

116TH CONGRESS
2D SESSION

H. R. 5737

To expand the authorization of voluntary Federal grazing permit retirement, provide increased flexibility for Federal grazing permittees, promote the equitable resolution or avoidance of conflicts on Federal lands managed by the Department of Agriculture or the Department of the Interior, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. SMITH of Washington (for himself, Mr. LOWENTHAL, Mr. HECK, Mr. BLUMENAUER, Mr. CARTWRIGHT, Mr. SCHIFF, Ms. JAYAPAL, Mr. TED LIEU of California, Ms. BROWNLEY of California, Mr. KILMER, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To expand the authorization of voluntary Federal grazing permit retirement, provide increased flexibility for Federal grazing permittees, promote the equitable resolution or avoidance of conflicts on Federal lands managed by the Department of Agriculture or the Department of the Interior, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Voluntary Grazing Permit Retirement Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Voluntary grazing permit retirement program.
- Sec. 5. Effect of waiver of grazing permit.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Voluntary grazing permit retirement is a
9 successful land management tool that has been au-
10 thorized by Congress for specific purposes and in
11 numerous areas throughout the 16 Western States,
12 including Death Valley National Park, Capitol Reef
13 National Park, Arches National Park, Cascade-
14 Siskiyou National Monument, Oregon Caves Na-
15 tional Monument and Preserve, and Wilderness
16 Areas in the Owyhee Canyonlands and Boulder-
17 White Clouds.

18 (2) Expanding the authority for voluntary graz-
19 ing permit retirement to include all Federal lands
20 managed by the Department of Agriculture and the
21 Department of the Interior in the 16 Western States
22 will aid in the resolution of land and resource man-
23 agement conflicts, and provide Federal grazing per-

1 mittees and lessees with increased flexibility and op-
2 portunities when making decisions about the future
3 of their livestock operations.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **ADMINISTRATIVELY RETIRED GRAZING AL-**
7 **LOTMENT.**—The term “administratively retired graz-
8 ing allotment” means a grazing allotment, or portion
9 of a grazing allotment, on Federal lands managed by
10 the Secretary that is or becomes vacant or closed
11 due to the voluntary waiver of the grazing permit or
12 lease by the holder of the grazing permit issued by
13 the Secretary with the intention of permanently end-
14 ing livestock grazing on that grazing allotment or a
15 portion of a grazing allotment as a result of an
16 agreement with a third party.

17 (2) **COMMERCIAL LIVESTOCK GRAZING OR LIVE-**
18 **STOCK GRAZING.**—The term “commercial livestock
19 grazing” or “livestock grazing”—

20 (A) means the grazing of domestic live-
21 stock on Federal lands as authorized by a graz-
22 ing permit or lease; and

23 (B) does not include beasts of burden while
24 used for recreational or administrative pur-
25 poses.

1 (3) GRAZING ALLOTMENT.—The term “grazing
2 allotment” means the designated portion of Federal
3 land upon which domestic livestock are authorized to
4 graze by a grazing permit or lease.

5 (4) GRAZING PERMIT; LEASE.—The terms
6 “grazing permit or lease” and “grazing permit and
7 lease” mean any document authorizing the use of
8 Federal lands for the purpose of commercial live-
9 stock grazing.

10 (5) PERMITTEE; LESSEE.—The terms “per-
11 mittee or lessee” and “permittee and lessee” mean
12 a livestock operator that holds a valid existing graz-
13 ing permit or lease.

14 (6) RANGE DEVELOPMENTS.—The term “range
15 developments”—

16 (A) means structures, fences, and other
17 permanent fixtures placed on Federal lands for
18 the furtherance of the purpose of livestock graz-
19 ing; and

20 (B) does not include rolling stock, live-
21 stock, and diversions of water from Federal
22 lands onto non-Federal lands.

23 (7) SECRETARIES.—The term “Secretaries” re-
24 fers to the Secretary of Agriculture and the Sec-
25 retary of the Interior.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture or the Secretary of the
3 Interior, as appropriate to the administration of a
4 grazing permit or lease.

5 (9) 16 WESTERN STATES.—The term “16 West-
6 ern States” refers to Arizona, California, Colorado,
7 Idaho, Kansas, Montana, Nebraska, Nevada, New
8 Mexico, North Dakota, Oklahoma, Oregon, South
9 Dakota, Utah, Washington, and Wyoming.

10 **SEC. 4. VOLUNTARY GRAZING PERMIT RETIREMENT PRO-**
11 **GRAM.**

12 (a) VOLUNTARY WAIVER OF GRAZING PERMIT OR
13 LEASE.—

14 (1) ACCEPTANCE BY SECRETARY.—Subject to
15 the limitation set forth in subsection (c)(2), the Sec-
16 retary shall accept, on a first-come, first-served
17 basis, any grazing permit or lease related to Federal
18 land in the 16 Western States that is voluntarily
19 waived by a grazing permittee or lessee with the in-
20 tention of permanently ending livestock grazing on
21 that grazing allotment or on a portion of that graz-
22 ing allotment.

23 (2) TERMINATION.—The Secretary shall imme-
24 diately terminate any grazing permit or lease accept-
25 ed under paragraph (1).

1 (3) NO NEW GRAZING PERMIT OR LEASE.—

2 With respect to each grazing permit or lease volun-
3 tarily waived under paragraph (1), the Secretary
4 shall—

5 (A) not issue any new grazing permit or
6 lease within the grazing allotment covered by
7 the grazing permit or lease; and

8 (B) ensure a permanent end to livestock
9 grazing on the grazing allotment covered by the
10 grazing permit or lease.

11 (b) WAIVER OF GRAZING PERMIT OR LEASE ON
12 COMMON ALLOTMENTS.—

13 (1) IN GENERAL.—If a grazing allotment or
14 portion of a grazing allotment covered by a grazing
15 permit or lease that is waived under subsection (a)
16 is also covered in part or in whole by another graz-
17 ing permit or lease that is not waived, the Secretary
18 shall reduce the level of commercial livestock grazing
19 on the grazing allotment to reflect the waiver.

20 (2) AUTHORIZED LEVEL.—To ensure that there
21 is a permanent reduction in the level of livestock
22 grazing on the land covered by the grazing permit
23 or lease waived under subsection (a), the Secretary
24 shall not allow grazing to exceed the level established
25 under paragraph (1).

1 (c) LIMITATION.—

2 (1) IN GENERAL.—The Secretaries shall accept
3 per fiscal year under this section—

4 (A) not more than 100 grazing permits, in
5 the aggregate for all of the 16 Western States;
6 and

7 (B) not more than 25 grazing permits for
8 land located in whole or in part in any indi-
9 vidual State.

10 (2) APPLICABILITY.—This limitation shall not
11 apply to administratively retired grazing allotments
12 as of the effective date of this Act.

13 (d) ADMINISTRATIVELY RETIRED GRAZING ALLOT-
14 MENTS.—With respect to grazing allotments administra-
15 tively retired before the date of the enactment of this Act,
16 the Secretary shall—

17 (1) not issue any new grazing permit or lease
18 within the grazing allotment covered by the grazing
19 permit or lease; and

20 (2) ensure a permanent end to livestock grazing
21 on the grazing allotment covered by the grazing per-
22 mit or lease.

23 **SEC. 5. EFFECT OF WAIVER OF GRAZING PERMIT.**

24 (a) EFFECT ON RANGE DEVELOPMENTS.—A per-
25 mittee or lessee who waives a grazing permit or lease to

1 the Secretary under section 4 shall be deemed to have
2 waived any claim to all range developments on land cov-
3 ered by the grazing permit or lease waived, notwith-
4 standing any other provision of law.

5 (b) SECURING RETIRED ALLOTMENTS AGAINST UN-
6 AUTHORIZED USE.—The Secretary shall ensure that graz-
7 ing allotments retired from grazing under this Act are ren-
8 dered reasonably secure from trespass grazing by domestic
9 livestock.

10 (c) RELATION TO OTHER AUTHORITY.—Nothing in
11 this Act shall be construed to affect the Secretary’s au-
12 thority to modify or terminate any grazing permit or lease
13 in accordance with other law.

14 (d) RELATION TO VALID EXISTING RIGHTS.—Noth-
15 ing in this Act affects the allocation, ownership, interest,
16 or control, in existence on the date of the enactment of
17 this Act, of any water, water right, or any other valid ex-
18 isting right held by the United States, an Indian Tribe,
19 State, county or municipality, or private individual, part-
20 nership, or corporation.

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