

103^D CONGRESS
1ST SESSION

H. R. 1602

To reform the management of grazing on the public range lands.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. VENTO (for himself and Mr. DARDEN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reform the management of grazing on the public range lands.

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 AND FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Public Rangeland Grazing Reform Act of 1993”.

6 (b) FINDINGS.—The Congress finds—

7 (1) the Federal rangelands and riparian areas
8 under the jurisdiction of the Bureau of Land Man-
9 agement and the Forest Service in Western States
10 should be managed in a manner to achieve and sus-
11 tain a status of healthy native range and riparian

1 ecosystems and in a manner that will sustain a full
2 and thriving spectrum of biologically diverse plant
3 and animal species within such ecosystems;

4 (2) a substantial amount of Federal rangeland
5 continues to be in a deteriorated condition;

6 (3) measures taken by the Bureau of Land
7 Management and the Forest Service to improve the
8 condition of Federal rangelands have not resulted in
9 sufficient progress toward the achievement of eco-
10 logically healthy and biologically diverse range and
11 riparian ecosystems for these lands;

12 (4) the fee formula established by Executive
13 Order Numbered 12548 of February 14, 1986, has
14 resulted in fees that have not returned to the Na-
15 tion's citizens an adequate return for the privilege of
16 utilizing affected rangeland for livestock grazing;
17 and

18 (5) it is necessary to revise applicable law so as
19 to improve management of grazing on rangelands in
20 Western States managed by the Bureau of Land
21 Management and the Forest Service.

22 **SEC. 2. GRAZING FEES.**

23 (a) FLPMA AMENDMENT.—Section 401 of the Fed-
24 eral Land Policy Management Act of 1976 (43 U.S.C.
25 1751) is amended by repealing subsection (a), and para-

1 graph (b)(1), by redesignating paragraph (b)(2) as para-
 2 graph (a)(1), by redesignating paragraph (b)(3) as para-
 3 graph (a)(2), and by adding at the end of the section the
 4 following:

5 “(b)(1) Except as provided in subsection (c), the Sec-
 6 retary of Agriculture, with respect to national forest lands
 7 in the 16 contiguous Western States (including national
 8 grasslands) administered by the United States Forest
 9 Service where domestic livestock grazing is permitted
 10 under applicable law, and the Secretary of the Interior
 11 with respect to public domain lands administered by the
 12 Bureau of Land Management where domestic livestock
 13 grazing is permitted under applicable law, shall establish
 14 and implement, beginning with the grazing season which
 15 commences on March 1, 1994, an annual domestic live-
 16 stock grazing fee equal to fair market value.

17 “(2)(A) For purposes of this subsection, the term
 18 ‘fair market value’ is defined as follows:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

19 “(B) For the purposes of subparagraph (A)—

20 “(i) the term ‘Forage Value Index’ means the
 21 Forage Value Index (FVI) computed annually by the
 22 Economic Research Service, United States Depart-

1 ment of Agriculture, and set with the 1991 FVI
2 equal to 100; and

3 “(ii) the term ‘Appraised Base Value’ means
4 the 1983 Appraisal Value conclusions for mature
5 cattle and horses (expressed in dollars per head or
6 pair month), as determined in the 1986 report pre-
7 pared jointly by the Secretary of Agriculture and the
8 Secretary of the Interior entitled ‘Grazing Fee Re-
9 view and Evaluation’, dated February 1986, on a
10 westwide basis using the lowest appraised value of
11 the pricing areas adjusted for advanced payment
12 and indexed to 1991.

13 “(3) Executive Order Numbered 12548, dated Feb-
14 ruary 14, 1986, shall not apply to grazing fees established
15 pursuant to this Act.

16 “(c) ALTERNATIVE FEES.—The Secretary concerned
17 is authorized to implement a program enabling persons
18 permitted to graze domestic livestock on land described
19 in subsection (b) to pay grazing fees in an amount less
20 than would otherwise be required by subsection (b) if such
21 persons meet requirements established by such Secretary
22 to improve the condition of affected range and riparian
23 ecosystems and the biological diversity of such ecosystems.

24 “(d) CONSOLIDATION OF BOARDS.—The grazing ad-
25 visory boards established pursuant to Secretarial action,

1 notice of which was published in the Federal Register on
2 May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished,
3 and the advisory function exercised by such boards, shall,
4 after the date of enactment of this subsection, be exercised
5 only by the appropriate councils established under this
6 section.

7 “(e) U.S. SHARE OF RECEIPTS.—Funds appro-
8 priated pursuant to section 5 of the Public Rangelands
9 Improvement Act of 1978 (43 U.S.C. 1904) or any other
10 provision of law related to disposition of the Federal share
11 of receipts from fees for grazing on public domain lands
12 or National Forest lands in the 16 contiguous Western
13 States shall be used for restoration and enhancement of
14 fish and wildlife habitat, for restoration and improved
15 management of riparian areas, and for implementation
16 and enforcement of applicable land management plans, al-
17 lotment plans, and regulations regarding the use of such
18 lands for domestic livestock grazing. Such funds shall be
19 distributed as the Secretary concerned deems advisable
20 after consultation and coordination with the advisory
21 councils established pursuant to section 309 of this Act
22 and other interested parties.”.

23 (b) TAYLOR GRAZING ACT AMENDMENT.—Section
24 10 of the Taylor Grazing Act (43 U.S.C. 315i) is amended
25 to read as follows:

1 **“SEC. 10. RECEIPT SHARING.**

2 “(a) PAYMENT TO LOCAL GOVERNMENTS.—From
3 the moneys received by the United States in return for
4 the grazing of domestic livestock on public domain lands
5 and National Forest lands in the 16 contiguous Western
6 States, the Secretary of the Treasury shall pay to the
7 units of local government with jurisdiction over the lands
8 with respect to which such moneys are collected an
9 amount equal to 12.5 percent of such moneys collected
10 under section 3 of this Act and 50 percent of such moneys
11 collected under section 15 of this Act during each fiscal
12 year.

13 “(b) USES.—Payments made under this subsection
14 shall be in addition to any payments made to units of local
15 government under other applicable law. Moneys received
16 under this section may be used for any governmental pur-
17 pose, including but not limited to schools and roads, but
18 may not be expended in support of or opposition to any
19 legislative proposal pending before Congress prior to its
20 enactment into law or in connection with any action or
21 claim in any court or other agency of the United States
22 or of any State relating to the management of domestic
23 livestock grazing on public lands or National Forest lands.

24 “(c) DEFINITION.—For purposes of this section, the
25 term ‘unit of local government’ shall have the same defini-
26 tion as such term has in chapter 69 of title 31 of the Unit-

1 ed States Code (providing for payments for entitlement
2 land).

3 “(d) PROPORTIONS.—If any grazing district includes
4 lands within the jurisdiction of more than one unit of local
5 government, payments to each such unit shall be in pro-
6 portion to the percentage of the total area of such grazing
7 district located within each such unit’s jurisdiction.”.

8 **SEC. 3. TERM OF GRAZING PERMITS.**

9 Subsections (a) and (b) of section 402 of the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 1752) are amended by striking the words “ten years” each
12 time such words occur in such subsections and by insert-
13 ing in lieu thereof the words “five years”.

14 **SEC. 4. NONGRAZING USE.**

15 Section 402 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1752) is amended by adding
17 at the end thereof the following:

18 “(i) ALLOTMENT MANAGEMENT PLANS;
19 NONGRAZING USES.—

20 “(1) If a State natural resource or wildlife
21 agency, or nongovernmental organization or private
22 person in a cooperative agreement with a State nat-
23 ural resource or wildlife agency, is a holder of a
24 grazing permit or a lease and notifies the Secretary
25 concerned that such holder intends to refrain from

1 utilizing for livestock grazing some or all of the for-
2 rage available for such purposes under such permit or
3 lease for an interval of at least 2 years for the pur-
4 pose of conservation or wildlife enhancement, the
5 Secretary shall place such forage on a nonuse status
6 for the interval specified by such holder at the time
7 of notification.

8 “(2) Forage placed on a nonlivestock-use status
9 under this subsection shall not be available for do-
10 mestic livestock grazing under any permit or lease,
11 and the unavailability of such forage for livestock
12 grazing shall be taken into account by the Secretary
13 in connection with the preparation or revision of
14 plans for the management of the affected lands.

15 “(3) The holder of a grazing permit or lease
16 who has utilized the option under this subsection of
17 having some or all of the forage covered by such per-
18 mit or lease placed on a nonuse status shall be given
19 the first priority, pursuant to this subsection, for re-
20 ceipt of a new permit or lease for the land covered
21 by such permit or lease after its expiration.

22 “(4) Any fee otherwise applicable for utilization
23 by grazing of forage under a grazing permit or lease
24 shall be reduced to the extent that such forage is on
25 a nonuse status under this subsection.”.

1 **SEC. 5. PROHIBITION OF SUBLEASING.**

2 Section 402 of the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1752), as amended by sec-
4 tion 3 of this Act, is further amended by adding at the
5 end thereof the following:

6 “(j) PROHIBITION OF SUBLEASING.—(1) Subleasing
7 is hereby prohibited.

8 “(2) For purposes of this subsection the following
9 terms shall have the following meanings:

10 “(A) The term ‘subleasing’ means the grazing,
11 on public lands or on National Forest lands covered
12 by a grazing permit, of domestic livestock which is
13 not both owned and controlled by the holder of the
14 grazing permit.

15 “(B) The term ‘grazing permit’ means a permit
16 or lease of the type described in subsection (a) of
17 this section which has been issued by the Secretary
18 concerned pursuant to applicable law and which au-
19 thORIZES for a specified term of years the grazing of
20 domestic livestock on public lands or lands within
21 National Forests in the 16 contiguous Western
22 States.

23 “(3) To assure compliance with this subsection, the
24 Secretary concerned shall require each holder of a grazing
25 permit to file annually an affidavit that such holder owns
26 and controls all livestock which such holder is knowingly

1 allowing to graze on public lands or National Forest lands
2 covered by such holder's grazing permit.

3 “(4)(A) A grazing permit shall terminate 30 days
4 after the effective date of any lease, conveyance, transfer,
5 or other voluntary action on the part of a holder of a graz-
6 ing permit which has the effect of removing from the con-
7 trol of the holder of such permit the privately owned prop-
8 erty or part thereof with respect to which a grazing permit
9 was issued. No grazing pursuant to such permit shall be
10 permitted after such termination unless, prior to such ter-
11 mination, the party that has obtained or will obtain con-
12 trol of such property or part thereof has submitted an ap-
13 plication for a grazing permit based on such control, in
14 which case the Secretary concerned may allow grazing to
15 continue if such Secretary has reason to believe that such
16 application is likely to be approved. Such continued graz-
17 ing shall be for a period no longer than the remainder
18 of the grazing year during which such application was sub-
19 mitted.

20 “(B)(i) A grazing permit held by a natural person
21 shall terminate upon the death of its holder, but the Sec-
22 retary may permit grazing to continue on lands covered
23 by such grazing permit for a period not to exceed 2 years
24 after the date of the death of such holder if necessary or

1 appropriate in order to facilitate the orderly management
2 of the deceased holder's estate.

3 “(ii) A grazing permit shall terminate upon an invol-
4 untary transfer from the control of its holder (including
5 a transfer by operation of law) of the privately owned
6 property (or portion thereof) with respect to which such
7 grazing permit was issued, but the Secretary may permit
8 grazing to continue on lands covered by such grazing per-
9 mit for a period not to exceed 1 year after such involun-
10 tary transfer, if necessary, in order to facilitate the re-
11 demption, sale, or other disposition of such property or
12 portion thereof.

13 “(iii) After any continuation of grazing pursuant to
14 either clause (i) or (ii) any grazing on lands affected by
15 such continuation shall occur only subject to a new graz-
16 ing permit.

17 “(iv) Any decision by the Secretary concerned to per-
18 mit a continuation of grazing pursuant to this paragraph
19 shall be discretionary, and this paragraph shall not be con-
20 strued as vesting in any party any right to graze livestock
21 on any lands owned by the United States or any right to
22 any grazing permit.

23 “(5) Any holder of a grazing permit who knowingly
24 allows subleasing to occur on public lands or National For-
25 est lands covered by such permit shall forfeit to the United

1 States the dollar equivalent of any value in excess of the
2 grazing fee paid or payable to the United States with re-
3 spect to such permit, shall be disqualified from further ex-
4 ercise of any rights or privileges conferred by that permit
5 or any other grazing permit, and shall be subject to the
6 penalties specified in section 303 of this Act.

7 “(6) Any person other than the holder of a grazing
8 permit who knowingly engages in subleasing on or after
9 the date of enactment of this subsection shall be subject
10 to the penalties specified in section 303 of this Act.”.

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