

Union Calendar No. 201

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2493**

[Report No. 105-346, Parts I and II]

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**A BILL**

To establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands.

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OCTOBER 24, 1997

Reported from the Committee on Agriculture with an amendment

OCTOBER 24, 1997

Reported from the Committee on Resources with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1997

Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. SESSIONS, Mr. STUMP, Mr. BARRETT of Nebraska, Mrs. EMERSON, Mr. TIAHRT, Mr. HASTINGS of Washington, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. POMBO, Mr. HERGER, Mr. BONO, Mr. WATKINS, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. BISHOP, Mr. HILL, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. RIGGS, Mr. FAZIO of California, Mr. CONDIT, Mr. DOOLEY of California, Mr. HAYWORTH, and Mr. MORAN of Kansas) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 24, 1997

Reported from the Committee on Agriculture with an amendment

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

OCTOBER 24, 1997

Additional sponsors: Mr. GOODLATTE, Mr. GALLEGLY, Mr. CANNON, Mr. PICKETT, Mr. THOMAS, Mr. DOOLITTLE, and Mr. McKEON

OCTOBER 24, 1997

Reported from the Committee on Resources with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 18, 1997]

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## A BILL

To establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “For-*  
 5        *age Improvement Act of 1997”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Rules of construction.*

*Sec. 3. Coordinated administration.*

### TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

*Sec. 101. Application of title.*

*Sec. 102. Definitions.*

*Sec. 103. Prohibited condition on issuance or renewal of grazing permits and leases.*

*Sec. 104. Monitoring.*

*Sec. 105. Subleasing.*

*Sec. 106. Coordinated resource management practices.*

*Sec. 107. Fees and charges.*

*Sec. 108. Resource Advisory Councils.*

### TITLE II—MISCELLANEOUS

*Sec. 201. Effective date.*

*Sec. 202. Issuance of new regulations.*

1 **SEC. 2. RULES OF CONSTRUCTION.**

2 (a) *LIMITATION ON APPLICATION.*—Nothing in this  
3 Act shall be construed to affect grazing in any unit of the  
4 National Park System, in any unit of the National Wildlife  
5 Refuge System, in any unit of the National Forest System  
6 managed as a National Grassland by the Secretary of Agri-  
7 culture under the Bankhead-Jones Farm Tenant Act (7  
8 U.S.C. 1010 et seq.), on any lands that are not Federal  
9 lands (as defined in section 102), or on any lands that are  
10 held by the United States in trust for the benefit of Indians.

11 (b) *MULTIPLE USE ACTIVITIES NOT AFFECTED.*—  
12 Nothing in this Act shall be construed to limit or preclude  
13 the use of, and access to, Federal lands (as defined in section  
14 102) for hunting, fishing, recreational, watershed manage-  
15 ment, or other multiple use activities in accordance with  
16 applicable Federal and State laws and the principles of  
17 multiple use.

18 (c) *VALID EXISTING RIGHTS.*—Nothing in this Act  
19 shall be construed to affect valid existing rights, reserva-  
20 tions, agreements, or authorizations under Federal or State  
21 law.

22 (d) *ACCESS TO NONFEDERALLY OWNED LANDS.*—Sec-  
23 tion 1323 of Public Law 96–487 (16 U.S.C. 3210) shall  
24 continue to apply with regard to access to nonfederally  
25 owned lands.

1 **SEC. 3. COORDINATED ADMINISTRATION.**

2 *To the maximum extent practicable, the Secretary of*  
3 *Agriculture and the Secretary of the Interior shall provide*  
4 *for consistent and coordinated administration of livestock*  
5 *grazing and management of Federal lands (as defined in*  
6 *section 102), consistent with the laws governing such lands.*

7 **TITLE I—MANAGEMENT OF**  
8 **GRAZING ON FEDERAL LANDS**

9 **SEC. 101. APPLICATION OF TITLE.**

10 *(a) FOREST SERVICE LANDS.—This title applies to the*  
11 *management of grazing on National Forest System lands,*  
12 *by the Secretary of Agriculture under the following laws:*

13 *(1) The 11th undesignated paragraph under the*  
14 *heading “SURVEYING THE PUBLIC LANDS” under the*  
15 *heading “UNDER THE DEPARTMENT OF THE*  
16 *INTERIOR” in the Act of June 4, 1897 (commonly*  
17 *known as the Organic Administration Act of 1897)*  
18 *(30 Stat. 35, second full paragraph on that page; 16*  
19 *U.S.C. 551).*

20 *(2) Sections 11, 12, and 19 of the Act of April*  
21 *24, 1950 (commonly known as the Granger-Thye Act*  
22 *of 1950) (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g,*  
23 *580h, 580l).*

24 *(3) The Multiple-Use Sustained-Yield Act of*  
25 *1960 (16 U.S.C. 528 et seq.).*

1           (4) *The Forest and Rangeland Renewable Re-*  
2           *sources Planning Act of 1974 (16 U.S.C. 1600 et*  
3           *seq.).*

4           (5) *The National Forest Management Act of*  
5           *1976 (16 U.S.C. 472a et seq.).*

6           (6) *The Federal Land Policy and Management*  
7           *Act of 1976 (43 U.S.C. 1701 et seq.).*

8           (7) *The Public Rangelands Improvement Act of*  
9           *1978 (43 U.S.C. 1901 et seq.).*

10          (b) *BUREAU OF LAND MANAGEMENT LANDS.—This*  
11          *title applies to the management of grazing on Federal lands*  
12          *administered by the Secretary of the Interior under the fol-*  
13          *lowing laws:*

14               (1) *The Act of June 28, 1934 (commonly known*  
15               *as the Taylor Grazing Act) (48 Stat. 1269, chapter*  
16               *865; 43 U.S.C. 315 et seq.).*

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

21               (3) *The Federal Land Policy and Management*  
22               *Act of 1976 (43 U.S.C. 1701 et seq.).*

23               (4) *The Public Rangelands Improvement Act of*  
24               *1978 (43 U.S.C. 1901 et seq.).*

1           (5) *The Bankhead-Jones Farm Tenant Act* (7  
2           *U.S.C. 1010 et seq.*).

3           (c) *CERTAIN OTHER UNITED STATES LANDS.*—*This*  
4 *title also applies to the management of grazing by the Sec-*  
5 *retary concerned on behalf of the head of another depart-*  
6 *ment or agency of the Federal Government under a memo-*  
7 *randum of understanding.*

8 **SEC. 102. DEFINITIONS.**

9           *In this title:*

10           (1) *ALLOTMENT.*—*The term “allotment” means*  
11 *an area of Federal lands subject to an adjudicated or*  
12 *apportioned grazing preference that is appurtenant to*  
13 *a commensurate base property.*

14           (2) *AUTHORIZED OFFICER.*—*The term “author-*  
15 *ized officer” means a person authorized by the Sec-*  
16 *retary concerned to administer this title, the laws*  
17 *specified in section 101, and regulations issued under*  
18 *this title and such laws.*

19           (3) *BASE PROPERTY.*—*The term “base property”*  
20 *means private land, water, or water rights owned or*  
21 *controlled by a permittee or lessee to which a Federal*  
22 *allotment is appurtenant.*

23           (4) *COMMENSURATE.*—*The term “commensu-*  
24 *rate” means private property of sufficient productiv-*  
25 *ity to support the feed or water needs (or both) of*

1 *livestock during the period of time that such livestock*  
2 *are not physically on the Federal allotment.*

3 (5) *CONSULTATION, COOPERATION, AND COORDI-*  
4 *NATION.—For the purposes of this title (and section*  
5 *402(d) of the Federal Land Policy and Management*  
6 *Act of 1976 (43 U.S.C. 1752(d)), the term “consulta-*  
7 *tion, cooperation, and coordination” means to engage*  
8 *in good faith efforts—*

9 (A) *to fully communicate; and*

10 (B) *to provide for a mutually supported ac-*  
11 *tion to achieve a mutually agreed purpose.*

12 (6) *COOPERATIVE MANAGEMENT AGREEMENT.—*  
13 *The term “cooperative management agreement”*  
14 *means a written agreement between the Secretary*  
15 *concerned (or a designee of the Secretary concerned)*  
16 *and a permittee or lessee that—*

17 (A) *is consistent with and incorporates by*  
18 *reference relevant provisions of existing land use*  
19 *plans; and*

20 (B) *provides the permittee or lessee with the*  
21 *opportunity to exercise management flexibility*  
22 *beyond the limits of an allotment management*  
23 *plan or a grazing permit or lease that is not is-*  
24 *sued pursuant to a cooperative management*  
25 *agreement.*

1           (7) *COORDINATED RESOURCE MANAGEMENT.*—

2           *The term “coordinated resource management” means*  
3           *the planning and implementation of voluntary man-*  
4           *agement activities in a specified area that involves*  
5           *the consultation, cooperation, and coordination of the*  
6           *Forest Service or the Bureau of Land Management*  
7           *(or both) with affected State or Federal agencies, pri-*  
8           *vate land owners, and users of Federal lands.*

9           (8) *FEDERAL LANDS.*—*The term “Federal lands”*  
10          *means lands outside the State of Alaska that are*  
11          *owned by the United States and are—*

12                   (A) *included in the National Forest System;*

13                   or

14                   (B) *administered by the Secretary of the In-*  
15                   *terior under the laws specified in section 101(b).*

16          (9) *GRAZING PERMIT OR LEASE.*—*The term*  
17          *“grazing permit or lease” means a document author-*  
18          *izing use of Federal lands for the purpose of grazing*  
19          *livestock—*

20                   (A) *within a grazing district under section*  
21                   *3 of the Act of June 28, 1934 (commonly known*  
22                   *as the Taylor Grazing Act) (48 Stat. 1270, chap-*  
23                   *ter 865; 43 U.S.C. 315b);*

24                   (B) *outside grazing districts under section*  
25                   *15 of the Act of June 28, 1934 (commonly known*

1           *as the Taylor Grazing Act) (48 Stat. 1275, chap-*  
2           *ter 865; 43 U.S.C. 315m); or*

3           *(C) on National Forest System lands under*  
4           *section 19 of the Act of April 24, 1950 (com-*  
5           *monly known as the Granger-Thye Act of 1950)*  
6           *(64 Stat. 88, chapter 97; 16 U.S.C. 580l).*

7           (10) *LAND USE PLAN.*—*The term “land use*  
8           *plan” means—*

9           *(A) a land and resource management plan*  
10           *prepared by the Forest Service pursuant to sec-*  
11           *tion 6 of the Forest and Rangeland Renewable*  
12           *Resources Planning Act of 1974 (16 U.S.C.*  
13           *1604) for a unit of the National Forest System;*  
14           *or*

15           *(B) a resource management plan (or a*  
16           *management framework plan that is in effect*  
17           *pending completion of a resource management*  
18           *plan) developed in accordance with the Federal*  
19           *Land Policy and Management Act of 1976 (43*  
20           *U.S.C. 1701 et seq.) for Federal lands adminis-*  
21           *tered by the Bureau of Land Management.*

22           (11) *MONITORING.*—*The term “monitoring”*  
23           *means the orderly collection of information using*  
24           *techniques that are scientifically based and profes-*  
25           *sionally accepted to determine trend and condition of*

1        *forage and related resources on Federal lands. Such*  
2        *information may include historical information, but*  
3        *must be objective and reliable. Such information shall*  
4        *be used to evaluate—*

5                *(A) the effects of ecological changes and*  
6                *management actions on forage and related re-*  
7                *sources; and*

8                *(B) the effectiveness of actions in meeting*  
9                *management objectives.*

10                *(12) NATIONAL FOREST SYSTEM.—The term*  
11                *“National Forest System” has the meaning given such*  
12                *term in section 11(a) of the Forest and Rangeland*  
13                *Renewable Resources Planning Act of 1974 (16*  
14                *U.S.C. 1609(a)), except that the term does not include*  
15                *any lands managed as a National Grassland under*  
16                *the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010*  
17                *et seq.).*

18                *(13) SECRETARY CONCERNED.—The term “Sec-*  
19                *retary concerned” means—*

20                *(A) the Secretary of Agriculture, with re-*  
21                *spect to the National Forest System; and*

22                *(B) the Secretary of the Interior, with re-*  
23                *spect to Federal lands administered by the Sec-*  
24                *retary of the Interior under the laws specified in*  
25                *section 101(b).*



1           (1) *Federal, State, or local government person-*  
2           *nel.*

3           (2) *A grazing permittee or lessee.*

4           (3) *A professional consultant retained by the*  
5           *United States or a permittee or lessee.*

6           (b) *MONITORING CRITERIA AND PROTOCOLS.—Mon-*  
7           *itoring shall be conducted according to regional or State*  
8           *criteria and protocols that are scientifically based, profes-*  
9           *sionally accepted, and site specific.*

10          (c) *NOTICE.—In conducting monitoring, the Secretary*  
11          *concerned shall provide reasonable notice of the monitoring*  
12          *to affected permittees or lessees, including prior notice to*  
13          *the extent practicable of not less than 48 hours.*

14          **SEC. 105. SUBLEASING.**

15          (a) *IN GENERAL.—The Secretary concerned shall au-*  
16          *thorize subleasing with respect to a grazing permit or lease,*  
17          *in whole or in part, only—*

18                 (1) *if the permittee or lessee is unable to make*  
19                 *full grazing use of the permit or lease due to ill health*  
20                 *or death;*

21                 (2) *under a cooperative agreement with a graz-*  
22                 *ing permittee or lessee (or group of grazing permittees*  
23                 *or lessees); or*

24                 (3) *if the grazing permit or lease is issued to a*  
25                 *grazing association whose members or shareholders*

1       *have exclusive rights to graze livestock on the Federal*  
2       *lands allotted to the grazing association.*

3       **(b) TREATMENT OF OWNERSHIP BY RELATIVES.—**

4             **(1) IN GENERAL.—***Livestock owned by a relative*  
5       *described in paragraph (2) of a permittee or lessee*  
6       *shall be considered as owned or controlled by the per-*  
7       *mittee or lessee for purposes of this title.*

8             **(2) COVERED RELATIVES.—***A relative referred to*  
9       *in paragraph (1), with respect to a permittee or les-*  
10       *see, means a spouse, a parent or spouse of a parent,*  
11       *a grandparent or spouse of a grandparent, a sibling*  
12       *or spouse of a sibling, a child, or a grandchild of the*  
13       *permittee or lessee.*

14       **(c) TREATMENT OF LEASE OR SUBLEASE OF BASE**  
15       **PROPERTY.—***The leasing or subleasing of the base property*  
16       *of a permittee or lessee, in whole or in part, shall not be*  
17       *considered to be a sublease of a grazing permit or lease.*  
18       *The grazing preference associated with such base property*  
19       *shall be transferred to the person controlling the leased or*  
20       *subleased base property, and all terms and conditions of*  
21       *the existing grazing permit or lease, or cooperative manage-*  
22       *ment agreement and the covenants of the allotment manage-*  
23       *ment, if such exists, shall bind such person.*

1 **SEC. 106. COORDINATED RESOURCE MANAGEMENT PRAC-**  
2 **TICES.**

3 (a) *USE OF COORDINATED RESOURCE MANAGEMENT*  
4 *PRACTICES ENCOURAGED.*—*The Secretary concerned may*  
5 *encourage the use of coordinated resource management*  
6 *practices when such practices are authorized under a coop-*  
7 *erative management agreement entered into with a permit-*  
8 *tee or lessee (or an organized group of permittees or lessees)*  
9 *in a specified geographic area. The coordinated resource*  
10 *management practices shall be—*

- 11 (1) *scientifically based; and*  
12 (2) *consistent with goals and management objec-*  
13 *tives of the applicable land use plan.*

14 (b) *FEDERAL ADVISORY COMMITTEE ACT.*—*Activities*  
15 *under this section shall be exempt from the Federal Advi-*  
16 *sory Committee Act (5 U.S.C. App.).*

17 **SEC. 107. FEES AND CHARGES.**

18 (a) *GRAZING FEES.*—*The fee for each animal unit*  
19 *month in a grazing fee year for livestock grazing on Federal*  
20 *lands in the sixteen contiguous western States shall be equal*  
21 *to the 12-year average of the total gross value of production*  
22 *for beef cattle for the 12 years preceding the grazing fee*  
23 *year, multiplied by the 12-year average of the United States*  
24 *Treasury Securities six-month bill “new issue” rate, and*  
25 *divided by 12. The gross value of production for beef cattle*  
26 *shall be determined by the Economic Research Service of*

1 *the Department of Agriculture in accordance with sub-*  
2 *section (e)(1).*

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

6 (1) *one cow, bull, steer, heifer, horse, burro, or*  
7 *mule, seven sheep, or seven goats, each of which is six*  
8 *months of age or older on the date on which the ani-*  
9 *mal begins grazing on Federal lands;*

10 (2) *any such animal regardless of age if the ani-*  
11 *mal is weaned on the date on which the animal be-*  
12 *gins grazing on Federal lands; and*

13 (3) *any such animal that will become 12 months*  
14 *of age during the period of use authorized under a*  
15 *grazing permit.*

16 (c) *LIVESTOCK NOT COUNTED.—There shall not be*  
17 *counted as an animal unit month the use of Federal lands*  
18 *for grazing by an animal that is less than six months of*  
19 *age on the date on which the animal begins grazing on such*  
20 *lands and is the progeny of an animal on which a grazing*  
21 *fee is paid if the animal is removed from such lands before*  
22 *becoming 12 months of age.*

23 (d) *TREATMENT OF OTHER FEES AND CHARGES.—*

24 (1) *AMOUNT OF FLPMA FEES AND CHARGES.—*

25 *The fees and charges under section 304(a) of the Fed-*

1 *eral Land Policy and Management Act of 1976 (43*  
2 *U.S.C. 1734(a)) shall reflect processing costs and shall*  
3 *be adjusted periodically as such costs change, but in*  
4 *no case shall such fees and charges exceed the actual*  
5 *administrative and processing costs incurred by the*  
6 *Secretary concerned.*

7 (2) *NOTICE OF CHANGES.*—*Notice of a change in*  
8 *a service charge shall be published in the Federal Reg-*  
9 *ister.*

10 (e) *CRITERIA FOR ECONOMIC RESEARCH SERVICE.*—

11 (1) *GROSS VALUE OF PRODUCTION OF BEEF CAT-*  
12 *TLE.*—*The Economic Research Service of the Depart-*  
13 *ment of Agriculture shall continue to compile and re-*  
14 *port the gross value of production of beef cattle, on a*  
15 *dollars-per-bred-cow basis for the United States, as is*  
16 *currently published by the Service in: “Economic In-*  
17 *dicators of the Farm Sector: Cost of Production—*  
18 *Major Field Crops and Livestock and Dairy” (Cow-*  
19 *calf production cash costs and returns).*

20 (2) *AVAILABILITY.*—*For the purposes of deter-*  
21 *mining the grazing fee for a given grazing fee year,*  
22 *the gross value of production (as described above) for*  
23 *the previous calendar year shall be made available to*  
24 *the Secretary concerned, and published in the Federal*  
25 *Register, on or before February 15 of each year.*

1 **SEC. 108. RESOURCE ADVISORY COUNCILS.**

2 (a) *ESTABLISHMENT REQUIRED.*—

3 (1) *JOINT ESTABLISHMENT.*—*The Secretary of*  
4 *Agriculture and the Secretary of the Interior shall*  
5 *jointly establish and operate a Resource Advisory*  
6 *Council on a State, regional, or local level to provide*  
7 *advice on management issues regarding Federal lands*  
8 *in the area to be covered by the Council.*

9 (2) *ESTABLISHMENT BY SINGLE SECRETARY.*—*If*  
10 *the Federal lands in an area for which a Resource*  
11 *Advisory Council is to be established are under the ju-*  
12 *risdiction of a single Secretary concerned, that Sec-*  
13 *retary concerned shall be responsible for the establish-*  
14 *ment and operation of the Resource Advisory Council.*

15 (3) *EXCEPTION TO REQUIREMENT.*—*A Resource*  
16 *Advisory Council is not required in any State, re-*  
17 *gion, or local area in which the Secretaries jointly de-*  
18 *termine that there is insufficient interest in partici-*  
19 *pation on a Resource Advisory Council to ensure that*  
20 *membership can be fairly balanced in terms of the*  
21 *points of view represented and the functions to be per-*  
22 *formed.*

23 (4) *CONSULTATION.*—*The establishment of a Re-*  
24 *source Advisory Council for a State, region, or local*  
25 *area shall be made in consultation with the Governor*  
26 *of the affected State.*

1       (b) *DUTIES.*—*Each Resource Advisory Council shall*  
2 *advise the Secretary concerned and appropriate State offi-*  
3 *cials on—*

4           (1) *matters regarding the preparation, amend-*  
5 *ment, and implementation of land use plans and ac-*  
6 *tivity plans for Federal lands (and resources thereof)*  
7 *within the area covered by the Council; and*

8           (2) *major management decisions, while working*  
9 *within the broad management objectives established*  
10 *for such Federal lands.*

11       (c) *VOTING.*—*All decisions and recommendations by a*  
12 *Resource Advisory Council shall be on the basis of a major-*  
13 *ity vote of its members.*

14       (d) *DISREGARD OF ADVICE.*—*If a Resource Advisory*  
15 *Council is concerned that its advice is being arbitrarily dis-*  
16 *regarded, the Resource Advisory Council may request that*  
17 *the Secretary concerned respond directly to the Resource*  
18 *Advisory Council's concerns. The Secretary concerned shall*  
19 *submit to the Council a written response to the request with-*  
20 *in 60 days after the Secretary receives the request. The re-*  
21 *sponse of the Secretary concerned shall not—*

22           (1) *constitute a decision on the merits of any*  
23 *issue that is or might become the subject of an admin-*  
24 *istrative appeal; or*

25           (2) *be subject to appeal.*

1       (e) *MEMBERSHIP.*—

2           (1) *NUMBERS.*—*The Secretary of Agriculture*  
3 *and the Secretary of the Interior (or the Secretary*  
4 *concerned in the case of a Resource Advisory Council*  
5 *established by a single Secretary) shall appoint the*  
6 *members of each Resource Advisory Council. Such ap-*  
7 *pointments shall be made in consultation with the*  
8 *Governor of the affected State or States. A Council*  
9 *shall consist of not less than nine members and not*  
10 *more than fifteen members.*

11           (2) *REPRESENTATION.*—*In appointing members*  
12 *to a Resource Advisory Council, the Secretaries or the*  
13 *Secretary concerned (as the case may be) shall pro-*  
14 *vide for balanced and broad representation of permit-*  
15 *tees and lessees holding a grazing permit or lease and*  
16 *other groups, such as commercial interests, rec-*  
17 *reational users, representatives of recognized local en-*  
18 *vironmental or conservation organizations, edu-*  
19 *cational, professional, or academic interests, rep-*  
20 *resentatives of State and local government or govern-*  
21 *mental agencies, Indian tribes, and other members of*  
22 *the affected public.*

23           (3) *INCLUSION OF ELECTED OFFICIAL.*—*The Sec-*  
24 *retaries or the Secretary concerned (as the case may*  
25 *be) shall appoint as a member of each Resource Advi-*

1        *sory Council at least one elected official of a general*  
2        *purpose government serving the people of the area*  
3        *covered by the Council.*

4            (4) *PROHIBITION ON CONCURRENT SERVICE.—No*  
5        *person may serve concurrently on more than one Re-*  
6        *source Advisory Council.*

7            (5) *RESIDENCY REQUIREMENT.—Members of a*  
8        *Resource Advisory Council must reside in the geo-*  
9        *graphic area covered by the Council.*

10          (6) *GRANDFATHER CLAUSE.—A person serving*  
11        *on the date of the enactment of this Act as a member*  
12        *of an advisory council established under section*  
13        *309(a) of the Federal Land Policy and Management*  
14        *Act of 1976 (43 U.S.C. 1739(a)) for the purpose of*  
15        *providing advice regarding grazing issues shall serve*  
16        *as a member on the corresponding Resource Advisory*  
17        *Council established under this section for the balance*  
18        *of the person's term as a member on the original ad-*  
19        *visory council.*

20          (7) *SUBGROUPS.—A Resource Advisory Council*  
21        *may establish such subgroups as the Council considers*  
22        *necessary, including working groups, technical review*  
23        *teams, and rangeland resource groups.*

24          (f) *TERMS.—Resource Advisory Council members shall*  
25        *be appointed for two-year terms. Members may be ap-*

1 *pointed to additional terms at the discretion of the Secretar-*  
2 *ies or the Secretary concerned (as the case may be). The*  
3 *Secretaries or the Secretary concerned (as the case may be),*  
4 *with the concurrence of the Governor of the State in which*  
5 *the Council is located, may terminate the service of a mem-*  
6 *ber of that Council, upon written notice, if—*

7           (1) *the member no longer meets the requirements*  
8 *under which the member was appointed or fails or is*  
9 *unable to participate regularly in the work of the*  
10 *Council; or*

11           (2) *the Secretaries or the Secretary concerned (as*  
12 *the case may be) and the Governor determine that ter-*  
13 *mination is in the public interest.*

14           (g) *COMPENSATION AND REIMBURSEMENT OF EX-*  
15 *PENSES.—A member of a Resource Advisory Council shall*  
16 *not receive any compensation in connection with the per-*  
17 *formance of the member’s duties, but shall be reimbursed*  
18 *for travel within the geographic area covered by the Council*  
19 *and per diem expenses only while on official business, as*  
20 *authorized by section 5703 of title 5, United States Code.*

21           (h) *FEDERAL ADVISORY COMMITTEE ACT.—Except to*  
22 *the extent that it is inconsistent with this title, the Federal*  
23 *Advisory Committee Act (5 U.S.C. App.) shall apply to the*  
24 *Resource Advisory Councils.*

1       (i) *STATE GRAZING DISTRICTS.—Resource Advisory*  
 2 *Councils shall coordinate and cooperate with State Grazing*  
 3 *Districts established pursuant to State law.*

4           **TITLE II—MISCELLANEOUS**

5   **SEC. 201. EFFECTIVE DATE.**

6       *This Act and the amendments made by this Act shall*  
 7 *take effect on the date of the enactment of this Act.*

8   **SEC. 202. ISSUANCE OF NEW REGULATIONS.**

9       *The Secretary of Agriculture and the Secretary of the*  
 10 *Interior shall—*

11           (1) *coordinate the promulgation of new regula-*  
 12 *tions to carry out this Act; and*

13           (2) *publish such regulations simultaneously not*  
 14 *later than 180 days after the date of the enactment*  
 15 *of this Act.*

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

17       **(a) SHORT TITLE.—This Act may be cited as**  
 18 **the “Forage Improvement Act of 1997”.**

19       **(b) TABLE OF CONTENTS.—The table of con-**  
 20 **tents of this Act is as follows:**

**Sec. 1. Short title; table of contents.**

**Sec. 2. Rules of construction.**

**Sec. 3. Coordinated administration.**

**TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS**

**Sec. 101. Application of title.**

**Sec. 102. Definitions.**

**Sec. 103. Prohibited condition regarding grazing permits and**  
**leases.**

**Sec. 104. Monitoring.**

**Sec. 105. Subleasing.**

- Sec. 106. Cooperative allotment management plans.  
Sec. 107. Fees and charges.  
Sec. 108. Resource Advisory Councils.

## TITLE II—MISCELLANEOUS

- Sec. 201. Effective date.  
Sec. 202. Issuance of new regulations.

### 1 SEC. 2. RULES OF CONSTRUCTION.

2       **(a) LIMITATION ON APPLICATION.—Nothing**  
3 **in this Act shall be construed to affect grazing**  
4 **in any unit of the National Park System, in**  
5 **any unit of the National Wildlife Refuge Sys-**  
6 **tem, in any unit of the National Forest System**  
7 **managed as a National Grassland by the Sec-**  
8 **retary of Agriculture under the Bankhead-**  
9 **Jones Farm Tenant Act (7 U.S.C. 1010 et seq.),**  
10 **on any lands that are not Federal lands (as de-**  
11 **fin ed in section 102), or on any lands that are**  
12 **held by the United States in trust for the ben-**  
13 **efit of Indians.**

14       **(b) MULTIPLE USE ACTIVITIES NOT AF-**  
15 **FECTED.—Nothing in this Act shall be con-**  
16 **strued to limit or preclude the use of Federal**  
17 **lands (as defined in section 102) for hunting,**  
18 **fishing, recreation, or other multiple use ac-**  
19 **tivities in accordance with applicable Federal**  
20 **and State laws and the principles of multiple**  
21 **use.**

1       **(c) VALID EXISTING RIGHTS.—Nothing in**  
2 **this Act shall be construed to affect valid ex-**  
3 **isting rights, reservations, agreements, or au-**  
4 **thorizations under Federal or State law.**

5       **(d) ACCESS TO NONFEDERALLY OWNED**  
6 **LANDS.—Section 1323 of Public Law 96–487 (16**  
7 **U.S.C. 3210) shall continue to apply with re-**  
8 **gard to access to nonfederally owned lands.**

9 **SEC. 3. COORDINATED ADMINISTRATION.**

10       **To the maximum extent practicable, the**  
11 **Secretary of Agriculture and the Secretary of**  
12 **the Interior shall provide for consistent and**  
13 **coordinated administration of livestock graz-**  
14 **ing and management of Federal lands (as de-**  
15 **fin ed in section 102), consistent with the laws**  
16 **governing such lands.**

17       **TITLE I—MANAGEMENT OF**  
18 **GRAZING ON FEDERAL LANDS**

19 **SEC. 101. APPLICATION OF TITLE.**

20       **(a) FOREST SERVICE LANDS.—This title ap-**  
21 **plies to the management of grazing on Na-**  
22 **tional Forest System lands, by the Secretary**  
23 **of Agriculture under the following laws:**

24               **(1) The 11th undesignated paragraph**  
25       **under the heading “SURVEYING THE PUBLIC**

1       **LANDS” under the heading “UNDER THE**  
2       **DEPARTMENT OF THE INTERIOR” in**  
3       **the Act of June 4, 1897 (commonly known**  
4       **as the Organic Administration Act of**  
5       **1897) (30 Stat. 35, second full paragraph**  
6       **on that page; 16 U.S.C. 551).**

7               **(2) Sections 11, 12, and 19 of the Act**  
8       **of April 24, 1950 (commonly known as the**  
9       **Granger-Thye Act of 1950) (64 Stat. 85, 88,**  
10       **chapter 97; 16 U.S.C. 580g, 580h, 580l).**

11               **(3) The Multiple-Use Sustained-Yield**  
12       **Act of 1960 (16 U.S.C. 528 et seq.).**

13               **(4) The Forest and Rangeland Renew-**  
14       **able Resources Planning Act of 1974 (16**  
15       **U.S.C. 1600 et seq.).**

16               **(5) The National Forest Management**  
17       **Act of 1976 (16 U.S.C. 472a et seq.).**

18               **(6) The Federal Land Policy and Man-**  
19       **agement Act of 1976 (43 U.S.C. 1701 et**  
20       **seq.).**

21               **(7) The Public Rangelands Improve-**  
22       **ment Act of 1978 (43 U.S.C. 1901 et seq.).**

23       **(b) BUREAU OF LAND MANAGEMENT LANDS.—**

24       **This title applies to the management of graz-**  
25       **ing on Federal lands administered by the Sec-**

1 **Secretary of the Interior under the following**  
2 **laws:**

3           **(1) The Act of June 28, 1934 (com-**  
4           **monly known as the Taylor Grazing Act)**  
5           **(48 Stat. 1269, chapter 865; 43 U.S.C. 315**  
6           **et seq.).**

7           **(2) The Act of August 28, 1937 (com-**  
8           **monly known as the Oregon and Califor-**  
9           **nia Railroad and Coos Bay Wagon Road**  
10          **Grant Lands Act of 1937) (50 Stat. 874,**  
11          **chapter 876; 43 U.S.C. 1181a et seq.).**

12          **(3) The Federal Land Policy and Man-**  
13          **agement Act of 1976 (43 U.S.C. 1701 et**  
14          **seq.).**

15          **(4) The Public Rangelands Improve-**  
16          **ment Act of 1978 (43 U.S.C. 1901 et seq.).**

17          **(5) The Bankhead-Jones Farm Tenant**  
18          **Act (7 U.S.C. 1010 et seq.).**

19          **(c) CERTAIN OTHER UNITED STATES**  
20          **LANDS.—This title also applies to the manage-**  
21          **ment of grazing by the Secretary concerned**  
22          **on behalf of the head of another department**  
23          **or agency of the Federal Government under**  
24          **a memorandum of understanding.**

1 SEC. 102. DEFINITIONS.

2 **In this title:**

3 (1) **ALLOTMENT.**—The term “allotment”  
4 means an area of Federal lands subject to  
5 an adjudicated or apportioned grazing  
6 preference that is appurtenant to a base  
7 property.

8 (2) **AUTHORIZED OFFICER.**—The term  
9 “authorized officer” means a person au-  
10 thorized by the Secretary concerned to  
11 administer this title, the laws specified in  
12 section 101, and regulations issued under  
13 this title and such laws.

14 (3) **BASE PROPERTY.**—The term “base  
15 property” means private or other non-  
16 Federal land, water, or water rights  
17 owned or controlled by a permittee or  
18 lessee to which a Federal allotment is ap-  
19 purtenant.

20 (4) **CONSULTATION, COOPERATION, AND**  
21 **COORDINATION.**—For the purposes of this  
22 title (and section 402(d) of the Federal  
23 Land Policy and Management Act of 1976  
24 (43 U.S.C. 1752(d))), the term “consulta-  
25 tion, cooperation, and coordination”  
26 means to engage in good faith efforts—

1           **(A) to discuss and exchange**  
2           **views; and**

3           **(B) to act together toward a com-**  
4           **mon end or purpose.**

5           **(5) FEDERAL LANDS.—The term “Fed-**  
6           **eral lands” means lands outside the State**  
7           **of Alaska that are owned by the United**  
8           **States and are—**

9                   **(A) included in the National For-**  
10                   **est System; or**

11                   **(B) administered by the Secretary**  
12                   **of the Interior under the laws speci-**  
13                   **fied in section 101(b).**

14           **(6) GRAZING PERMIT OR LEASE.—The**  
15           **term “grazing permit or lease” means a**  
16           **document authorizing use of Federal**  
17           **lands for the purpose of grazing live-**  
18           **stock—**

19                   **(A) within a grazing district**  
20                   **under section 3 of the Act of June 28,**  
21                   **1934 (commonly known as the Taylor**  
22                   **Grazing Act) (48 Stat. 1270, chapter**  
23                   **865; 43 U.S.C. 315b);**

24                   **(B) outside grazing districts**  
25                   **under section 15 of the Act of June**

1           **28, 1934 (commonly known as the**  
2           **Taylor Grazing Act) (48 Stat. 1275,**  
3           **chapter 865; 43 U.S.C. 315m); or**

4           **(C) on National Forest System**  
5           **lands under section 19 of the Act of**  
6           **April 24, 1950 (commonly known as**  
7           **the Granger-Thye Act of 1950) (64**  
8           **Stat. 88, chapter 97; 16 U.S.C. 5801).**

9           **(7) LAND USE PLAN.—The term “land**  
10          **use plan” means—**

11           **(A) a land and resource manage-**  
12           **ment plan prepared by the Forest**  
13           **Service pursuant to section 6 of the**  
14           **Forest and Rangeland Renewable Re-**  
15           **sources Planning Act of 1974 (16**  
16           **U.S.C. 1604) for a unit of the National**  
17           **Forest System; or**

18           **(B) a resource management plan**  
19           **(or a management framework plan**  
20           **that is in effect pending completion**  
21           **of a resource management plan) de-**  
22           **veloped in accordance with the Fed-**  
23           **eral Land Policy and Management**  
24           **Act of 1976 (43 U.S.C. 1701 et seq.) for**

1           **Federal lands administered by the**  
2           **Bureau of Land Management.**

3           **(8) NATIONAL FOREST SYSTEM.—The**  
4           **term “National Forest System” has the**  
5           **meaning given such term in section 11(a)**  
6           **of the Forest and Rangeland Renewable**  
7           **Resources Planning Act of 1974 (16 U.S.C.**  
8           **1609(a)), except that the term does not in-**  
9           **clude any lands managed as a National**  
10          **Grassland under the Bankhead-Jones**  
11          **Farm Tenant Act (7 U.S.C. 1010 et seq.).**

12          **(9) SECRETARY CONCERNED.—The term**  
13          **“Secretary concerned” means—**

14                 **(A) the Secretary of Agriculture,**  
15                 **with respect to the National Forest**  
16                 **System; and**

17                 **(B) the Secretary of the Interior,**  
18                 **with respect to Federal lands admin-**  
19                 **istered by the Secretary of the Inte-**  
20                 **rior under the laws specified in sec-**  
21                 **tion 101(b).**

22          **(10) SIXTEEN CONTIGUOUS WESTERN**  
23          **STATES.—The term “sixteen contiguous**  
24          **Western States” means the States of Ari-**  
25          **zona, California, Colorado, Idaho, Kansas,**

1       **Montana, Nebraska, Nevada, New Mexico,**  
2       **North Dakota, Oklahoma, Oregon, South**  
3       **Dakota, Utah, Washington, and Wyoming.**

4       **SEC. 103. PROHIBITED CONDITION REGARDING GRAZING**  
5               **PERMITS AND LEASES.**

6       **The Secretary concerned may not impose**  
7       **as a condition on a grazing permit or lease**  
8       **that the permittee or lessee provide access**  
9       **across private property unless the condition**  
10       **is limited to ingress and egress for Federal**  
11       **personnel engaged in authorized activities re-**  
12       **garding grazing administration on Federal in-**  
13       **holdings.**

14       **SEC. 104. MONITORING.**

15       **(a) MONITORING.—The monitoring of con-**  
16       **ditions and trends of forage and related re-**  
17       **sources on Federal lands within allotments**  
18       **shall be performed only by qualified persons**  
19       **from the following groups:**

20               **(1) Federal, State, and local govern-**  
21               **ment personnel.**

22               **(2) Grazing permittees and lessees.**

23               **(3) Professional consultants retained**  
24               **by the United States or a permittee or**  
25               **lessee.**

1       **(b) MONITORING CRITERIA AND PROTO-**  
2 **COLS.—Such monitoring shall be conducted**  
3 **according to regional or state criteria and**  
4 **protocols selected by the Secretary con-**  
5 **cerned. The monitoring protocols shall be site**  
6 **specific, scientifically valid, and subject to**  
7 **peer review. Monitoring data shall be periodi-**  
8 **cally verified.**

9       **(c) TYPES AND USE OF DATA COLLECTED.—**  
10 **The data collected from such monitoring shall**  
11 **include historical data and information, if**  
12 **available, but such data or information must**  
13 **be objective and reliable. The data and infor-**  
14 **mation collected from such monitoring shall**  
15 **be used to evaluate—**

16           **(1) the effects of ecological changes**  
17           **and management actions on forage and**  
18           **related resources over time;**

19           **(2) the effectiveness of actions in**  
20           **meeting management objectives con-**  
21           **tained in applicable land use plans; and**

22           **(3) the appropriateness of resource**  
23           **management objectives.**

24       **(d) NOTICE.—In conducting such monitor-**  
25 **ing, the Secretary concerned shall provide**

1 reasonable notice of the monitoring to af-  
2 fected permittees or lessees, including prior  
3 notice to the extent practicable of not less  
4 than 48 hours.

5 SEC. 105. SUBLEASING.

6 (a) PROHIBITION ON SUBLEASING GRAZING  
7 PERMIT OR LEASE.—A person issued a grazing  
8 permit or lease may not enter into an agree-  
9 ment with another person to allow grazing on  
10 the Federal lands covered by the grazing per-  
11 mit or lease by livestock that are neither  
12 owned nor controlled by the person issued the  
13 grazing permit or lease.

14 (b) TREATMENT OF LEASE OR SUBLEASE OF  
15 BASE PROPERTY.—The leasing or subleasing, in  
16 whole or in part, of the base property of a per-  
17 son issued a grazing permit or lease shall not  
18 be considered a sublease of a grazing permit  
19 or lease under subsection (a). The grazing  
20 preference associated with such base prop-  
21 erty shall be transferred to the person con-  
22 trolling the leased or subleased base property.

1 SEC. 106. COOPERATIVE ALLOTMENT MANAGEMENT  
2 PLANS.

3 (a) **WRITTEN AGREEMENTS FOR OUTCOME-**  
4 **BASED STANDARDS.**—An allotment manage-  
5 ment plan developed under section 402(d) of  
6 the Federal Land Policy and Management Act  
7 of 1976 (43 U.S.C. 1752(d)) may include a writ-  
8 ten agreement with a qualified grazing per-  
9 mittee or lessee described in subsection (b)  
10 (or a group of qualified grazing permittees or  
11 lessees) that provides for outcome-based  
12 standards, rather than prescriptive terms and  
13 conditions, for managing grazing activities in  
14 a specified geographic area. At the request of  
15 a qualified grazing permittee or lessee, the  
16 Secretary concerned shall consider including  
17 such a written agreement in an allotment  
18 management plan. An allotment management  
19 plan including such a written agreement shall  
20 be known as a cooperative allotment manage-  
21 ment plan.

22 (b) **QUALIFIED GRAZING PERMITTEE OR LES-**  
23 **SEE DESCRIBED.**—A qualified grazing permit-  
24 tee or lessee referred to in subsection (a) is a  
25 person issued a grazing permit or lease who  
26 has demonstrated sound stewardship by

1 meeting or exceeding the forage and range-  
2 land goals contained in applicable land use  
3 plans for the previous five-year period.

4 (c) **INCLUSION OF PERFORMANCE GOALS.—**A  
5 written agreement entered into as part of an  
6 allotment management plan developed under  
7 section 402(d) of the Federal Land Policy and  
8 Management Act of 1976 (43 U.S.C. 1752(d))  
9 shall contain performance goals that—

10 (1) are expressed in objective, quan-  
11 tifiable, and measurable terms;

12 (2) establish performance indicators  
13 to be used in measuring or assessing the  
14 relevant outcomes;

15 (3) provide a basis for comparing  
16 management results with the established  
17 performance goals; and

18 (4) describe the means to be used to  
19 verify and validate measured values.

20 (d) **FEDERAL ADVISORY COMMITTEE ACT.—**  
21 Activities under this section shall be exempt  
22 from the Federal Advisory Committee Act (5  
23 U.S.C. App.).

24 **SEC. 107. FEES AND CHARGES.**

25 (a) **GRAZING FEES.—**

1           **(1) CALCULATION.**—The fee for each  
2           animal unit month in a grazing fee year  
3           for livestock grazing on Federal lands in  
4           the sixteen contiguous western States  
5           shall be equal to the 12-year average of  
6           the total gross value of production for  
7           beef cattle for the 12 years preceding the  
8           grazing fee year, multiplied by the 12-  
9           year average of the United States Treas-  
10          ury Securities six-month bill “new issue”  
11          rate, and divided by 12. The gross value  
12          of production for beef cattle shall be de-  
13          termined by the Economic Research  
14          Service of the Department of Agriculture  
15          in accordance with subsection (d)(1).

16          **(2) LIMITATION.**—The fee determined  
17          under paragraph (1) shall be the only  
18          grazing fee applicable to livestock owned  
19          or controlled by a person issued a graz-  
20          ing permit or lease.

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

1           **(1) one cow, bull, steer, heifer, horse,**  
2           **burro, or mule, seven sheep, or seven**  
3           **goats, each of which is six months of age**  
4           **or older on the date on which the animal**  
5           **begins grazing on Federal lands;**

6           **(2) any such animal regardless of age**  
7           **if the animal is weaned on the date on**  
8           **which the animal begins grazing on Fed-**  
9           **eral lands; and**

10           **(3) any such animal that will become**  
11           **12 months of age during the period of use**  
12           **authorized under a grazing permit.**

13           **(c) LIVESTOCK NOT COUNTED.—There shall**  
14           **not be counted as an animal unit month the**  
15           **use of Federal lands for grazing by an animal**  
16           **that is less than six months of age on the date**  
17           **on which the animal begins grazing on such**  
18           **lands and is the progeny of an animal on**  
19           **which a grazing fee is paid if the animal is re-**  
20           **moved from such lands before becoming 12**  
21           **months of age.**

22           **(d) CRITERIA FOR ECONOMIC RESEARCH**  
23           **SERVICE.—**

24           **(1) GROSS VALUE OF PRODUCTION OF**  
25           **BEEF CATTLE.—The Economic Research**

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

11           **(2) AVAILABILITY.—For the purposes of**  
12      **determining the grazing fee for a given**  
13      **grazing fee year, the gross value of pro-**  
14      **duction (as described above) for the pre-**  
15      **vious calendar year shall be made avail-**  
16      **able to the Secretary concerned, and pub-**  
17      **lished in the Federal Register, on or be-**  
18      **fore February 15 of each year.**

19           **(e) TREATMENT OF OTHER FEES AND**  
20      **CHARGES.—**

21           **(1) AMOUNT OF FLPMA FEES AND**  
22      **CHARGES.—The fees and charges under**  
23      **section 304(a) of the Federal Land Policy**  
24      **and Management Act of 1976 (43 U.S.C.**  
25      **1734(a)) shall reflect processing costs and**

1 shall be adjusted periodically as such  
2 costs change, but in no case shall such  
3 fees and charges exceed the actual ad-  
4 ministrative and processing costs in-  
5 curred by the Secretary concerned.

6 (2) NOTICE OF CHANGES.—Notice of a  
7 change in a service charge shall be pub-  
8 lished in the Federal Register.

9 SEC. 108. RESOURCE ADVISORY COUNCILS.

10 (a) ESTABLISHMENT.—

11 (1) JOINT ESTABLISHMENT.—The Sec-  
12 retary of Agriculture and the Secretary of  
13 the Interior may jointly establish and op-  
14 erate a Resource Advisory Council on a  
15 State, regional, or local level to provide  
16 advice on management issues regarding  
17 Federal lands in the area to be covered  
18 by the Council.

19 (2) ESTABLISHMENT BY SINGLE SEC-  
20 RETARY.—If the Federal lands in an area  
21 for which a Resource Advisory Council is  
22 to be established are under the jurisdic-  
23 tion of a single Secretary concerned, that  
24 Secretary concerned shall be responsible

1       **for the establishment and operation of**  
2       **the Resource Advisory Council.**

3           **(3) EXCEPTION.—A Resource Advisory**  
4       **Council shall not be established in any**  
5       **State, region, or local area in which the**  
6       **Secretaries jointly determine that there**  
7       **is insufficient interest in participation on**  
8       **a Resource Advisory Council to ensure**  
9       **that membership can be fairly balanced**  
10      **in terms of the points of view rep-**  
11      **resented and the functions to be per-**  
12      **formed.**

13           **(4) TREATMENT OF EXISTING ADVISORY**  
14      **COUNCILS.—To the extent practicable, the**  
15      **Secretaries shall implement this section**  
16      **by modifying existing advisory councils**  
17      **established under section 309(a) of the**  
18      **Federal Land Policy and Management**  
19      **Act of 1976 (43 U.S.C. 1739(a)) for the pur-**  
20      **pose of providing advice regarding graz-**  
21      **ing issues.**

22           **(5) CONSULTATION.—The establishment**  
23      **of a Resource Advisory Council for a**  
24      **State, region, or local area shall be made**

1       **in consultation with the Governor of the**  
2       **affected State.**

3       **(b) DUTIES.—Each Resource Advisory**  
4       **Council shall advise the Secretary concerned**  
5       **and appropriate State officials on—**

6           **(1) matters regarding the prepara-**  
7           **tion, amendment, and implementation of**  
8           **land use plans within the area covered by**  
9           **the Council; and**

10          **(2) major management decisions,**  
11          **while working within the broad manage-**  
12          **ment objectives established for such Fed-**  
13          **eral lands in applicable land use plans.**

14       **(c) VOTING.—All decisions and rec-**  
15       **ommendations by a Resource Advisory Coun-**  
16       **cil shall be on the basis of a majority vote of**  
17       **its members.**

18       **(d) DISREGARD OF ADVICE.—If a Resource**  
19       **Advisory Council is concerned that its advice**  
20       **is being arbitrarily disregarded, the Resource**  
21       **Advisory Council may request that the Sec-**  
22       **retary concerned respond directly to the Re-**  
23       **source Advisory Council’s concerns. The Sec-**  
24       **retary concerned shall submit to the Council**  
25       **a written response to the request within 60**

1 **days after the Secretary receives the request.**  
2 **The response of the Secretary concerned shall**  
3 **not—**

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

7 **(2) be subject to appeal.**

8 **(e) MEMBERSHIP.—**

9 **(1) NUMBERS.—The Secretary of Agri-**  
10 **culture and the Secretary of the Interior**  
11 **(or the Secretary concerned in the case of**  
12 **a Resource Advisory Council established**  
13 **by a single Secretary) shall appoint the**  
14 **members of each Resource Advisory**  
15 **Council. Such appointments shall be**  
16 **made in consultation with the Governor**  
17 **of the affected State or States. A Council**  
18 **shall consist of not less than nine mem-**  
19 **bers and not more than fifteen members.**

20 **(2) REPRESENTATION.—In appointing**  
21 **members to a Resource Advisory Council,**  
22 **the Secretaries or the Secretary con-**  
23 **cerned (as the case may be) shall provide**  
24 **for balanced and broad representation of**  
25 **permittees and lessees holding a grazing**

1 permit or lease and other groups, such as  
2 commercial interests, recreational users,  
3 representatives of recognized local envi-  
4 ronmental or conservation organizations,  
5 educational, professional, or academic in-  
6 terests, representatives of State and local  
7 government or governmental agencies,  
8 Indian tribes, and other members of the  
9 affected public.

10 (3) INCLUSION OF ELECTED OFFICIAL.—  
11 The Secretaries or the Secretary con-  
12 cerned (as the case may be) shall appoint  
13 as a member of each Resource Advisory  
14 Council at least one elected official of a  
15 general purpose government serving the  
16 people of the area covered by the Coun-  
17 cil.

18 (4) PROHIBITION ON CONCURRENT SERV-  
19 ICE.—No person may serve concurrently  
20 on more than one Resource Advisory  
21 Council.

22 (5) RESIDENCY REQUIREMENT.—Mem-  
23 bers of a Resource Advisory Council must  
24 reside in the geographic area covered by  
25 the Council.

1           **(6) GRANDFATHER CLAUSE.—A person**  
2           **serving on the date of the enactment of**  
3           **this Act as a member of an advisory coun-**  
4           **cil established under section 309(a) of the**  
5           **Federal Land Policy and Management**  
6           **Act of 1976 (43 U.S.C. 1739(a)) for the pur-**  
7           **pose of providing advice regarding graz-**  
8           **ing issues shall serve as a member on the**  
9           **corresponding Resource Advisory Coun-**  
10          **cil established under this section for the**  
11          **balance of the person’s term as a member**  
12          **on the original advisory council.**

13           **(7) SUBGROUPS.—A Resource Advisory**  
14          **Council may establish such subgroups as**  
15          **the Council considers necessary, includ-**  
16          **ing working groups, technical review**  
17          **teams, and rangeland resource groups.**

18          **(f) TERMS.—Resource Advisory Council**  
19          **members shall be appointed for two-year**  
20          **terms. Members may be appointed to addi-**  
21          **tional terms at the discretion of the Secretar-**  
22          **ies or the Secretary concerned (as the case**  
23          **may be). The Secretaries or the Secretary con-**  
24          **cerned (as the case may be), with the concur-**  
25          **rence of the Governor of the State in which**

1 the Council is located, may terminate the  
2 service of a member of that Council, upon  
3 written notice, if—

4 (1) the member no longer meets the  
5 requirements under which the member  
6 was appointed or fails or is unable to par-  
7 ticipate regularly in the work of the  
8 Council; or

9 (2) the Secretaries or the Secretary  
10 concerned (as the case may be) and the  
11 Governor determine that termination is  
12 in the public interest.

13 (g) **COMPENSATION AND REIMBURSEMENT OF**  
14 **EXPENSES.**—A member of a Resource Advisory  
15 Council shall not receive any compensation in  
16 connection with the performance of the mem-  
17 ber's duties, but shall be reimbursed for trav-  
18 el within the geographic area covered by the  
19 Council and per diem expenses only while on  
20 official business, as authorized by section  
21 5703 of title 5, United States Code.

22 (h) **FEDERAL ADVISORY COMMITTEE ACT.**—  
23 Except to the extent that it is inconsistent  
24 with this title, the Federal Advisory Commit-

1 **tee Act (5 U.S.C. App.) shall apply to the Re-**  
2 **source Advisory Councils.**

3 **(i) STATE GRAZING DISTRICTS.—Resource**  
4 **Advisory Councils shall coordinate and co-**  
5 **operate with State Grazing Districts estab-**  
6 **lished pursuant to State law.**

## 7 **TITLE II—MISCELLANEOUS**

8 **SEC. 201. EFFECTIVE DATE.**

9 **This Act and the amendments made by**  
10 **this Act shall take effect on the date of the en-**  
11 **actment of this Act.**

12 **SEC. 202. ISSUANCE OF NEW REGULATIONS.**

13 **The Secretary of Agriculture and the Sec-**  
14 **retary of the Interior shall—**

15 **(1) coordinate the promulgation of**  
16 **new regulations to carry out this Act; and**

17 **(2) publish such regulations simulta-**  
18 **neously not later than 180 days after the**  
19 **date of the enactment of this Act.**