and inspection

Subsection (a) requires that monitoring be performed by qualified Federal, State, or local agency personnel, qualified consultants as agreed to in an approved allotment management plan, or qualified range consultants retained by the United States. This section is not intended to authorize the Secretary to require monitoring as a term or condition of a permit or lease.

Subsection (b) is self-explanatory.

Subsection (c) states that rangeland monitoring shall be conducted according to scientifically-based regional or State criteria and protocols that shall be developed in consultation with the Resource Advisory Committees established in section 161 and in cooperation with State departments of agriculture or other appropriate State agencies and academic institutions.

Subsection (d) is self-explanatory.

Subsection (e) requires the Secretary to provide reasonable notice of monitoring and inspection activities to the permittees or lessees and indicates that permittees and lessees are to be invited to participate in all inspections.

Section 124. Water rights

Subsection (a) declares that 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 use and appropriation of water within the State.

Subsection (b) requires the Secretary, in managing livestock grazing on Federal land, to follow State law with regard to water right ownership and appropriation.

Subsection (c) prohibits the Secretary from imposing or requiring any transfer, restriction, or limitation on the use of any water right

to another party as a term or condition of any grazing permit or lease, range improvement cooperative agreement or range improvement permit.

Subsection (d) declares that nothing in title I shall be construed to create an express or implied reservation of water rights in the United States.

Subsection (e) clarifies that nothing in this Act shall affect valid existing water rights.

Section 131. Grazing permits or grazing leases

This section is self-explanatory.

Section 132. Subleasing

This section is self-explanatory.

Section 133. Ownership and identification of livestock

This section is self-explanatory.

Section 134. Terms and conditions

This section is self-explanatory.

Section 135. Fees and charges

The term “animal unit month” (AUM) means one month’s use and occupancy of the range by 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 lease.

The fee for each AUM to be determined by the Secretaries of the Interior and Agriculture shall be equal to the three-year average of the total gross value of production of beef cattle for the three years preceding the grazing fee year, multiplied by the 10-year average of the United States Treasury Securities 6-month bill “new issue” rate, and divided by 12. The gross value of production of beef cattle shall be determined by the Economic Research Service of the Department of Agriculture.

The remaining provisions of the section are self-explanatory.

Section 136. Use of State share of grazing fees

The Taylor Grazing Act is amended to bar the use of the State share of grazing fees for litigation or lobbying the Federal Government.

Section 141. Nonmonetary settlement

This section is self-explanatory.

Section 142. Impoundment and sale

This section is self-explanatory.

Section 151. Proposed decisions

Subsection (a) requires that the authorized officer serve, by certified mail or personal delivery, a proposed decision on any applicant, permittee, lessee, or lienholder that is affected by a proposed action on an application for a grazing permit or lease, or range improvement permit, or by a proposed action relating to a term or condition of a grazing permit or lease, or a range improvement permit.

Subsection (b) requires the authorized officer to send copies of proposed decisions to affected interests.

Subsection (c) requires that a proposed decision: state the reasons for the action, including reference to applicable law; be based upon and supported by rangeland studies, where appropriate; and state that any protest of a proposed decision must be filed not later than 30 days after service.

Section 152. Protests

This section requires that an applicant, permittee, or lessee protest a proposed decision under section 151 within 30 days after service of the proposed decision.

Section 153. Final decisions

Subsection (a) declares that, absent a timely filed protest, a proposed decision shall become final without further notice.

Subsection (b) states that a timely filed protest requires the authorized officer to reconsider the proposed decision in light of a protestant's statement of reasons for protest and other pertinent information.

Subsection (c) requires the authorized officer, after reviewing the protest, to serve a final decision on parties to a proceeding and notify affected interests of the final decision.

Section 154. Appeals

Subsection (a) provides a period of 30 days for filing an appeal after receipt of the decision. A person who is adversely affected within the meaning of 5 U.S.C. 702 may appeal a final decision, pursuant to applicable laws and regulations governing the administrative appeals process of the agency serving the decision. When an appeal is taken, the burden of proof shall be by a preponderance of the evidence and shall be on the proponent of the rule or order.

Under subsection (b), an appeal of a final decision shall suspend the effect of a decision pending final action unless it is made effective pending appeal. The authorized officer may, on the basis of substantial information, order a final decision to remain in full force pending appeal, effective on the date specified, when failure to act would result in imminent resource deterioration or economic distress.

Subsection (c) requires the authorized officer, when an appeal is taken, to forward the appeal and all documents and information supplied by the appellant, as well as any pertinent information that would be useful in rendering a decision, to the authority responsible for issuing the final decision on the appeal.

Section 155. Public participation and consultation

This section is self-explanatory.

Section 161. Resource advisory councils

This section directs the establishment of Resource Advisory Councils (RACs) by the Secretaries of the Interior and Agriculture on a State or regional level to advise on management issues for all lands administered by the BLM and the Forest Service. The section also sets forth the duties and membership of RACs, subgroups, terms, and other provisions relating to RACs.

Section 162. Grazing advisory councils

This section directs the establishment of Grazing Advisory Councils (GACs) by the Secretaries of the Interior and Agriculture for each district and national forest within the 16 contiguous Western States to advise on management issues related to livestock grazing on public lands. The Secretaries are authorized to establish joint GACs wherever practicable. The section also sets forth the duties and membership of GACs.

Section 163. General provisions

This section is self-explanatory.

Section 164. Conforming amendment and repeal

This section conforms the Resource Advisory Council and Grazing Advisory Council provisions of the bill to the Federal Land Policy and Management Act of 1976.

Section 171. Reports

This section is self-explanatory.

TITLE II—MANAGEMENT OF NATIONAL GRASSLANDS

Section 201. Short title

This section provides that title II of the Act shall be cited as the “National Grasslands Management Act of 1996”.

Section 202. Findings and purpose

This section is self-explanatory.

Section 203. Definitions

This section is self-explanatory.

Section 204. Removal of national grasslands from National Forest System

This section amends the Forest Rangeland Renewable Resource Planning Act to delete national grasslands from the National Forest System.

Section 205. Management of national grasslands

This section directs the management of national grasslands by the Secretary of Agriculture in accordance with title II of the Act and title III of the Bankhead-Jones Farm Tenant Act.

Subsection (f) states that nothing in title II shall affect hunting or fishing activities on national grasslands in accordance with Federal and State laws, or limit or preclude appropriate recreational activities. The Committee intends that use and occupancy on national grasslands remain in effect under current rules until new programs, plans and rules are implemented, and that processing activities for any such authorizations should not be interrupted or be repeated.

Section 206. Fees and charges

This section provides that fees and charges for grazing on national grasslands are to be determined in accordance with section 135 of this Act, except that the Secretary of Agriculture may adjust the fee to compensate for approved conservation practices and administrative expenses.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of S. 1459 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out S. 1459. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, S. 1459 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. Enactment of S. 1459 would decrease direct spending by approximately \$24 million over the 1997–2002 time period. The bill would result in increased revenues from higher grazing fees by a total of \$30 million over the 1997–2002 time period.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from

the Committee on Government Reform and Oversight on the subject of S. 1459.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for S. 1459 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1459, the Public Rangelands Management Act of 1996.

Enacting S. 1459 would affect direct spending; therefore, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1459.

2. Bill title: Public Rangelands Management Act of 1996.

3. Bill status: As ordered reported by the House Committee on Resources on April 25, 1996.

4. Bill purpose: S. 1459 would modify how the Bureau of Land Management (BLM) within the Department of the Interior, and the Forest Service within the Department of Agriculture, administer livestock grazing on public lands.

S. 1459 would change the formula for computing grazing fees. CBO expects that this change would increase the government's income from such fees over the 1997–2002 period compared to current law. The bill also would redefine “animal unit month” (AUM) by increasing the number of sheep and goats allowed per AUM from five to seven. These changes would apply to grazing on federal land administered by BLM and the Forest Service, including the National Grasslands, which are managed by the Forest Service under Title III of the Bankhead-Jones Farm Tenant Act.

S. 1459 also would make several other changes to the management of grazing on public lands that would increase discretionary spending, subject to appropriation by the Congress.

5. Estimated cost to the Federal Government: As shown in the following table, CBO estimates that enacting S. 1459 would decrease direct spending by about \$24 million over the 1997–2002 period. In addition, discretionary spending totaling about \$38 million over the next six years would result from this bill, assuming appropriations of the estimated amounts.

The bill states that its provisions would become effective on the date of enactment. For purposes of this estimate, CBO assumes that the bill would be enacted by the end of fiscal year 1996, and that the higher grazing fee would take effect on March 1, 1997, the beginning of the 1997 grazing year.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
DIRECT SPENDING						
Change in Offsetting Receipts:						
Estimated budget authority	-5	-5	-5	-5	-5	-5
Estimated outlays	-5	-5	-5	-5	-5	-5
Change in Spending:						
Estimated budget authority	1	1	1	1	1	1
Estimated outlays	1	1	1	1	1	1
Net Change:						
Estimated budget authority	-4	-4	-4	-4	-4	-4
Estimated outlays	-4	-4	-4	-4	-4	-4
SPENDING SUBJECT TO APPROPRIATIONS						
Estimated authorization	6	6	7	7	7	6
Estimated outlays	5	6	7	7	7	6

This estimate does not include potential costs for range improvement incentives because CBO does not have sufficient information on which to base an estimate.

The budgetary impact of this bill falls within budget functions 300 and 800.

6. Basis of estimate:

Offsetting receipts

CBO estimates that the new formula would increase the amount of grazing fee receipts that would be collected over the next six years compared to current law. The increase in the amount charged per AUM (in the West) and per head month (in the East) would be partially offset by the bill's revised definition of AUM. Overall, CBO estimates that offsetting receipts would increase by about \$5 million annually beginning in fiscal year 1997 and by a total of about \$30 million over the 1997–2002 period.

Grazing Fees.—Section 135 would base the new grazing fee on two factors: the value of beef cattle and the interest rate over the last ten years. Specifically, the bill would set the basic grazing fee for each animal unit month at the total gross value of production for beef cattle (as compiled by the Economic Research Service (ERS) of the Department of Agriculture) for the three years preceding the grazing fee year, multiplied by the 10-year average of the “new issue” rate for six-month Treasury bills, and divided by 12.

S. 1459 does not define total gross value of production but refers to data published annually by the Economic Research Service in Economic Indicators of the Farm Sector: Costs of Production. The total gross value of production, as defined by ERS, is equal to the price of cattle multiplied by the quantity produced (number of pounds). Therefore, the new formula would yield a grazing fee that increases or decreases over time, depending largely on changes in the price of cattle. In contrast, the current fee varies in response not only to changes in the price of cattle, but also to changes in the private lease rate for grazing land and the price of inputs for

beef production. Both formulas are likely to result in varying fees from year to year.

The fee for the 1995 grazing fee year was \$1.61 per AUM on most public rangelands, and the fee for the 1996 grazing fee year is \$1.35 per AUM. Using ERS's most recent data for the total gross value of production and projecting changes in cattle prices and interest rates, CBO estimates that the proposed new formula would result in a grazing fee averaging about 50 cents more per AUM in the Western states than the grazing fee under current law over the 1997–2002 period.

Under current law, CBO projects grazing fee receipts of about \$26 million per year over the next six years. We estimate that implementing the formula contained in S. 1459 would yield an increase in offsetting receipts of about \$6 million annually beginning in fiscal year 1997, excluding a small reduction in offsetting receipts attributable to the bill's change in the definition of animal unit month, as described below.

By applying the bill to land managed under the Granger-Thye Act, section 102 of S. 1459 appears to apply the proposed new fee to grazing on all national forests—including those in the Eastern states. The Secretary of Agriculture currently has the authority to establish grazing fees on national forests in the Eastern states at his discretion. Fees in the East range from \$2.24 to \$9.00 per head month and average \$2.50 per head month. (The number of head months, similar to animal unit months, is a measure of how many animals forage and how long they forage on National Forest System lands.) CBO estimates that applying the new fee formula to national forests in the East would reduce receipts relative to current law, but we estimate that change would total less than \$100,000 per year. Grazing in the East represents only about one percent of the total grazing administered by the Forest Service.

Section 206 would apply the proposed new grazing fee to the National Grasslands, which are administered by the Forest Service. CBO estimates that applying the proposed new fee formula to grazing on the National Grasslands would not significantly change receipts relative to current law.

Animal Unit Month Redefined.—Section 135 would revise the definition of animal unit month (AUM) by increasing the number of sheep and goats per AUM from five to seven. That change would effectively decrease the cost of grazing sheep and goats by almost one third. The fee per AUM would be established under the bill regardless of the type of livestock grazed, and the forage area needed to sustain a fixed number of sheep and goats would be unchanged by the definition, but sheep and goat producers could purchase fewer AUMs to support the same number of animals under the new definition. Some producers might slightly increase the size of their sheep and goat herds in response to lower effective costs for grazing on public land. Because the grazing fees are only a fraction of the total cost to raise sheep and goats, however, we expect a net drop in the number of AUMs and an associated decrease in offsetting receipts of less than \$1 million per year beginning in fiscal year 1997.

Surcharge on Pasturing Agreements.—On August 21, 1995, the Department of the Interior implemented regulations that estab-

lished a 35 percent surcharge for pasturing someone else's livestock. The surcharge is applied to the difference between the lease rate for private land and the current grazing fee. However, section 2 of this bill would require BLM to administer livestock grazing on public lands under the regulations in effect as of February 1, 1995, which did not include any surcharge requirements. Therefore, if S. 1459 were enacted, BLM would have no regulatory mechanism in place to impose a surcharge. We believe that there would be some receipt loss under the bill, but that the amounts forgone would be less than \$1 million a year. (The Forest Service administers grazing under different regulations and currently prohibits subleasing. Therefore, the Forest Service's offsetting receipts would not be affected.)

Other direct spending

Current law (7 U.S.C. 1012, 16 U.S.C. 500 , and 43 U.S.C. 315) requires that the Forest Service and the Bureau of Land Management pay a portion of the offsetting receipts from grazing on public lands to the states. CBO estimates that payments to states for grazing on public lands, under current law, will be almost \$6 million in fiscal year 1997 and about \$32 million over the 1997–2002 period. We estimate that enacting S. 1459, by raising receipts from grazing fees, would increase payments to states by about \$1 million a year beginning in fiscal year 1997 and by a total of almost \$7 million over the 1997–2002 period.

Discretionary spending

CBO estimates that additional discretionary spending would total about \$38 million during the 1997–2002 period. Specific provisions are discussed below.

New Rulemaking.—Section 2 would direct BLM to administer grazing in accordance with the regulations in effect as of February 1, 1995. Therefore, BLM would be prohibited from implementing the new regulations in effect as of August 21, 1995. Section 2 also would direct the Forest Service to promulgate new grazing regulations that are substantially similar to BLM's regulations in effect as of February 1, 1995. In addition, Title II of S. 1459 would require the Secretary of Agriculture to manage the National Grasslands as a separate entity outside of the National Forest System and to promulgate new regulations to manage the National Grasslands. Until such regulations are promulgated, the bill would require the Secretary to manage the National Grasslands under the regulations applicable to such lands as of May 25, 1995. Based on information from the Forest Service, CBO estimates that completing this new rulemaking, including modifying about 9,000 grazing permits to comply with the new regulations, would cost about \$4 million over the 1997–2002 period.

Range Improvements.—The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751) authorizes appropriations for range improvement of 50 percent of the income from grazing fees. Half the appropriated amount is to be spent within the same district that generated the grazing receipts; the remaining half may be used as the Secretary directs. (This calculation excludes receipts from grazing on the National Grasslands; those receipts are divided

between the Treasury and payments to states.) In fiscal year 1996 and several prior fiscal years, the Congress has appropriated half of the offsetting receipts from grazing on public lands for range improvement. (The 1996 BLM appropriation for range improvements is \$9 million. The 1996 Forest Service appropriation for the range betterment fund is \$4 million.) If S. 1459 were enacted and the Congress continued to appropriate 50 percent of grazing fee receipts for range improvements, then appropriations for range improvements would increase by about \$16 million over the 1997–2002 period.

More Frequent Allotment Reviews.—Section 107 would require BLM and the Forest Service to review all available monitoring data for allotments upon the issuance, renewal, or transfer of a grazing permit or lease, or at least once every six years. Under current law, the agencies review monitoring data for allotments as they deem necessary based on changes in the quality of the rangelands and the availability of agency staff. On average, allotment reviews occur less than once every ten years. Thus, enacting this provision would increase spending by requiring more frequent reviews. Based on information from BLM and the Forest Service, CBO estimates that this provision would gradually increase administrative costs, by a total of about \$5 million over the 1997–2002 period.

Advisory Councils.—Sections 161 and 162 would require the Secretaries of Agriculture and the Interior to establish joint Resource Advisory Councils (RACs) on a state or regional level, as well as a Grazing Advisory Council (GAC) in each grazing district or national forest within the 17 contiguous Western states with more than a specified amount of public land subject to commercial livestock grazing. Section 163 would allow members to receive reimbursement for per diem expenses while on official business.

According to BLM, that agency currently operates 24 multiple-use resource advisory councils but does not operate any grazing advisory councils. (BLM previously operated more than 70 advisory boards, but phased them out in favor of 24 resource advisory councils under the new regulations in effect as of August 21, 1995.) Based on information from BLM and the Forest Service, CBO estimates that enacting S. 1459 would require the agencies to establish another 50 advisory councils (for a total of 74 RACs and GACs) at an added annual cost of about \$2 million per year beginning in fiscal year 1997, or about \$14 million over the 1997–2002 period. This amount is included in the table above. The bill directs advisory councils to be operated jointly by the Forest Service and BLM wherever possible, to avoid duplication, but the Forest Service expects that it may have to establish its own advisory councils in areas where it cannot coordinate with BLM. We have not estimated how many such additional councils the FS may establish.

Other Potential Changes in Discretionary Spending.—Several provisions modifying the management of grazing on public rangelands could potentially affect discretionary spending. CBO estimates that many of these provisions would not significantly affect the budget over the 1997–2002 period. In some cases, there is a potential cost to implement the provisions but CBO cannot estimate a dollar amount, as explained below.

Section 2 provides that the bill become effective on the date of enactment. For purposes of this estimate, CBO assumes that the bill would be enacted during the fourth quarter of fiscal year 1996 and that the new grazing fee would be implemented beginning with the 1997 grazing year.

Section 106 would make management actions on grazing leases or permits exempt from consideration under the National Environmental Policy Act of 1969. BLM believes that this exemption would require the agency to carry out a public review of management actions at the planning level, which is a higher and more costly level of review than is now done. BLM also believes the provision would require the agency to complete allotment management plans on another 19,000 grazing allotments over the next 20 years. While agency staff have indicated that they would estimate a significant cost for this provision, CBO believes that the legislation would not explicitly require review of management actions at a higher level, nor would the bill require the department to develop an allotment management plan for any more allotments than it would have developed otherwise. Therefore, our estimate does not include any additional administrative costs for this provision.

Section 122 requires that range improvement cooperative agreements between the Secretary of the Interior and a permittee contain terms and conditions that give the permittee an incentive to invest in range improvements. Incentives could take the form of either outright payments or reduced grazing charges, and either of these approaches could be costly. Some permittees now participate in range improvements voluntarily, shouldering all or part of the costs, because they already have an incentive to improve the quality of the range on which their livestock graze. Because we cannot project the form or extent of incentives that would be offered, CBO cannot estimate the amount of additional federal outlays that section 122 would cause.

Section 123 would require that monitoring and inspections of grazing on public lands be carried out by qualified personnel. BLM estimates that enacting this provision would increase administrative costs over the 1997–2002 period because more range specialists would be required. However, the bill does not define “qualified personnel.” Therefore, CBO cannot predict whether additional personnel would be required by the bill, and our estimate does not include any additional costs for this provision.

Section 131 would require permits or leases to be issued for terms of 15 years, rather than 10 years as under current law. This change could, over a 10-year period, reduce administrative costs for processing applications. Based on information from BLM and the Forest Service, however, CBO expects that this provision would not result in significant savings because only a small amount of the cost of administering permits is for processing applications.

Section 135 would require the Economic Research Service to continue to compile and report the total gross production value for beef cattle for the purpose of calculating the grazing fee. ERS has conducted a survey on which to base total gross value of production about every five years, and then has indexed the data based on changes in cattle prices for annual updates. If section 135 is interpreted to mean that ERS must conduct annual surveys, CBO esti-

mates that each year’s survey costs could be as high as \$500,000. However, because it is unclear whether surveys would have to be conducted more often, we have not included any additional discretionary spending for such surveys in this estimate.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The following table shows CBO’s estimate of the net change in outlays for pay-as-you-go purposes:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	-4	-4
Change in receipts	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated cost to State, local, and tribal governments: S. 1459 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no costs on state, local, or tribal governments. The bill would increase payments to states by about \$1 million per year beginning in fiscal year 1997 because they receive a portion of offsetting receipts from grazing on public lands. For the 1997-2002 period, payments to states would increase by almost \$7 million compared to payments under current law. The bill would, however, prohibit states from using these or any other grazing receipts to pay for litigation or for lobbying the federal government.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: On March 14, 1996, CBO prepared a cost estimate for S. 1459, as reported by the Senate Committee on Energy and Natural Resources. The estimates of the budgetary impact for the two versions of S. 1459 are nearly identical. The major difference results from the more frequent allotment reviews required by section 107 of this bill, which we estimate would add additional discretionary spending of about \$5 million over the 1997-2002 period.

11. Estimate prepared by: Federal Cost Estimate: Victoria V. Heid. State, Local, and Tribal Government Impact: Marjorie Miller. Private Sector Impact: Patrice Gordon.

12. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

S. 1459 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

**SECTION 2 OF THE PUBLIC RANGELANDS
IMPROVEMENT ACT OF 1978**

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds and declares that—

【(1) vast segments of the public rangelands are producing less than their potential for livestock, wildlife habitat, recreation, forage, and water and soil conservation benefits, and for that reason are in an unsatisfactory condition;

【(2) such rangelands will remain in an unsatisfactory condition and some areas may decline further under present levels of, and funding for, management;

【(3) unsatisfactory conditions on public rangelands present a high risk of soil loss, desertification, and a resultant under-productivity for large acreages of the public lands; contribute significantly to unacceptable levels of siltation and salinity in major western watersheds including the Colorado River; negatively impact the quality and availability of scarce western water supplies; threaten important and frequently critical fish and wildlife habitat; prevent expansion of the forage resource and resulting benefits to livestock and wildlife production; increase surface runoff and flood danger, reduce the value of such lands for recreational and esthetic purposes; and may ultimately lead to unpredictable and undesirable long-term local and regional climatic and economic changes;

【(4) the above-mentioned conditions can be addressed and corrected by an intensive public rangelands maintenance, management, and improvement program involving significant increases in levels of rangeland management and improvement funding for multiple-use, values;】

【(5)】 (1) to prevent economic disruption and harm to the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and leases on the public lands which is based on a formula reflecting annual changes in the costs of production; *and*

【(6)】 (2) the Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331 et seq.), continues to be successful in its goal of protecting wild free-roaming horses and burros from capture, branding, 【harrassment】 *harassment*, and death, but that certain amendments are necessary thereto to avoid excessive costs in the administration of the Act, and to facilitate the humane adoption or disposal of excess wild free-roaming horses and burros which because they exceed the carrying capacity of the range, pose a threat to their own habitat, fish, wildlife, recreation, water and soil conservation, domestic livestock grazing, and other rangeland values【;】.

* * * * *

SECTION 10 OF THE ACT OF JUNE 28, 1934

(COMMONLY KNOWN AS THE "TAYLOR GRAZING ACT")

AN ACT To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.

* * * * *

SEC. 10. Except as provided in sections 9 and 11 hereof, all moneys received under the authority of this Act shall be deposited in the Treasury of the United States as miscellaneous receipts, but the following proportions of the moneys so received shall be distributed as follows: (a) 12½ per centum of the moneys collected as grazing fees under section 3 of this Act during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the grazing districts producing such moneys are situated, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the grazing districts producing such moneys are situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area in said district[.]; *Provided further, that no such moneys shall be expended for litigation purposes or lobbying the Federal Government*; (b) 50 per centum of all moneys collected under section 15 of this Act during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the lands producing such moneys are located, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the lands producing such moneys are located: *Provided*, That if any leased tract is in more than one State or county, the distributive share to each from the proceeds of said leased tract shall be proportional to its area in said leased tract[.]; *Provided further, That no such moneys shall be expended for litigation purposes or lobbying the Federal Government.*

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

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Sec. 404. Management of certain horses and burros.

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TITLE IV—RANGE MANAGEMENT

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GRAZING LEASES AND PERMITS

SEC. 402. (a) * * *

* * * * *

(d) All permits and leases for domestic livestock grazing issued pursuant to this section may incorporate an allotment management plan developed by the Secretary concerned. However, nothing in this subsection shall be construed to supersede any requirement for completion of court ordered environmental impact statements prior to development and incorporation of allotment management plans. 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 [district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)] *Resource Advisory Councils and Grazing Advisory Councils established under section 161 and section 162 of the Public Rangelands Management Act of 1996*, and any State or States having lands within the area to be covered by such allotment management plan. Allotment management plans shall be tailored to the specific range condition of the area to be covered by such plan, and shall be reviewed on a periodic basis to determine whether they have been effective in improving the range condition of the lands involved or whether such lands can be better managed under the provisions of subsection (e) of this section. The Secretary concerned may revise or terminate such plans or develop new plans from time to time after such review and careful and considered consultation, cooperation and coordination with the parties involved. As used in this subsection, the terms “court ordered environmental impact statement” and “range condition” shall be defined as in the “Public Rangelands Improvement Act of 1978.”

* * * * *

[GRAZING ADVISORY BOARDS

[SEC. 403. (a) For each Bureau district office and National Forest headquarters office in the sixteen contiguous Western States having jurisdiction over more than five hundred thousand acres of lands subject to commercial livestock grazing (hereinafter in this section referred to as “office”), the Secretary and the Secretary of Agriculture, upon the petition of a simple majority of the 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 advisers.

(b) The function of grazing advisory boards established pursuant to this section shall be to offer advice and make recommendations to the head of the office involved concerning the development of allotment management plans and the utilization of range-better-funds.

[(c) The number of advisers on each board and the number of years an adviser may serve shall be determined by the Secretary concerned in his discretion. Each board shall consist of livestock representatives who shall be lessees or permittees in the area administered by the office concerned and shall be chosen by the lessees and permittees in the area through an election prescribed by the Secretary concerned.

[(d) Each grazing advisory board shall meet at least once annually.

[(e) Except as may be otherwise provided by this section, the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. 1) shall apply to grazing advisory boards.

[(f) The provisions of this section shall expire December 31, 1985.]

* * * * *

SECTION 11 OF THE FOREST RANGELAND RENEWABLE RESOURCE PLANNING ACT OF 1974

SEC. 11. (a) NATIONAL FOREST SYSTEM DEFINED.—Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, [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),] and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. Notwithstanding the provisions of the Act of June 4, 1897 (30 Stat 34; 16 U.S.C. 473), no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to the Act of March 3, 1891 (26 Stat. 1103, 16 U.S.C. 471), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.

* * * * *

SECTION 31 OF THE BANKHEAD-JONES FARM TENANT ACT

[PROGRAM

[SEC. 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, pro-

tecting fish and wildlife, developing and protecting recreational facilities, mitigating floods, preventing impairment of dams and reservoirs, developing energy resources, conserving surface and surface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare, but not to build industrial parks or establish private industrial or commercial enterprises.】

PROGRAM

SEC. 31. 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, to promote 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.

DISSENTING VIEWS ON S. 1459

We are strongly opposed to S. 1459, the so-called Public Rangelands Management Act. We are joined in this opposition by the Administration and a broad array of over 300 hunting and fishing associations, taxpayer watchdog groups, and environmental organizations. All recognize this bill for what it is; special-interest legislation that is a bad deal for the American taxpayer, harms the environment, and undermines sound public land management.

The House of Representatives has voted on a strong bipartisan basis several times in recent years to significantly increase the grazing fees charged for the use of public lands. In fact, less than 3 years ago the House voted by a 317 to 106 margin to overhaul the entire public lands grazing program. S. 1459 goes in a completely different direction than the previous House actions. The bill is a detailed micro management of the public rangelands for the benefit of a few at the expense of the many.

At a time when the Federal budget is seriously squeezed, S. 1459 continues the subsidized use of public resources for wealthy and corporate cattle operations. Proponents of S. 1459 don't want to talk about the fact that on public lands, 9 percent of the permittees control 60 percent of the forage or that on national forest lands, 12 percent of permittees control 63 percent of the forage.

According to the Interior Department Inspector General, grazing benefits are provided to a vast array of large ranching operations, foreign-owned companies, and domestic corporate conglomerates whose primary business is unrelated to the livestock industry. These operations include a national brewery company, a Japanese land and livestock company, a national oil company, and a life insurance company. We don't believe that such wingtip cowboys as Metropolitan Life, the J.R. Simplot Company, and Anheuser-Busch need or deserve to have their grazing fees on public lands kept way below market rates. Only two percent of the Nation's beef cattle are grazed on public lands, the other 98 percent do without the benefit of the Federal grazing subsidy.

There has been a lot of talk this Congress about how the States operate in comparison to the Federal Government. When it comes to grazing fees there is a glaring difference. Every western State charges more than the Federal Government, with several charging six times as much. Supporters of S. 1459 defeated an amendment in Committee that would have set the Federal grazing fee at the level each State charges for grazing on State lands. Many of these State lands are of the same character as the Federal lands and the services provided are similar or identical.

In contrast, S. 1459 contains a never before seen grazing fee formula that in no way reflects fair market value for the use of public resources. Little additional Federal revenue would be generated. The bill's fee formula is also imprecise and confusing (the bill pro-

vides that the grazing fee equal the three-year average of the total gross value of production for beef cattle for the three years preceding the grazing fee year, multiplied by the 10-year average of the United States Treasury Securities 6-month bill "new issue" rate, divided by 12). In fact, there are estimates that it will cost the government \$1 million annually to collect and maintain the data to determine the bill's fee formula. More importantly, S. 1459's fee formula is flawed in its application. If the bill's fee formula had been in place the past 19 years, the Federal grazing fee would have been less than the low-cost fee formula currently used for 14 of those years. Under S. 1459 grazing permittees will pay less in fees than they did in 1980! Sheep ranchers would see a 30 percent reduction in their grazing fees. Incredibly, the bill also allows ranchers who hold a grazing permit for public lands to sublease these lands to private interests at a significant profit.

S. 1459 compromises the environmental protection of public resources. The bill exempts all on-the-ground grazing management and decisions from the National Environmental Policy Act (NEPA). This exemption, which is available to no other user of public lands, strikes at the very heart of environmental protection. The bill also ties the hands of land managers to set grazing terms and conditions to protect against adverse environmental impacts. Even where resource damage is evident, land managers hands are tied to make the needed changes by the bill's cumbersome processes. Likewise, the bill's sweeping water rights language limits the ability of land managers to ensure access to water resources on *Federal land* to other multiple-uses. Grazing is given special status over multiple-uses such as hunting, fishing, and other forms of outdoor recreation.

We were rebuffed in Committee on two common-sense amendments that were offered to restore some environmental balance to the use of our public lands under S. 1459. The first amendment would have required that the amount of livestock use authorized in a grazing permit or lease be set at a level that strikes a balance consistent with the multiple use of public lands, and that the Secretary take action to maintain hunting and fishing on public lands that are also used for grazing. In contrast to the bill's "use it or lose it" philosophy, the second amendment would have allowed ranchers to use a proven restoration technique known as "conservation use" to restore the land's health and productivity. In both cases the amendments were voted down.

In a bow to special interests, S. 1459 creates single-use grazing advisory councils. No other public lands user group has its own advisory council system. In addition to its estimated cost of \$2 million annually, the councils will be made up in large portion by the permittees themselves.

At the same time S. 1459 is giving special access to a single interest, the bill curtails public input on grazing management decisions that affect public lands. Millions of Americans who use and enjoy public lands will be denied meaningful participation in the use of those lands. The bill also requires the Bureau of Land Management to reinstate old, discredited regulations. The Forest Service would be required to throw out its grazing regulations and adopt the ones used by the BLM. In addition, land managers will

also have new costly and time-consuming administrative burdens imposed on them. The administrative processes mandated by S. 1459 are not for the benefit of the public or the resources, rather they have been formulated to benefit the grazing permittee at the expense of the public and public resources.

Interior Secretary Babbitt and Agriculture Secretary Glickman have notified Congress that if S. 1459 passes as either stand-alone legislation or as part of another bill, they will recommend a veto of the legislation. We concur with their recommendation. S. 1459 is seriously flawed legislation that runs counter to the House's past bipartisan support for real reform of the grazing program. The clear result of the bill is that grazing will be the dominant use of the public lands to the detriment of the taxpayer, the environment, and other multiple-uses. As such, we oppose the bill and urge its defeat.

GEORGE MILLER.
BRUCE VENTO.
NEIL ABERCROMBIE.
ED MARKEY.
SAM GEJDENSON.
GERRY STUDDS.
BILL RICHARDSON.
MAURICE D. HINCHEY.
FRANK PALLONE, JR.
PATRICK J. KENNEDY.
DALE E. KILDEE.
PETE DEFazio.

A P P E N D I X

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 10, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Resources has completed consideration of S. 1459, to provide for uniform management of livestock grazing on Federal land, and for other purposes.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our committees on these matters, I would be pleased to waive the additional referral of the bill to the Committee on Agriculture. I do so with the understanding that this waiver does not waive any future jurisdictional claim over this or similar measures. In addition, in the event the bill should go to conference with the Senate, I would reserve the right to seek the appointment of conferees from this Committee to be represented in such conference.

Once again, I appreciate your cooperation in this matter and look forward to working with you in the future on matters of shared jurisdiction between our respective committees.

Sincerely,

PAT ROBERTS, *Chairman.*

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