

104TH CONGRESS
1ST SESSION

S. 852

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

IN THE SENATE OF THE UNITED STATES

MAY 25 (legislative day, MAY 15), 1995

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Livestock Grazing Act”.

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

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

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

Subtitle A—General Provisions

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

Subtitle B—Qualifications and Grazing Preferences

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

Subtitle C—Grazing Management

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

Subtitle D—Authorization of Grazing Use

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

Subtitle E—Civil Violations and Failures of Compliance

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

Subtitle F—Unauthorized Grazing Use

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

Subtitle G—Procedure

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

Subtitle H—Advisory Committees

- Sec. 171. Purpose.
- Sec. 172. Objective.

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

Subtitle I—Reports

Sec. 181. Reports.

TITLE II—GRASSLAND

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

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

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

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

9 **TITLE I—MANAGEMENT OF GRAZING ON**
 10 **FEDERAL LAND**

11 **Subtitle A—General Provisions**

12 **SEC. 101. FINDINGS.**

13 (a) FINDINGS.—Congress finds that—

14 (1) through the cooperative and concerted ef-
 15 forts of the Federal rangeland livestock industry,
 16 Federal and State land management agencies, and
 17 the general public, the Federal rangelands are in the
 18 best condition they have been in during this century,
 19 and their condition continues to improve;

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

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

9 (4) to promote the economic, cultural, and so-
10 cial well being of western States, rural communities
11 in the western States, and the western livestock in-
12 dustry, it is in the public interest to charge a fee for
13 livestock grazing permits and grazing leases on Fed-
14 eral land that is based on a formula that—

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

18 (B) promotes continuing cooperative stew-
19 ardship efforts;

20 (5) opportunities exist for improving efficiency
21 in the administration of the range programs on Fed-
22 eral land, and those opportunities should be pursued
23 with goals of—

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

4 (B) refocusing efforts to the direct man-
5 agement of the resources themselves;

6 (6) in order to provide meaningful review and
7 oversight of the management of the public range-
8 lands and the grazing allotment on those rangelands,
9 refinement of the reporting of costs of various com-
10 ponents of the land management program is needed;

11 (7) incentives for greater local input into the
12 management of the public rangelands as well as in-
13 centives to encourage private investment in improve-
14 ment of the public rangelands will assist in those ef-
15 forts and are in the best interests of the United
16 States;

17 (8) the western livestock industry that relies on
18 Federal land plays an important and integral role in
19 maintaining and preserving the social, economic, and
20 cultural base of rural communities in the western
21 States and further plays an important and integral
22 role in the economies of the 16 western States in
23 which rangelands managed by the Secretary are sit-
24 uated;

1 (9) maintaining the economic viability of the
2 western livestock industry is essential to maintaining
3 open space and habitat for big game, wildlife, and
4 fish, but currently there are pressures to sell the
5 base property of the Federal land ranches for sub-
6 division or other development, which would reduce or
7 remove the available open space and fish and wildlife
8 habitat; and

9 (10) since the enactment of the Federal Land
10 Policy and Management Act of 1976 (43 U.S.C.
11 1701 et seq.), the Secretary has been charged with
12 developing land use plans that are consistent with
13 land use plans adopted by State, local, and tribal
14 governments, but to date the planning efforts have
15 not produced land use plans for Federal land that
16 is in fact consistent with State, local, or tribal plan-
17 ning.

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

21 (1) by striking paragraphs (1), (2), (3), and
22 (4);

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

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

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

4 (A) by striking “harrassment” and insert-
5 ing “harassment”; and

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

8 **SEC. 102. APPLICATION OF ACT.**

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

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

13 (A) the Act of June 28, 1934 (commonly
14 known as the “Taylor Grazing Act”) (48 Stat.
15 1269, chapter 865; 43 U.S.C. 315 et seq.);

16 (B) the Act of August 28, 1937 (commonly
17 known as the “Oregon and California Railroad
18 and Coos Bay Wagon Road Grant Lands Act of
19 1937”) (50 Stat. 874, chapter 876; 43 U.S.C.
20 1181a et seq.);

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

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

25 (E) any other law; and

1 (2) the Secretary on behalf of the head of an-
2 other department or agency under a memorandum
3 of understanding under section 124.

4 **SEC. 103. OBJECTIVE.**

5 The objective of this Act is to achieve—

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

8 (2) enhancement of productivity of Federal land
9 by conservation of forage resources and reduction of
10 soil erosion and by proper management of other re-
11 sources such as by control of woody species invasion;

12 (3) stabilization of the livestock industry de-
13 pendent on the public rangeland;

14 (4) performance of an inventory and categoriza-
15 tion of public rangelands on the basis of range con-
16 ditions and trends; and

17 (5) consideration of wildlife populations and
18 habitat,

19 consistent with land-use plans, multiple-use, sustained
20 yield, environmental values, and economic and other objec-
21 tives stated in the Acts cited in section 102.

22 **SEC. 104. DEFINITIONS.**

23 (a) IN GENERAL.—In this Act:

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

4 (2) ACTUAL USE.—The term “actual use”
5 means the places at which, the number and kinds or
6 classes of, and the length of time that livestock
7 graze on an allotment.

8 (3) ACTUAL USE REPORT.—The term “actual
9 use report” means a report of the actual livestock
10 grazing use submitted by a permittee or lessee.

11 (4) AFFECTED INTEREST.—The term “affected
12 interest” means an individual or organization that—

13 (A) has expressed in writing to an author-
14 ized officer concern for the management of live-
15 stock grazing on a specific grazing allotment
16 and has provided substantiated evidence that
17 the management of the public lands will affect
18 the individual or organization; and

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

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

24 (6) ALLOTMENT MANAGEMENT PLAN.—The
25 term “allotment management plan”—

1 (A) means a documented program that ap-
2 plies to livestock grazing on an allotment; and

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

7 (7) ANIMAL UNIT MONTH.—

8 (A) STATE DEFINITION.—With respect to
9 grazing on Federal land in a State that charges
10 a fee for grazing on State land based on a for-
11 mula in which one of the factors is an animal
12 unit month, the term “animal unit month” has
13 the meaning established under State law.

14 (B) NO STATE DEFINITION.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), with respect to grazing on Federal
17 land in a State other than a State de-
18 scribed in subparagraph (A), the term
19 “animal unit month” means 1 month’s use
20 and occupancy of range by—

21 (I) 1 cow, bull, steer, heifer,
22 horse, burro, or mule, 7 sheep, or 7
23 goats, each of which is 6 months of
24 age or older on the date on which the

1 animal begins grazing on Federal
2 land;

3 (II) any such animal regardless
4 of age if the animal is weaned on the
5 date on which the animal begins graz-
6 ing on Federal land; and

7 (III) any such animal that will
8 become 12 months of age during the
9 period of use authorized under a graz-
10 ing permit or grazing lease.

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

15 (I) an animal that is less than 6
16 months of age on the date on which
17 the animal begins grazing on Federal
18 land and is the natural progeny of an
19 animal on which a grazing fee is paid
20 if the animal is removed from the
21 Federal land before becoming 12
22 months of age; or

23 (II) an animal that is progeny,
24 born during the period of use author-
25 ized under a grazing permit or graz-

1 ing lease, of an animal on which a
2 grazing fee is paid.

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

8 (9) BASE PROPERTY.—The term “base prop-
9 erty” means—

10 (A) land that has the capability of produc-
11 ing crops or forage that can be used to support
12 authorized livestock for a specified period of the
13 year; and

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

18 (10) CANCEL; CANCELLATION.—The terms
19 “cancel” and “cancellation” refer to a permanent
20 termination, in whole or in part, of—

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

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

1 (11) CLASS.—The term “class”, in reference to
2 livestock, refers to the age and sex of a group of
3 livestock.

4 (12) CONSULTATION, COOPERATION, AND CO-
5 ORDINATION.—The term “consultation, cooperation,
6 and coordination” has the meaning stated in section
7 402(d) of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1752(d)), as amended.

9 (13) CONTROL.—The term “control”, in ref-
10 erence to base property or livestock, means respon-
11 sibility for providing care and management of base
12 property or livestock.

13 (14) FEDERAL LAND.—The term “Federal
14 land”—

15 (A) means land or an interest in land out-
16 side the State of Alaska that is owned by the
17 United States and administered by the Sec-
18 retary of the Interior, acting through the Direc-
19 tor of the Bureau of Land Management; but

20 (B) does not include land held for the ben-
21 efit of Indians.

22 (15) GRAZING DISTRICT.—The term “grazing
23 district” means the specific area within which Fed-
24 eral land is administered under section 3 of the Act
25 of June 28, 1934 (commonly known as the “Taylor

1 Grazing Act”) (48 Stat. 1270, chapter 865; 43
2 U.S.C. 315b).

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

7 (17) GRAZING LEASE.—The term “grazing
8 lease” means a document authorizing use of Federal
9 land outside grazing districts under section 15 of the
10 Act of June 28, 1934 (commonly known as the
11 “Taylor Grazing Act”) (48 Stat. 1275, chapter 865;
12 43 U.S.C. 315m) for the purpose of grazing live-
13 stock.

14 (18) GRAZING PERMIT.—The term “grazing
15 permit” means a document authorizing use of the
16 Federal land within a grazing district under section
17 3 of the Act of June 28, 1934 (commonly known as
18 the “Taylor Grazing Act”) (48 Stat. 1270, chapter
19 865; 43 U.S.C. 315b), for the purpose of grazing
20 livestock.

21 (19) GRAZING PREFERENCE.—The term “graz-
22 ing preference” means the number of animal unit
23 months of livestock grazing on Federal land as adju-
24 dicated or apportioned and attached to base prop-
25 erty owned or controlled by a permittee or lessee.

1 (20) LAND BASE PROPERTY.—The term “land
2 base property” means base property described in
3 paragraph (9)(A).

4 (21) LAND USE PLAN.—The term “land use
5 plan” means—

6 (A) a resource management plan; or

7 (B) a management framework plan that is
8 in effect pending completion of a resource man-
9 agement plan,

10 developed in accordance with the Federal Land Pol-
11 icy and Management Act of 1976 (43 U.S.C. 1701
12 et seq.).

13 (22) LIVESTOCK.—The term “livestock”
14 means—

15 (A) a species of domestic livestock, includ-
16 ing cattle, sheep, horses, burros, and goats; and

17 (B) a member of such a species.

18 (23) LIVESTOCK CARRYING CAPACITY.—The
19 term “livestock carrying capacity” means the maxi-
20 mum sustainable stocking rate that is possible with-
21 out inducing permanent damage to vegetation or re-
22 lated resources.

23 (24) MONITORING.—The term “monitoring”
24 means the periodic observation and orderly collection
25 of data to evaluate—

1 (A) effects of management actions; and

2 (B) effectiveness of actions in meeting
3 management objectives.

4 (25) RANGE IMPROVEMENT.—The term “range
5 improvement”—

6 (A) means an authorized activity or pro-
7 gram on or relating to rangeland that is de-
8 signed to—

9 (i) improve production of forage;

10 (ii) change vegetative composition;

11 (iii) control patterns of use;

12 (iv) provide water;

13 (v) stabilize soil and water conditions;

14 or

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

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

20 (26) RANGELAND STUDY.—The term “range-
21 land study” means a method of study for collecting
22 data on actual use, utilization, climatic conditions,
23 other special events, production trend, and range-
24 land condition and trend to determine whether man-
25 agement objectives are being met, that—

1 (A) uses physical examination of measure-
2 ments of range attributes and does not rely on
3 a cursory visual scanning of land unless the
4 condition to be assessed is patently obvious and
5 requires no physical examination; and

6 (B) is accepted by an authorized officer.

7 (27) SECRETARY.—The term “Secretary”
8 means the Secretary of the Interior.

9 (28) SERVICE AREA.—The term “service area”
10 means the area that can be properly grazed by live-
11 stock watering at a certain water.

12 (29) STOCKING RATE.—The term “stocking
13 rate” means the number of animal unit months au-
14 thorized under a grazing permit or grazing lease
15 from year to year.

16 (30) SUBLEASE.—The term “sublease” means
17 an agreement by a permittee or lessee that—

18 (A) allows a person other than the permit-
19 tee or lessee to graze livestock on Federal land
20 without controlling the base property support-
21 ing the grazing permit or grazing lease; or

22 (B) allows grazing on Federal land by live-
23 stock not owned or controlled by the permittee
24 or lessee.

1 (31) SUPPLEMENTAL FEED.—The term “sup-
2 plemental feed” means a feed that supplements the
3 forage available from Federal land and is provided
4 to improve livestock nutrition or rangeland manage-
5 ment.

6 (32) SUSPEND; SUSPENSION.—The terms “sus-
7 pend” and “suspension” refer to a temporary with-
8 holding, in whole or in part, of a grazing preference
9 from active use, ordered by the Secretary or done
10 voluntarily by a permittee or lessee.

11 (33) TREND.—The term “trend” means the di-
12 rection of change, over time, toward or away from
13 a desire management objective.

14 (34) UTILIZATION.—The term “utilization”
15 means the percentage of a year’s herbage production
16 consumed or destroyed by herbivores.

17 (35) WATER BASE PROPERTY.—The term
18 “water base property” means base property de-
19 scribed in paragraph (9)(B).

20 (b) CONSULTATION, COOPERATION, AND COORDINA-
21 TION.—Section 402(d) of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1752(d)) is
23 amended—

24 (1) by inserting a comma after “cooperation”
25 each place it appears; and

1 (2) by adding at the end the following: “As
2 used in this subsection, the term ‘consultation, co-
3 operation, and coordination’ means engagement in a
4 good faith effort to reach consensus on issues, plans,
5 or management actions from—

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

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

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

14 “(4) additional affected interests (as defined in
15 section 104(a)(4) of the Livestock Grazing Act).”.

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

17 (a) **STANDARDS AND GUIDELINES.**—The Secretary
18 shall establish standards and guidelines on a State or re-
19 gional level in conjunction with the State department of
20 agriculture or other appropriate agency and the land-grant
21 university or other appropriate institution of higher edu-
22 cation of each interested State.

23 (b) **RULE OF CONSTRUCTION.**—Nothing in this Act
24 or any other law implies that a minimum national stand-
25 ard or guideline is necessary.

1 **SEC. 106. LAND USE PLANS.**

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

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

9 (1) establish allowable resource uses (singly or
10 in combination), related levels of production or use
11 to be maintained, areas of use, and resource condi-
12 tion goals and objectives to be obtained; and

13 (2) set forth programs and general manage-
14 ment practices needed to achieve management objec-
15 tives.

16 (c) APPLICATION OF NEPA.—A land use plan shall
17 be developed in conformance with the requirements of the
18 National Environmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.).

20 (d) CONFORMANCE WITH LAND USE PLAN.—Live-
21 stock grazing activities and management actions approved
22 by the authorized officer—

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

25 (2) shall not require any consideration under
26 the National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) in addition to the studies sup-
2 porting the land use plan.

3 **SEC. 107. RULE OF CONSTRUCTION.**

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

7 **Subtitle B—Qualifications and Grazing**
8 **Preferences**

9 **SEC. 111. MANDATORY QUALIFICATIONS.**

10 Except as provided under sections 112, 114, and
11 134(c), to qualify for grazing use on Federal land an ap-
12 plicant shall—

13 (1) be engaged in the livestock business;

14 (2) own or control base property; and

15 (3) be—

16 (A) a citizen of the United States or a per-
17 son who has properly filed a valid declaration of
18 intention to become a citizen or a valid petition
19 for naturalization;

20 (B) a group or association authorized to
21 conduct business in the State in which the graz-
22 ing use is sought, all members of which are per-
23 sons described in subparagraph (A); or

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

4 **SEC. 112. ACQUIRED LAND.**

5 With respect to land acquired by the Secretary
6 through purchase, exchange, Act of Congress, or Execu-
7 tive order under the terms of which the Secretary is re-
8 quired to honor an existing grazing permit or grazing
9 lease, the permittee or lessee shall be considered qualified
10 for grazing use on that land.

11 **SEC. 113. GRAZING PREFERENCES.**

12 (a) BASE PROPERTY.—

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

17 (A) serves as a base for a livestock oper-
18 ation that utilizes Federal land within a grazing
19 district; or

20 (B) is contiguous land, or noncontiguous
21 land if no applicant for the grazing permit or
22 grazing lease owns or controls contiguous land,
23 used in conjunction with a livestock operation
24 that utilizes Federal land outside a grazing dis-
25 trict.

1 (2) SPECIFICATION OF LENGTH OF TIME.—
2 After appropriate consultation, cooperation, and co-
3 ordination with the applicant only, an authorized of-
4 ficer shall specify the length of time for which land
5 base property shall be considered to be capable of
6 supporting authorized livestock during the year, rel-
7 ative to the multiple use management objective of
8 Federal land.

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

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

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

16 (4) LOSS OF OWNERSHIP OR CONTROL.—

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

24 (B) EXTENSION OF TERMINATION DATE.—
25 If, prior to losing ownership or control of the

1 base property, the permittee or lessee requests
2 in writing that the grazing permit or grazing
3 lease be extended to the end of the grazing sea-
4 son or grazing year, the authorized officer, after
5 consultation with the new owner or person in
6 control, may grant the request.

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

14 (5) ISOLATED OR DISCONNECTED FEDERAL
15 LAND.—An applicant that owns or controls base
16 property contiguous to or cornering on a tract of
17 Federal land outside a grazing district that consists
18 of an isolated or disconnected tract embracing 760
19 acres or less shall, for a period of 90 days after the
20 tract has been offered for grazing lease, have a pref-
21 erence right to graze the tract.

22 (b) SPECIFYING GRAZING PREFERENCE.—

23 (1) IN GENERAL.—A grazing permit or grazing
24 lease shall specify a grazing preference that in-
25 cludes—

- 1 (A) a historical grazing preference right;
2 (B) active use, based on the amount of for-
3 age available for livestock grazing established in
4 the land use plan;
5 (C) suspended use; and
6 (D) voluntary and temporary nonuse.

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

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

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

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

19 (c) TRANSFER OF GRAZING PREFERENCE.—

20 (1) IN GENERAL.—A transfer of a grazing pref-
21 erence, in whole or in part, may be made in accord-
22 ance with this subsection.

23 (2) QUALIFICATION OF TRANSFEREE.—A trans-
24 feree shall meet all necessary qualifications for a
25 grazing preference under this title.

1 (3) APPLICATION.—An application to transfer a
2 grazing preference shall evidence assignment of in-
3 terest and obligation in range improvements author-
4 ized on Federal land under section 122 and main-
5 tained in conjunction with the transferred pref-
6 erence.

7 (4) ACCEPTANCE OR REJECTION OF TERMS AND
8 CONDITIONS.—A transferee of a grazing preference
9 may elect to accept or reject the terms and condi-
10 tions of the terminating grazing permit or grazing
11 lease and of any related cooperative agreement or
12 range improvement permit or to accept those terms
13 and conditions with such modifications as the trans-
14 feree may request and the authorized officer approve
15 or with such modifications as the authorized officer
16 may require.

17 (5) APPLICATION FOR GRAZING PERMIT OR
18 GRAZING LEASE.—A proposed transferee shall file
19 an application for a grazing permit or grazing lease
20 to the extent of the transferred grazing preference
21 simultaneously with the filing of a transfer applica-
22 tion.

23 (6) TRANSFERS.—

24 (A) TRANSFERS ON SALE OR GRAZING
25 LEASE OF BASE PROPERTY.—If base property is

1 sold or leased, the transferee, not later than 90
2 days after the date of sale or grazing lease,
3 shall file with the authorized officer a properly
4 executed transfer application that—

5 (i) identifies the base property; and

6 (ii) states the amount of grazing pref-
7 erence being transferred in animal unit
8 months.

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

11 (i) IN GENERAL.—If a grazing pref-
12 erence is being transferred from 1 base
13 property to another base property, the
14 transferor shall own or control the base
15 property from which the grazing preference
16 is being transferred and file with the au-
17 thorized officer a properly completed trans-
18 fer application for approval.

19 (ii) CONSENT OF OWNER OR LEASED
20 BASE PROPERTY.—If the transferor leases
21 the base property, no transfer shall be al-
22 lowed without the written consent of the
23 owner and of any person or entity holding
24 an encumbrance of the base property from
25 which the transfer is to be made unless the

1 transferor is a lessee without whose live-
2 stock operations the grazing preference
3 would not have been established.

4 (7) TERMINATION.—On the date of approval of
5 a transfer, the existing grazing permit or grazing
6 lease shall terminate automatically and without no-
7 tice to the extent of the transfer.

8 (8) ACQUISITION OF BASE PROPERTY BY PER-
9 SON NOT QUALIFIED.—

10 (A) NO EFFECT FOR 2 YEARS.—For a pe-
11 riod of 2 years after an unqualified transferee
12 acquires rights in base property through oper-
13 ation of law or testamentary disposition, the
14 transfer shall not—

15 (i) affect the grazing preference or
16 any outstanding grazing permit or grazing
17 lease; or

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

21 (B) CANCELLATION.—If an unqualified
22 transferee fails to qualify for a transfer under
23 this section within the 2-year period described
24 in subparagraph (A), the grazing preference
25 shall be subject to cancellation, but the author-

1 ized officer may grant extensions of the 2-year
2 period if there have been delays solely attrib-
3 utable to probate proceedings.

4 (9) FAILURE TO COMPLY.—Failure of a trans-
5 feree or transferor to comply with this subsection
6 may result in rejection of the transfer application or
7 cancellation of the grazing preference.

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

11 **SEC. 114. CHANGES IN GRAZING PREFERENCE STATUS.**

12 (a) IN GENERAL.—An authorized officer shall peri-
13 odically review the stocking rate specified in a grazing per-
14 mit or grazing lease and may make changes in the status
15 of the stocking rate.

16 (b) SUPPORT.—A change in a stock rate shall be sup-
17 ported by monitoring, as evidenced by rangeland studies
18 conducted over time, and as is specified in an applicable
19 land use plan or as is necessary to manage, maintain, or
20 improve rangeland productivity.

21 (c) INCREASE IN ACTIVE USE.—

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

1 (2) TEMPORARY AVAILABILITY.—Any additional
2 forage that becomes temporarily available for live-
3 stock grazing use (including forage that is tempo-
4 rarily available within an allotment because of a
5 change in grazing use under section 131(b)) may be
6 apportioned on a nonrenewable basis.

7 (3) AVAILABILITY ON SUSTAINED USE BASIS.—

8 (A) IN GENERAL.—Any additional forage
9 that becomes available on a sustained yield
10 basis for livestock grazing use shall be appor-
11 tioned in satisfaction of grazing preferences to
12 the permittees and lessees authorized to graze
13 in the allotment in which the forage is available
14 before being apportioned to other persons under
15 subparagraph (B).

16 (B) APPORTIONMENT TO OTHERS.—After
17 consultation, cooperation, and coordination, ad-
18 ditional forage on a sustained yield basis avail-
19 able for livestock grazing use exceeding the
20 amount of grazing preferences of the permittees
21 and lessees in an allotment may be apportioned
22 in the following priority to—

23 (i) permittees and lessees in propor-
24 tion to their contribution or efforts that re-
25 sulted in increased forage production;

- 1 (ii) permittees or lessees in proportion
2 to the amount of their grazing preferences;
3 and
4 (iii) other qualified applicants under
5 section 131.

6 (d) DECREASE IN AUTHORIZED GRAZING USE.—

7 (1) TEMPORARY SUSPENSION.—

8 (1) IN GENERAL.—Active use may be sus-
9 pended in whole or in part on a temporary basis
10 to facilitate—

11 (i) recovery from drought, fire, or an-
12 other natural event; or

13 (ii) installation, maintenance, or modi-
14 fication of range improvements.

15 (B) IMPLEMENTATION.—If an authorized
16 officer determines that the soil, vegetation, or
17 other resources on Federal land require tem-
18 porary protection because of conditions such as
19 drought, fire, flood, or insect infestation, after
20 consultation, cooperation, and coordination with
21 affected permittees or lessees and other affected
22 interests, action shall be taken to close allot-
23 ments or portions of allotments to grazing by
24 any kind of livestock or to modify authorized
25 grazing use.

1 (2) PERMANENT SUSPENSION.—When monitor-
2 ing shows that active use is causing an unacceptable
3 level or pattern of utilization or exceeds the livestock
4 carrying capacity, as determined through monitor-
5 ing, an authorized officer, after evaluating and im-
6 plementing all reasonable and viable management
7 practices or alternatives, shall reduce active use if
8 necessary to maintain or improve rangeland produc-
9 tivity only if the authorized officer determines that
10 a change in management practices would not achieve
11 the management objectives.

12 (3) PERIOD OF SUSPENSION.—When active use
13 is reduced, the active use shall be held in suspension
14 or in nonuse for conservation and protection pur-
15 poses until the authorized officer determines that ac-
16 tive use may resume.

17 (e) IMPLEMENTATION OF CHANGES IN AVAILABLE
18 FORAGE.—

19 (1) PHASING-IN.—A change in active use in ex-
20 cess of 10 percent shall be implemented over a 5-
21 year period, unless, after consultation with the af-
22 fected permittees or lessees and other affected inter-
23 ests, an agreement is reached to implement the in-
24 crease or decrease over less than a 5-year period.

25 (2) SUSPENSION OF GRAZING PREFERENCE.—

1 (A) IN GENERAL.—After consultation, co-
2 operation, and coordination, a suspension of a
3 grazing preference shall be implemented
4 through a documented agreement or by decision
5 of an authorized officer.

6 (B) DATA AVAILABLE.—If acceptable
7 range analysis data are properly gathered, ana-
8 lyzed, and reviewed by the authorized officer,
9 an initial decrease shall be taken on the effec-
10 tive date of the agreement or decision and the
11 balance taken in the third and fifth year follow-
12 ing that effective date, except as provided in
13 paragraph (1).

14 (C) DATA NOT AVAILABLE.—If data ac-
15 ceptable to the authorized officer to support an
16 initial decrease are not available—

17 (i) additional data shall be collected
18 through monitoring and in coordination
19 with the land-grant university (or other ap-
20 propriate institution of higher education)
21 and department of agriculture of the State;
22 and

23 (ii) adjustments based on the addi-
24 tional data shall be implemented by agree-

1 ment or decision that will initiate the 5-
2 year implementation period.

3 **SEC. 115. CHANGES IN FEDERAL LAND ACREAGE.**

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

7 (1) the forage available for livestock shall be
8 made available to a qualified applicant at the discre-
9 tion of the authorized officer; and

10 (2) grazing use shall be apportioned under sec-
11 tion 131.

12 (b) DECREASE IN LAND ACREAGE.—

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

16 (A) grazing permits or grazing leases may
17 be canceled, suspended, or modified as appro-
18 priate to reflect the changed area of use; and

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

21 (2) EQUITABLE APPORTIONMENT.—A cancella-
22 tion or suspension determined by the authorized offi-
23 cer to be necessary to protect Federal land—

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

4 (B) if no agreement is reached, shall be eq-
5 uitably apportioned by the authorized officer
6 based on the level of available forage and mag-
7 nitude of the change in Federal land acreage
8 available.

9 (3) DISPOSITION OR USE FOR PUBLIC PUR-
10 POSE.—

11 (A) IN GENERAL.—If Federal land is dis-
12 posed of or devoted to a public purpose so as
13 to preclude livestock grazing, the Secretary
14 shall, except in a case of emergency such as
15 need to satisfy a national defense requirement
16 in time of war or a natural disaster, provide
17 permittees and lessees 2 years' notice prior to
18 cancellation of grazing permits, grazing leases,
19 and grazing preferences.

20 (B) WAIVER.—A permittee or lessee may
21 unconditionally waive the 2-year prior notifica-
22 tion required by subparagraph (A).

23 (C) RIGHT TO COMPENSATION.—A waiver
24 under subparagraph (B) shall not prejudice a
25 permittee's or lessee's right to reasonable com-

1 pensation at (but not in excess of) the fair mar-
2 ket value of the permittee's or lessee's interest
3 in authorized permanent range improvements
4 located on Federal land.

5 **Subtitle C—Grazing Management**

6 **SEC. 121. ALLOTMENT MANAGEMENT PLANS.**

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

13 (b) CONTENTS.—An allotment management plan
14 shall—

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

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

20 (3) specify the limits of flexibility within which
21 the permittee or lessee may adjust operations with-
22 out prior approval of the authorized officer; and

23 (4) provide for monitoring to evaluate the effec-
24 tiveness of management actions in achieving the spe-
25 cific multiple-use management objectives of the plan.

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

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

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

16 **SEC. 122. RANGE IMPROVEMENTS.**

17 (a) RANGE IMPROVEMENT COOPERATIVE AGREE-
18 MENTS.—

19 (1) IN GENERAL.—The Secretary may enter
20 into a cooperative agreement with a permittee or les-
21 see for the construction, installation, modification,
22 maintenance, or use of a permanent range improve-
23 ment or development of a rangeland to achieve a
24 management or resource condition objective.

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

5 (3) TITLE.—

6 (A) IN GENERAL.—Subject to valid exist-
7 ing rights, title to an authorized permanent
8 range improvement under a range improvement
9 cooperative agreement shall be in the name of
10 the permittee or lessee and of the United
11 States, respectively, in proportion to the value
12 of the contributions (funding, material, and
13 labor) toward the initial cost of construction by
14 the United States and the permittee or lessee,
15 respectively.

16 (B) VALUE OF FEDERAL LAND.—For the
17 purpose of subparagraph (A), only a contribu-
18 tion to the construction, installation, modifica-
19 tion, or maintenance of a permanent rangeland
20 improvement itself, and not the value of Fed-
21 eral land on which the improvement is placed,
22 shall be taken into account.

23 (C) MAINTENANCE.—Maintenance of
24 range improvements in the form of time as
25 labor or monetary expenditures shall be applied

1 to the value and percentage of ownership pro-
2 portionate to the value of the contribution by a
3 party to the cooperative agreement.

4 (4) NONSTRUCTURAL RANGE IMPROVE-
5 MENTS.—A range improvement cooperative agree-
6 ment shall ensure that the respective parties enjoy
7 the benefits of any nonstructural range improve-
8 ment, such as seeding, spraying, and chaining, in
9 proportion to each party's contribution to the im-
10 provement.

11 (5) INCENTIVE.—A range improvement cooper-
12 ative agreement shall contain terms and conditions
13 that are designed to provide a permittee or lessee an
14 incentive for investing in range improvements.

15 (b) RANGE IMPROVEMENT PERMITS.—

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

21 (2) FUNDING.—A permittee or lessee shall
22 agree to provide full funding for construction, instal-
23 lation, modification, or maintenance of a range im-
24 provement covered by a range improvement permit.

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

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

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

11 (c) STANDARDS, DESIGN, AND STIPULATIONS.—A
12 range improvement cooperative agreement under sub-
13 section (a) and a range improvement permit under sub-
14 section (b) shall specify the standards and design, con-
15 struction, and maintenance criteria for the range improve-
16 ments.

17 (d) ASSIGNMENT OF RANGE IMPROVEMENTS.—An
18 authorized officer shall not approve the transfer of a graz-
19 ing preference under section 113(c) or approve use by the
20 transferee of existing range improvements unless the
21 transferee has agreed to compensate the transferor for the
22 transferor's interest in the authorized improvements with-
23 in the allotment as of the date of the transfer.

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

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

4 (2) REQUIREMENT TO REMOVE.—The author-
5 ized officer may require a permittee or lessee to re-
6 move a range improvement on Federal land that the
7 permittee or lessee owns if the improvement is no
8 longer helping to achieve land use plan or allotment
9 goals and objectives or if the improvement fails to
10 meet the standards and criteria of subsection (c).

11 (3) CANCELLATION OF GRAZING PERMIT OR
12 GRAZING LEASE.—

13 (A) IN GENERAL.—If a grazing permit or
14 grazing lease is canceled in order to devote Fed-
15 eral land covered by the grazing permit or graz-
16 ing lease to another public purpose, including
17 disposal, the permittee or lessee shall be enti-
18 tled to receive from the United States reason-
19 able compensation for the value of the permit-
20 tee's or lessee's interest in authorized perma-
21 nent range improvements purchased by the per-
22 mittee or lessee or placed or constructed by the
23 permittee or lessee on Federal land covered by
24 the canceled grazing permit or grazing lease.

1 (B) FAIR MARKET VALUE.—The value of a
2 permittee's or lessee's interest under subpara-
3 graph (A) shall be equal to the fair market
4 value of the terminated portion of the permit-
5 tee's or lessee's interest in the permanent range
6 improvements.

7 (C) SALVAGE AND REHABILITATION.—In a
8 case in which a range improvement is author-
9 ized by a range improvement permit or range
10 improvement cooperative agreement, the per-
11 mittee or lessee may elect to salvage materials
12 and perform rehabilitation measures rather
13 than accept compensation for the fair market
14 value.

15 (4) CANCELLATION OF RANGE IMPROVEMENT
16 PERMIT OR COOPERATIVE AGREEMENT.—If a range
17 improvement permit or range improvement coopera-
18 tive agreement is canceled, the permittee or lessee
19 shall be allowed 180 days after the date of cancella-
20 tion in which to salvage material owned by the lessee
21 or permittee and perform rehabilitation measures
22 necessitated by the salvage.

23 (i) CONTRIBUTIONS.—An authorized officer may ac-
24 cept contributions of labor, material, equipment, or money

1 for administration, protection, and improvement of Fed-
2 eral land necessary to achieve the objectives of this title.

3 (j) TRANSFER OF OWNERSHIP OF IMPROVEMENTS.—

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

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

8 (B) following consultation with the inter-
9 ested parties, make a determination concerning
10 the fair and reasonable share of operation and
11 maintenance expenses and compensation for use
12 of authorized range improvements.

13 (2) NO AGREEMENT.—If an agreement on the
14 amount of compensation cannot be reached, the au-
15 thorized officer shall issue a temporary grazing au-
16 thorization, including appropriate terms and condi-
17 tions and the requirement to compensate the permit-
18 tee or lessee for the fair share of operation and
19 maintenance, as determined by the authorized offi-
20 cer.

21 **SEC. 123. WATER RIGHTS.**

22 (a) IN GENERAL.—No water rights shall be acquired,
23 perfected, owned, controlled, maintained, administered, or
24 transferred in connection with livestock grazing manage-
25 ment unless authorized in accordance with State law con-

1 cerning the use and appropriation of water within the
2 State.

3 (b) STATE LAW.—In managing livestock grazing on
4 Federal land, the Secretary shall follow State law with re-
5 gard to water ownership.

6 (c) RULE OF CONSTRUCTION.—Nothing in this title
7 shall be construed to create an expressed or implied res-
8 ervation of water rights in the United States.

9 **SEC. 124. MANAGEMENT OF GRAZING ON LAND UNDER THE**
10 **JURISDICTION OF OTHER DEPARTMENTS**
11 **AND AGENCIES.**

12 (a) IN GENERAL.—In the case of land under the ad-
13 ministrative jurisdiction of the head of another entity in
14 the department or of another department or agency on
15 which grazing is managed by the Secretary on behalf of
16 the head of that entity, department, or agency, the Sec-
17 retary shall enter into a memorandum of understanding
18 setting out the terms and conditions under which grazing
19 will be managed on that land.

20 (b) APPLICATION OF TITLE.—This title shall apply
21 to management of grazing under subsection (a) except to
22 the extent that the Secretary, in consultation with the
23 head of the department or agency with jurisdiction over
24 the land, in view of the needs of the other department

1 or agency or the applicability of other law, requires appli-
2 cation of different rules.

3 **Subtitle D—Authorization of Grazing Use**

4 **SEC. 131. APPLICATIONS.**

5 (a) IN GENERAL.—An application for a grazing per-
6 mit or grazing lease authorizing active use and nonuse,
7 a free-use grazing permit, or other grazing authorization
8 shall be filed with the authorized officer at the local Bu-
9 reau of Land Management office having jurisdiction over
10 the Federal land that is the subject of the application.

11 (b) CHANGES IN GRAZING USE.—

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

17 (2) LATE FILING.—An application for a change
18 in grazing use filed after a billing notice for the af-
19 fected grazing use has been issued that requires the
20 issuance of a replacement or supplemental billing no-
21 tice shall be subject to a service charge under section
22 137(d).

23 (3) AUTHORITY TO GRANT.—An authorized of-
24 ficer may grant an application for a change in graz-
25 ing use.

1 (c) CONFLICTING APPLICATIONS.—

2 (1) FACTORS TO BE CONSIDERED.—If more
3 than 1 qualified applicant applies for livestock graz-
4 ing use of the same Federal land or if additional for-
5 age for livestock or additional acreage becomes avail-
6 able, an authorized officer may authorize grazing
7 use of the Federal land or use of forage—

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

9 (B) on the basis of any of the following
10 factors:

11 (i) Historical use of Federal land.

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

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

16 (iv) Topography.

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

19 (2) FACTOR NOT TO BE CONSIDERED.—In au-
20 thORIZING grazing use or use of forage under para-
21 graph (1), an authorized officer shall not take into
22 consideration the past practice or present willingness
23 of an applicant to allow public access to Federal
24 land over private land.

1 **SEC. 132. GRAZING PERMITS OR GRAZING LEASES.**

2 (a) SPECIFICATION OF TERMS AND CONDITIONS.—

3 A grazing permit or grazing lease shall specify terms and
4 conditions as required by section 136.

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

7 (1) the land is pending disposal;

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

11 (3) the Secretary determines that it would be in
12 the best interest of sound land management to speci-
13 fy a shorter term, if the decision to specify a shorter
14 term is supported by appropriate and accepted re-
15 source analysis and evaluation.

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

20 (1) the land for which the grazing permit or
21 grazing lease is issued remains available for domes-
22 tic livestock grazing;

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

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

4 **SEC. 133. FREE-USE GRAZING PERMITS.**

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

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

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

12 (3) whose products or work related to livestock
13 grazing are used directly and exclusively by the ap-
14 plicant and the applicant's family.

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

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

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

21 **SEC. 134. OTHER GRAZING AUTHORIZATIONS.**

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

23 (1) IN GENERAL.—An exchange-of-use grazing
24 agreement may be issued to any applicant that owns
25 or controls land that is unfenced and intermingled

1 with Federal land when use under such an agree-
2 ment would be in harmony with the management ob-
3 jectives for the allotment.

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

8 (3) NO FEE.—No fee shall be charged for graz-
9 ing use under an exchange-of-use agreement.

10 (b) NONRENEWABLE GRAZING PERMITS AND GRAZ-
11 ING LEASES.—A nonrenewable grazing permit or grazing
12 lease may be issued on an annual basis to a qualified ap-
13 plicant when forage is temporarily available if grazing use
14 under the grazing permit or grazing lease—

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

17 (2) does not interfere with other livestock oper-
18 ations on the Federal land concerned.

19 (c) CROSSING PERMITS.—An applicant showing the
20 necessity for crossing Federal land or other land under
21 control of the Secretary with livestock for proper and law-
22 ful purposes may be issued a crossing permit on such
23 terms and conditions as the authorized officer considers
24 necessary to achieve the objectives of this title.

1 (d) SPECIAL GRAZING PERMITS OR GRAZING
2 LEASES.—

3 (1) IN GENERAL.—A special grazing permit or
4 grazing lease authorizing grazing use by privately
5 owned or controlled indigenous animals may be is-
6 sued at the discretion of the authorized officer, con-
7 sistent with multiple-use objectives.

8 (2) TERM.—A special grazing permit or grazing
9 lease shall be issued for such a term as the author-
10 ized officer considers to be appropriate, not to ex-
11 ceed 10 years.

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

17 **SEC. 135. OWNERSHIP AND IDENTIFICATION OF LIVE-**
18 **STOCK.**

19 (a) IN GENERAL.—A permittee or lessee shall own
20 or control and be responsible for the management of the
21 livestock that graze the Federal land under a grazing per-
22 mit or grazing lease.

23 (b) COMPLIANCE WITH STATE REQUIREMENTS.—An
24 authorized user shall comply with the requirements of the
25 State in which Federal land is located relating to brand-

1 ing, marking, or tagging of livestock, breed, grade, and
2 number of bulls, health, and sanitation.

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

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

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

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

14 **SEC. 136. TERMS AND CONDITIONS.**

15 (a) IN GENERAL.—

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

22 (2) AMOUNT OF USE.—The amount of livestock
23 grazing use that is authorized in a grazing permit
24 or grazing lease shall not exceed the livestock carry-
25 ing capacity of the Federal land concerned, as deter-

1 mined through monitoring and adjusted as necessary
2 under section 114.

3 (3) CANCELLATION, SUSPENSION, OR MODI-
4 FICATION.—A grazing permit or grazing lease shall
5 be subject to cancellation, suspension, or modifica-
6 tion for any violation of this title or of any term or
7 condition of the grazing permit or grazing lease.

8 (b) NO SPECIAL TERMS AND CONDITIONS.—An au-
9 thorized officer shall not impose any term or condition in
10 a grazing permit or grazing lease other than a term or
11 condition described in subsection (a).

12 (c) MODIFICATION.—Following careful and consid-
13 ered consultation, cooperation, and coordination with per-
14 mittees, lessees, and other affected interests, an author-
15 ized officer may modify the terms and conditions of a
16 grazing permit or grazing lease if monitoring data show
17 that the grazing use is not meeting the land use plan or
18 management objectives.

19 **SEC. 137. FEES AND CHARGES.**

20 (a) GRAZING FEES.—

21 (1) BASIC FEE.—The basic fee for each animal
22 unit month in a grazing fee year shall be equal to
23 the 3-year average of the total gross value of pro-
24 duction for livestock, as determined by the National
25 Agricultural Statistics Service of the Department of

1 Agriculture in accordance with paragraph (2) on the
2 basis of economic data published by the Service in
3 the June Agricultural Survey for the 3 years preced-
4 ing the grazing fee year, multiplied by .06 and di-
5 vided by 12.

6 (2) CRITERIA.—

7 (A) IN GENERAL.—The National Agricul-
8 tural Statistics Service of the Department of
9 Agriculture shall make a determination under
10 paragraph (1) based on the following informa-
11 tion gathered from livestock grazing operators,
12 with respect to the largest single grazing lease
13 of each operator (in terms of dollars):

14 (i) Whether the operator charged—

15 (I) per acre;

16 (II) per head per month;

17 (III) per pound of gain;

18 (IV) per hundredweight of gain;

19 or

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

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

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

1 (III) Grazing lease acreage.

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

4 (iii) The classes of livestock grazed.

5 (iv) The term of the grazing lease.

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

8 (II) Whether the grazing lease con-
9 tains a take or pay provision.

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

13 (B) PRIVATE NATIVE RANGELAND.—For
14 the purpose of determining rates for grazing
15 leases of private native rangeland, rates for irri-
16 gated pasture, crop aftermath, and dryland win-
17 ter wheat shall be excluded.

18 (3) SURCHARGE.—

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

23 (i) the grazing use is made by live-
24 stock owned by a spouse, son, daughter,

1 grandson, or granddaughter of the permit-
2 tee and lessee; or

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

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

9 (C) LIVESTOCK OWNED BY OTHERS.—A
10 surcharge for authorized pasturing of livestock
11 owned by a person other than a permittee or
12 lessee shall be equal to 25 percent of the dif-
13 ference between the current year's Federal
14 grazing fee and the prior year's private grazing
15 land lease rate per year for the appropriate
16 State, as determined by the National Agricul-
17 tural Statistics Service in accordance with para-
18 graph (2).

19 (4) PAYMENT.—

20 (A) DUE DATE.—A grazing fee shall be
21 due on the due date specified in the billing no-
22 tice.

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

1 (C) BILLING AFTER GRAZING SEASON.—If
2 an allotment management plan provides for bill-
3 ing after the grazing season, a grazing fee shall
4 be based on actual grazing use and shall be due
5 upon issuance.

6 (5) REFUNDS.—

7 (A) IN GENERAL.—A grazing fee may be
8 refunded if an application for change in grazing
9 use and related refund is filed prior to the pe-
10 riod of use for which the refund is requested.

11 (B) FAILURE TO MAKE GRAZING USE.—

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

15 (ii) RANGE DEPLETION OR DIS-
16 EASE.—During a period of range depletion
17 due to drought, fire, or other natural
18 cause, or in case of a general spread of dis-
19 ease among the livestock that occurs dur-
20 ing the term of a grazing permit or graz-
21 ing lease, an authorized officer may credit
22 or refund a grazing fee in whole or in part
23 or postpone fee payment for as long as the
24 emergency exists.

25 (b) OTHER FEES AND CHARGES.—

1 (1) CROSSING PERMITS, TRANSFERS, AND BILL-
2 ING NOTICES.—A service charge shall be assessed
3 for each crossing permit, transfer of grazing pref-
4 erence, and replacement or supplemental billing no-
5 tice except in a case in which the action is initiated
6 by the authorized officer.

7 (2) AMOUNT OF FLPMA FEES AND CHARGES.—
8 The fees and charges under section 304(a) of the
9 Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1734(a)) shall reflect processing costs
11 and shall be adjusted periodically as costs change.

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

15 (c) REPEAL AND SUPERSEDURE.—

16 (1) REPEAL.—Section 6(a) of the Public
17 Rangelands Improvement Act of 1978 (43 U.S.C.
18 1905) is repealed.

19 (2) SUPERSEDURE.—This section supersedes
20 Executive Order 12548 (43 U.S.C. 1905 note) effec-
21 tive March 1, 1996.

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

1 **SEC. 138. PLEDGE OF GRAZING PERMITS OR GRAZING**
2 **LEASES AS SECURITY FOR LOANS.**

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

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

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

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

13 (b) EFFECT OF PLEDGE.—The pledging of a grazing
14 permit or grazing lease as security for a loan from a lend-
15 ing agency shall not exempt the grazing permit or grazing
16 lease from this title.

17 **Subtitle E—Civil Violations and Failures of**
18 **Compliance**

19 **SEC. 141. CIVIL VIOLATIONS AND FAILURES OF COMPLI-**
20 **ANCE.**

21 (a) SCOPE OF SECTION.—

22 (1) IN GENERAL.—This section states all of the
23 violations and failures of compliance that pertain
24 specifically to livestock grazing on Federal land that
25 may result in imposition of a sanction described in
26 subsection (c) against a person in the person's ca-

1 pacity as a permittee, lessee, or applicant for a graz-
2 ing permit or grazing lease.

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

8 (b) IN GENERAL.—A person that does 1 of the fol-
9 lowing shall be subject to a civil sanction under subsection
10 (c):

11 (1) Fails to make substantial grazing use as au-
12 thorized by a grazing permit or grazing lease for 2
13 consecutive fee years.

14 (2) Places supplemental feed on land covered by
15 a grazing permit or grazing lease without authoriza-
16 tion.

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

20 (4) Enters into an unauthorized sublease.

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

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

1 (B) in violation of a term or condition of
2 a grazing permit, grazing lease, or other graz-
3 ing use authorization, including a provision
4 stating the number of livestock covered by the
5 authorization;

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

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

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

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

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

16 (9) Interferes with a lawful grazing use or law-
17 ful user.

18 (10) Knowingly or willfully makes a false state-
19 ment or representation in a base property certifi-
20 cation, grazing application, range improvement per-
21 mit application, cooperative agreement, or actual use
22 report, or an amendment thereto.

23 (11) Grazes livestock on Federal land not sub-
24 stantially in compliance with State livestock require-
25 ments relating to—

1 (A) branding, marking, or tagging of live-
2 stock;

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

4 (C) health or sanitation.

5 (c) PENALTIES.—

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

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

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

14 (C) cancel a grazing permit or grazing
15 lease and grazing preference, or a free-use graz-
16 ing permit or other grazing authorization, in
17 whole or in part.

18 (2) SECOND OR SUBSEQUENT WILLFUL VIOLA-
19 TION.—In a case of a second or subsequent willful
20 civil violation described in subsection (a), an author-
21 ized officer shall—

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

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

4 (3) CONSIDERATION OF SEVERITY.—A deter-
5 mination of the length of time that a grazing permit
6 or grazing lease will be withheld or suspended or
7 that a grazing permit or grazing lease will be can-
8 celed shall reflect the severity of the violation or fail-
9 ure of compliance.

10 (4) REFERRAL FOR ACTION UNDER SUBTITLE
11 F.—If a person other than a permittee or lessee vio-
12 lates subsection (a)(5), and the person has not made
13 satisfactory settlement under section 153, the au-
14 thorized officer shall refer the matter to proper au-
15 thorities for appropriate legal action by the United
16 States against the violator under subtitle F.

17 (5) SUBLEASES.—

18 (A) IN GENERAL.—A person who violates
19 subsection (b)(4) shall be required to pay to the
20 United States the dollar equivalent value, as de-
21 termined by the authorized officer, of all com-
22 pensation received for the sublease that is in ex-
23 cess of the sum of the established grazing fee
24 and the cost incurred by the person for the in-

1 stallation and maintenance of authorized range
2 improvements.

3 (B) FAILURE TO PAY.—If the dollar equiv-
4 alent value is not received by the authorized of-
5 ficer within 30 days of receipt of a final deci-
6 sion, the grazing permit or grazing lease shall
7 be canceled.

8 (C) ADDITIONAL PENALTY.—Payment
9 under this paragraph shall be in addition to any
10 other penalties the authorized officer may im-
11 pose under this subsection.

12 (6) FAILURE TO USE.—After consultation, co-
13 operation, and coordination, the authorized officer
14 may cancel a grazing preference to the extent of fail-
15 ure to use when a permittee or lessee has failed to
16 make substantial grazing use as authorized for 2
17 consecutive years.

18 **Subtitle F—Unauthorized Grazing Use**

19 **SEC. 151. LIABILITY FOR DAMAGES.**

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

23 (1) the value of forage consumed by the live-
24 stock of the person;

1 (2) injury to Federal property caused by unau-
2 thorized grazing use; and

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

5 (b) NO LIABILITY.—In no circumstances shall a per-
6 son be liable for damages to the United States for ex-
7 penses incurred in impoundment or sale of the person's
8 livestock if the person did not commit a violation of section
9 141(a)(5) or if the impoundment or sale was not con-
10 ducted in accordance with State law.

11 **SEC. 152. NOTICE AND ORDER TO REMOVE.**

12 (a) KNOWN OWNER.—

13 (1) SERVICE.—When it appears that a violation
14 described in section 151 has occurred or is occurring
15 and the owner of the unauthorized livestock is
16 known, an authorized officer shall serve written no-
17 tice of unauthorized use and an order to remove live-
18 stock by a specified date on the owner (or the own-
19 er's agent of record) by certified mail or personal de-
20 livery.

21 (2) OPPORTUNITY TO RESPOND.—Written no-
22 tice under paragraph (1) shall allow a specified time
23 from receipt of notice for the livestock owner to—

24 (A) show that there has been no violation;

25 or

1 (B) make settlement under section 153.

2 (b) UNKNOWN OWNER.—When it appears that a vio-
3 lation described in section 151 has occurred or is occur-
4 ring and neither the owner or the unauthorized livestock
5 nor an agent of the owner is known, an authorized officer
6 may immediately proceed to impound the livestock under
7 section 154.

8 **SEC. 153. SETTLEMENT.**

9 (a) DETERMINATION OF WILLFULNESS.—An author-
10 ized officer shall determine whether a violation described
11 in section 151 is a nonwillful, willful, or second or subse-
12 quent willful violation.

13 (b) SECOND OR SUBSEQUENT WILLFUL VIOLA-
14 TIONS.—In the case of a second or subsequent willful vio-
15 lation, the authorized officer shall—

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

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

22 (c) SETTLEMENT AMOUNT.—Except as provided in
23 subsection (e), the settlement amount in the case of a vio-
24 lation described in section 151 shall include—

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

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

6 (3) all reasonable expenses incurred by the
7 United States in detecting, investigating, and resolv-
8 ing the violation, and livestock impoundment costs.

9 (d) VALUE OF FORAGE.—

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

13 (A) average monthly rate per animal unit
14 month for pasturing livestock on privately
15 owned land (excluding irrigated land) for the 16
16 western States as published annually by the De-
17 partment of Agriculture; and

18 (B) the period of the violation.

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

22 (3) SECOND OR SUBSEQUENT WILLFUL VIOLA-
23 TIONS.—In the case of a second or subsequent will-
24 ful violation, the value of forage consumed shall be
25 3 times the value determined under paragraph (1).

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

6 (1) NO FAULT.—Evidence shows that the unau-
7 thorized use occurred through no fault of the live-
8 stock operator.

9 (2) INSIGNIFICANCE.—The forage use is insig-
10 nificant.

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

13 (4) BEST INTERESTS.—Nonmonetary settle-
14 ment is in the best interests of the United States.

15 (f) EFFECT OF SETTLEMENT.—Payment of a settle-
16 ment amount under this section shall not relieve the viola-
17 tor of any criminal liability under Federal or State law.

18 (g) NO GRAZING USE.—A person who is found to
19 have committed a violation described in section 151 shall
20 not be authorized to make grazing use until any settle-
21 ment amount found to be due under this section has been
22 paid.

23 (h) OTHER SANCTIONS.—An authorized officer may
24 cancel or suspend a grazing authorization or deny ap-

1 proval of an application for grazing use until a settlement
2 amount found to be due under this section has been paid.

3 **SEC. 154. IMPOUNDMENT AND SALE.**

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

9 (b) NOTICE OF INTENT TO IMPOUND.—

10 (1) KNOWN OWNER.—

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

15 (B) CONTENTS.—The written notice shall
16 state that unauthorized livestock on specified
17 Federal land may be impounded any time after
18 10 days following delivery of the notice.

19 (2) UNKNOWN OWNER.—

20 (A) PUBLICATION AND POSTING.—If the
21 livestock owner and owner's agent are unknown,
22 or if both a known owner and the owner's agent
23 refuse to accept delivery of notice, a notice of
24 intent to impound shall be published in a local
25 newspaper and posted at the county courthouse

1 and a post office near the Federal land con-
2 cerned.

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

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

13 (d) NOTICE OF PUBLIC SALE.—

14 (1) IN GENERAL.—Following the impoundment
15 of livestock under this section, the livestock may be
16 sold by the authorized officer or, if a suitable agree-
17 ment is in effect, turned over to the State for sale,
18 in accordance with subsection (f).

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

24 (e) REDEMPTION.—An owner (or owner's agent) or
25 lienholder of record of impounded livestock may redeem

1 the livestock in accordance with State law, prior to the
2 time of sale upon settlement with the United States under
3 section 153 or adequate showing that there has been no
4 violation.

5 (f) SALE.—If livestock are not redeemed on or before
6 the date and time fixed for sale, the livestock shall be of-
7 fered at public sale to the highest bidder by the authorized
8 officer under State law, or by the State.

9 **Subtitle G—Procedure**

10 **SEC. 161. PROPOSED DECISIONS.**

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

13 (1) SERVICE ON APPLICANTS, PERMITTEES,
14 LESSEES, AND LIENHOLDERS.—In the absence of a
15 written agreement between an authorized officer and
16 any applicant, grazing permittee, lessee, or
17 lienholder, the authorized officer shall serve, by cer-
18 tified mail or personal delivery, a proposed decision
19 on any applicant, permittee, lessee, or lienholder (or
20 agent of record of the applicant, permittee, lessee, or
21 lienholder) that is affected by—

22 (A) a proposed action on an application for
23 a grazing permit, grazing lease, or range im-
24 provement permit; or

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

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

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

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

12 (b) PROPOSED DECISIONS ON ALLEGED VIOLA-
13 TIONS.—

14 (1) SERVICE.—If the authorized officer deter-
15 mines that a permittee or lessee appears to have vio-
16 lated any provision of this title, the authorized offi-
17 cer shall serve a proposed decision on the permittee
18 or lessee (or permittee's or lessee's agent) by cer-
19 tified mail or personal delivery.

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

21 (A) state—

22 (i) the alleged violation and refer to
23 the specific provision of this title that is al-
24 leged to have been violated;

1 (ii) the reasons for the proposed deci-
2 sion;

3 (iii) the fee due under section 137(a)
4 or settlement amount due under section
5 153; and

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

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

11 **SEC. 172. PROTESTS.**

12 An applicant, permittee, lessee, or other affected in-
13 terest may protest a proposed decision under section 161
14 in person or in writing to the authorized officer within
15 15 days after service of the proposed decision.

16 **SEC. 163. FINAL DECISIONS.**

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

20 (b) RECONSIDERATION.—If a protest is timely filed,
21 the authorized officer shall reconsider the proposed deci-
22 sion in light of the protestant's statement of reasons for
23 protest and in light of other information pertinent to the
24 case.

1 (c) SERVICE.—After reviewing the protest, the au-
2 thorized officer shall serve a final decision on the parties
3 to the proceeding.

4 **SEC. 164. APPEALS.**

5 (a) IN GENERAL.—In the case of a final decision of
6 an authorized officer with respect to which a protest under
7 section 162 was timely filed, a permittee, lessee, or af-
8 fected interest may appeal the final decision for the pur-
9 pose of a hearing before an administrative law judge by
10 filing a notice of appeal in the office of the authorized
11 officer within 30 days after the service of the final deci-
12 sion.

13 (b) SUSPENSION PENDING APPEAL.—

14 (1) IN GENERAL.—An appeal of a final decision
15 shall suspend the effect of the decision pending final
16 action on the appeal unless the decision is made ef-
17 fective pending appeal under paragraph (2).

18 (2) EFFECTIVENESS PENDING APPEAL.—

19 (A) IN GENERAL.—A District Manager of
20 the Bureau of Land Management may order
21 that a decision on a grazing permit application
22 shall remain in effect during an appeal of the
23 decision if it is determined that imminent and
24 irreversible damage to land resources would be

1 likely to result from delay of effectiveness of the
2 decision.

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

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

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

9 (iii) the preponderance of evidence
10 gathered in the proceeding.

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

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

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

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

19 **Subtitle H—Advisory Committees**

20 **SEC. 171. PURPOSE.**

21 This subtitle contains standards and procedures for
22 the establishment, operation, and termination of advisory
23 committees to advise the Secretary on matters relating to
24 grazing on Federal land and resources under the adminis-
25 trative jurisdiction of the Bureau of Land Management.

1 **SEC. 172. OBJECTIVE.**

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

6 (1) the formulation of operating guidelines; and

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

11 **SEC. 173. RELATION TO OTHER LAW.**

12 Except to the extent that the following laws may be
13 inconsistent with this subtitle, the following laws shall
14 apply to an advisory committee established under this sub-
15 title:

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

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

20 (3) Section 2 of Reorganization Plan No. 3 of
21 1950 (5 U.S.C. App.).

22 **SEC. 174. POLICY.**

23 (a) IN GENERAL.—After consultation, cooperation,
24 and coordination with State and local government officials,
25 the Secretary shall establish advisory committees rep-
26 resentative of major citizens' interests to advise the Sec-

1 retary regarding policy formulation, program planning,
2 decisionmaking, attainment of program objectives, and
3 achievement of improved program coordination and econo-
4 mies in the management of Federal land and resources.

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

7 (1) advisory committees are optimally utilized;

8 and

9 (2) the number of advisory committees is lim-
10 ited to the number that is essential to the conduct
11 of the public's business.

12 **SEC. 175. GENERAL PROVISIONS.**

13 (a) CHARTERS.—

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

16 (A) prepare a charter describing the advi-
17 sory committee's structure and functions; and

18 (B) file the charter with the Committee on
19 Energy and Natural Resources of the Senate
20 and the Committee on Resources of the House
21 of Representatives.

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

1 (b) CALLS FOR NOMINATIONS.—Candidates for ap-
2 pointment to an advisory committee shall be sought
3 through public calls for nominations made through publi-
4 cation in the Federal Register and through media releases
5 and systematic contacts with State and local government
6 officials and individuals and organizations interested in
7 the use and management of Federal land and resources.

8 (c) COMPOSITION.—

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

11 (A) to provide fair membership balance
12 (geographic and interest-specific) in terms of
13 the functions to be performed and points of
14 view to be represented, as prescribed by the ad-
15 visory committee’s charter; and

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

19 (2) NO DISCRIMINATION.—No person shall be
20 denied an opportunity to serve on an advisory com-
21 mittee because of race, age, sex, religion, or national
22 origin.

23 (3) QUALIFICATIONS.—A person shall be quali-
24 fied to serve on an advisory committee if—

1 (A) the person's education, training, or ex-
2 perience enables the person to give informed
3 and objective advice regarding an industry, dis-
4 cipline, or interest specified in the committee's
5 charter;

6 (B) the person has demonstrated experi-
7 ence or knowledge of the geographical area
8 under the purview of the advisory committee;
9 and

10 (C) the person has demonstrated a com-
11 mitment to seeking consensus solutions to re-
12 source management issues.

13 (d) AVOIDANCE OF CONFLICTS OF INTEREST.—

14 (1) PARTICIPATION IN DELIBERATIONS.—An
15 advisory committee member shall not participate in
16 deliberations or vote on any matter if the decision of
17 the matter would, on its face or as applied, affect
18 only an interest held by that member and not the in-
19 terests of permittees, lessees, or other affected inter-
20 ests generally.

21 (2) DISCLOSURE OF INTERESTS.—

22 (A) IN GENERAL.—Each member of an ad-
23 visory committee shall be required to disclose
24 the member's direct or indirect interest in graz-
25 ing leases, licenses, permits, contracts, or

1 claims and related litigation that involve lands
2 or resources administered by the Secretary.

3 (B) DEFINITION.—In this paragraph, the
4 term “indirect interest” includes holdings of a
5 spouse or dependent children of a member.

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

9 (1) the member—

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

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

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

16 (2) in the judgment of the Secretary, termi-
17 nation is in the public interest.

18 (f) COMPENSATION AND REIMBURSEMENT OF EX-
19 PENSES.—A member of an advisory committee shall not
20 receive any compensation or reimbursement of expenses
21 in connection with the performance of the member’s duties
22 as a member of the advisory committee.

23 **SEC. 176. RESOURCE ADVISORY COUNCILS.**

24 (a) RESOURCE ADVISORY COUNCIL FOR EACH GRAZ-
25 ING DISTRICT.—The Secretary, after consultation, co-

1 operation, and coordination with the State and affected
2 counties, shall appoint not fewer than 9 nor more than
3 15 persons to serve on a resource advisory council for each
4 grazing district.

5 (b) MEMBERSHIP.—

6 (1) REPRESENTATION OF INTERESTS.—The
7 members of a resource advisory council shall be se-
8 lected from among persons that represent historical
9 use, multiple uses, affected landowners, county social
10 and economic interests, elected State and county of-
11 ficers, and the public at large.

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

15 (3) RESIDENCY.—Members of a resource advi-
16 sory council shall be residents of the State in which
17 the grazing district is situated.

18 (4) TERMS.—

19 (A) IN GENERAL.—A member of a re-
20 source advisory council shall serve a 3-year
21 term, except that as nearly as possible one-third
22 of the initial members shall be appointed for a
23 1-year term and one-third of the initial mem-
24 bers shall be appointed for a 2-year term.

1 (B) MEMBERS EX OFFICIO.—On the de-
2 parture from elective office of a member of a
3 resource advisory council who was appointed on
4 the basis of the member's status as an elected
5 official of general purpose government serving
6 the people of the grazing district for which the
7 resource advisory council is established prior to
8 the end of the member's term, the newly elected
9 official shall serve the remainder of the mem-
10 ber's term.

11 (C) VACANCIES.—A vacancy occurring by
12 reason of removal, resignation, or death of a
13 member of a resource advisory council shall be
14 filled for the balance of the member's term
15 using the same method by which the member
16 was appointed.

17 (D) REAPPOINTMENT.—

18 (i) SECOND CONSECUTIVE TERM.—A
19 member of a resource advisory council who
20 has served a 3-year term on a resource ad-
21 visory council may be reappointed to a sec-
22 ond consecutive 3-year term.

23 (ii) SUBSEQUENT TERM.—A member
24 of a resource advisory council who has
25 served 2 consecutive 3-year terms may be

1 subsequently reappointed no earlier than 3
2 years after the member's last date of mem-
3 bership on that resource advisory council,
4 except that the Secretary may reappoint
5 the member to a 1-year term if the Sec-
6 retary determines that the member's con-
7 tinued or renewed service on the resource
8 advisory council is in the public interest
9 and is critical to the effective functioning
10 of the resource advisory council.

11 (E) DATE OF APPOINTMENT.—For the
12 purpose of eligibility for reappointment under
13 subparagraph (C) or (D), an appointment shall
14 be considered to be made on January 1 of the
15 first year of the term to which a member is ap-
16 pointed regardless of the date on which the ap-
17 pointment is actually made.

18 (c) RESPONSIBILITIES.—

19 (1) IN GENERAL.—A resource advisory council
20 shall have the responsibility of advising the Sec-
21 retary and appropriate State officials on major man-
22 agement decisions while working within the broad
23 management goals established for the grazing
24 district.

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

6 (3) ALLOCATION AND EXPENDITURE OF
7 FUNDS.—Except for the purposes of long-range
8 planning and the establishment of resource manage-
9 ment priorities, a resource advisory council shall not
10 provide the Secretary advice regarding—

11 (A) the allocation or expenditure of funds;

12 or

13 (B) personnel actions.

14 (d) DISREGARD OF ADVICE.—

15 (1) REQUEST FOR RESPONSE.—If a resource
16 advisory council becomes concerned that its advice is
17 being arbitrarily disregarded, the resource advisory
18 council may, by unanimous vote of its members, re-
19 quest that the Secretary respond directly to the re-
20 source advisory council's concerns within 60 days
21 after the Secretary receives the request.

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

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

4 (B) be subject to appeal.

5 (e) ADMINISTRATIVE SUPPORT.—Administrative sup-
6 port for a resource advisory council shall be provided by
7 the office of the authorized officer.

8 **SEC. 177. GRAZING ADVISORY COUNCILS.**

9 (a) GRAZING ADVISORY COUNCIL FOR EACH GRAZ-
10 ING DISTRICT.—The Secretary, in consultation with the
11 State and affected counties, shall appoint not fewer than
12 5 nor more than 9 persons to serve on a grazing advisory
13 council for each grazing district.

14 (b) MEMBERSHIP.—

15 (1) REPRESENTATION OF INTERESTS.—The
16 members of a grazing advisory council shall be se-
17 lected from among persons that represent permit-
18 tees, lessees, affected landowners, county social and
19 economic interests, and elected State and county
20 officers.

21 (2) PERMITTEES AND LESSEES.—Permittees
22 and lessees shall constitute the majority of the mem-
23 bership of a grazing advisory council.

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

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

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

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

17 (d) DISREGARD OF ADVICE.—

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

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

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

7 (B) be subject to appeal.

8 **SEC. 178. MEETINGS.**

9 (a) IN GENERAL.—All meetings of an advisory com-
10 mittee and associated field examinations shall be open to
11 the public and news media.

12 (b) NOTICE OF MEETINGS.—

13 (1) IN GENERAL.—A notice of a meeting of an
14 advisory committee shall be published in the Federal
15 Register and distributed to the news media at least
16 30 days in advance of the meeting.

17 (2) URGENT MATTERS.—If an urgent matter
18 arises, a notice of a meeting of an advisory commit-
19 tee shall be published in the Federal Register and
20 distributed to the news media at least 15 days in ad-
21 vance of the meeting.

22 (3) CONTENTS.—A notice of a meeting of an
23 advisory committee shall state the date, time, and
24 place of the meeting and describe the topics or is-
25 sues to be discussed at the meeting.

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

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

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

13 (f) AUTHORITY TO SCHEDULE.—An advisory com-
14 mittee shall meet only at the call of the Secretary or of
15 an authorized officer.

16 (g) ATTENDANCE BY AUTHORIZED OFFICER.—No
17 meeting of an advisory committee shall be held in the ab-
18 sence of an authorized officer or designee of an authorized
19 officer.

20 (h) AGENDA.—A meeting of an advisory committee
21 shall be conducted with close adherence to the agenda ap-
22 proved in advance by an authorized officer.

23 (i) ADJOURNMENT.—An authorized officer may ad-
24 journ a meeting of an advisory committee at any time if—

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

5 (2) adjournment is determined to be in the pub-
6 lic interest.

7 (j) RECORDS.—

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

10 (2) REQUIREMENTS.—The records of a meeting
11 of an advisory committee shall include, at a mini-
12 mum—

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

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

16 (C) a list of members of the advisory com-
17 mittee and of Federal employees (in the capac-
18 ity of Federal employee) present;

19 (D) a list of members of the public
20 present, and a description of the interest rep-
21 resented by each member;

22 (E) the meeting agenda;

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

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

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

5 (I) a description of the nature of public
6 participation.

7 (3) CERTIFICATION BY CHAIRPERSON.—The
8 Chairperson of an advisory committee shall certify
9 the accuracy of the records of the advisory commit-
10 tee.

11 (4) AVAILABILITY FOR INSPECTION AND COPY-
12 ING.—All records, reports, transcripts, minutes, rec-
13 ommendations, studies, working papers, and other
14 documents prepared by or submitted to an advisory
15 committee shall be available for public inspection
16 and copying in the Federal office responsible for
17 support of the advisory committee.

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

21 **SEC. 179. CONFORMING AMENDMENT AND REPEAL.**

22 (a) AMENDMENT.—The third sentence of section
23 402(d) of the Federal Land Policy and Management Act
24 of 1976 (43 U.S.C. 1752(d)) is amended by striking “dis-
25 trict grazing advisory boards established pursuant to sec-

1 tion 403 of the Federal Land Policy and Management Act
2 (43 U.S.C. 1753)” and inserting “grazing advisory coun-
3 cils established under section 177 of the Livestock Grazing
4 Act”.

5 (b) REPEAL.—Section 403 of the Federal Land Pol-
6 icy and Management Act of 1976 (43 U.S.C. 1753) is re-
7 pealed.

8 **Subtitle I—Reports**

9 **SEC. 181. REPORTS.**

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

13 (1) an itemization of revenues received and
14 costs incurred directly in connection with the man-
15 agement of grazing on Federal land; and

16 (2) recommendations for reducing administra-
17 tive costs and improving the overall efficiency of
18 Federal rangeland management.

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

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

8 **TITLE II—GRASSLAND**

9 **SEC. 201. REMOVAL OF GRASSLANDS FROM NATIONAL FOR-** 10 **EST SYSTEM.**

11 (a) FINDINGS.—Congress finds that the inclusion of
12 the National Grasslands (and land utilization projects ad-
13 ministered under title III of the Bankhead-Jones Farm
14 Tenant Act) within the National Forest System constrains
15 the Secretary of Agriculture in managing the National
16 Grasslands as intended under title III of the Bankhead-
17 Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

18 (b) AMENDMENT OF THE FOREST AND RANGELAND
19 RENEWABLE RESOURCES PLANNING ACT OF 1974.—Sec-
20 tion 11(a) of the Forest and Rangeland Renewable Re-
21 sources Planning Act of 1974 (16 U.S.C. 1609(a)) is
22 amended in the second sentence by striking “the national
23 grasslands and land utilization projects administered
24 under title III of the Bankhead-Jones Farm Tenant Act
25 (50 Stat. 525, 7 U.S.C. 1010–1012),”.

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

5 **“SEC. 31. LAND CONSERVATION AND LAND UTILIZATION.**

6 “(a) PROGRAM.

7 “(1) IN GENERAL.—To accomplish the purposes
8 of the Livestock Grazing Act, the Secretary shall de-
9 velop a program of land conservation and utilization
10 as a basis for grassland agriculture, to promote se-
11 cure occupancy and economic stability of farms, and
12 thus assist in controlling soil erosion, preserving nat-
13 ural resources, protecting fish and wildlife, develop-
14 ing and protecting recreational facilities, mitigating
15 flood damage, preventing impairment of dams and
16 reservoirs, developing energy resources, protecting
17 the watersheds of navigable streams, conserving sur-
18 face and subsurface moisture, and protecting public
19 land, health, safety and welfare.

20 “(2) LIMITATION.—In carrying out paragraph
21 (1), the Secretary shall not build an industrial park
22 or establish a private industrial or commercial enter-
23 prise.

24 “(b) LIVESTOCK GRAZING LEASES.—The Secretary,
25 in cooperation and coordination with grazing associations,

1 shall issue renewable livestock grazing leases to achieve
 2 the land conservation and utilization goals of this sec-
 3 tion.”.

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

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