

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 1553

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing permits and leases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BARRASSO

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Resiliency for Ranch-

5 ing and Natural Conservation Health Act”.

1 **SEC. 2. TEMPORARY USE OF VACANT GRAZING ALLOT-**
2 **MENTS FOR HOLDERS OF GRAZING PERMITS**
3 **OR LEASES DURING EXTREME NATURAL**
4 **EVENTS AND DISASTERS.**

5 Title IV of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1751 et seq.) is amended by add-
7 ing at the end the following:

8 **“SEC. 405. VACANT GRAZING ALLOTMENTS MADE AVAIL-**
9 **ABLE TO HOLDERS OF GRAZING PERMITS OR**
10 **LEASES DURING EXTREME NATURAL EVENTS**
11 **AND DISASTERS.**

12 “(a) DEFINITION OF SECRETARY CONCERNED.—In
13 this section, the term ‘Secretary concerned’ means—

14 “(1) the Secretary of Agriculture, with respect
15 to National Forest System land; and

16 “(2) the Secretary, with respect to public lands.

17 “(b) ALLOTMENTS.—

18 “(1) IN GENERAL.—The Secretary concerned
19 may make available to the holder of a grazing per-
20 mit or lease issued by either Secretary concerned the
21 temporary use of a vacant grazing allotment if—

22 “(A) 1 or more grazing allotments covered
23 by the grazing permit or lease of the holder of
24 the grazing permit or lease are temporarily un-
25 usable, as determined by the Secretary con-
26 cerned, because of unforeseen natural events or

1 disasters (including an extreme weather event,
2 drought, wildfire, infestation, or blight); and

3 “(B) the Secretary concerned determines
4 that the vacant grazing allotment is appropriate
5 for temporary grazing use.

6 “(2) TERMS AND CONDITIONS.—In establishing
7 the terms and conditions in a permit or lease for the
8 temporary use of a vacant grazing allotment made
9 available pursuant to this subsection, the Secretary
10 concerned—

11 “(A) shall take into consideration the
12 terms and conditions of the most recent permit
13 or lease that was applicable to the vacant graz-
14 ing allotment;

15 “(B) if there are no terms or conditions
16 available for consideration under subparagraph
17 (A), may assign temporary terms or conditions,
18 after considering ecological conditions of, or
19 terms on, adjacent grazing allotments;

20 “(C) shall base the terms and conditions
21 on local ecological conditions, as determined by
22 the applicable official;

23 “(D) shall take into consideration other
24 factors, including any prior agency agreement
25 that resolved or sought to resolve a manage-

1 ment conflict, including a conflict related to
2 State management of wildlife; and

3 “(E) may authorize the placement and use
4 of temporary rangeland improvements (includ-
5 ing portable corrals, fencing, aboveground pipe-
6 lines, and water troughs) on the vacant grazing
7 allotment to accommodate the temporary use.

8 “(3) COORDINATION.—To the maximum extent
9 practicable, the Secretaries concerned shall coordi-
10 nate to make available to holders of grazing permits
11 or leases the use of vacant grazing allotments, re-
12 gardless of agency jurisdiction over vacant grazing
13 allotments, pursuant to paragraphs (1) and (2).

14 “(4) EFFECT.—The temporary use of a vacant
15 grazing allotment under this subsection shall not—

16 “(A) preclude or otherwise alter other on-
17 going or future actions or assessments evalu-
18 ating the potential of the vacant grazing allot-
19 ment to be used or otherwise assigned; or

20 “(B) alter—

21 “(i) the terms and conditions of the
22 original grazing permit or lease of the
23 holder of the grazing permit or lease;

24 “(ii) the preference or ability of the
25 holder of the grazing permit or lease to re-

1 turn to the original allotment once access
2 to, or the use of, the original allotment is
3 restored; or

4 “(iii) the animal unit months in fu-
5 ture authorizations, or conditions of a per-
6 mit, of the holder of the grazing permit or
7 lease.

8 “(c) DURATION.—The Secretary concerned shall de-
9 termine the duration of the temporary use of a vacant
10 grazing allotment made available pursuant to subsection
11 (b), after considering—

12 “(1) the condition of the vacant grazing allot-
13 ment; and

14 “(2) the period of time necessary for the origi-
15 nal allotment of the holder of the grazing permit or
16 lease to return to use.

17 “(d) GUIDELINES.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this section, the Secretary
20 concerned shall establish guidelines to expeditiously,
21 efficiently, and effectively carry out activities author-
22 ized under this section.

23 “(2) CONSIDERATIONS.—In establishing the
24 guidelines under paragraph (1), the Secretary con-
25 cerned may consider—

1 “(A) criteria for determining whether the
2 vacant grazing allotment is suitable for tem-
3 porary grazing use;

4 “(B) eligibility criteria for the holders of
5 grazing permits or leases;

6 “(C) prioritizing holders of grazing permits
7 or leases in close proximity to a vacant grazing
8 allotment;

9 “(D) any class or change in class of live-
10 stock on the temporary use of a vacant grazing
11 allotment, with consideration given to local eco-
12 logical conditions, disease, wildlife conflicts, and
13 other factors based on localized conditions;

14 “(E) processes for coordinating with allot-
15 ments adjoining or within the vicinity of a va-
16 cant grazing allotment; and

17 “(F) any other processes intended to expe-
18 dite procedures for making vacant grazing allot-
19 ments available during emergent circumstances.

20 “(e) PERIODIC EVALUATIONS.—The Secretary con-
21 cerned shall periodically evaluate land health conditions of
22 vacant grazing allotments to facilitate the efficient imple-
23 mentation of this section.”.