To establish a North American Grasslands Conservation Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Wyden (for himself, Mr. Bennet, and Ms. Klobuchar) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a North American Grasslands Conservation Council, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “North American Grasslands Conservation Act of 2022”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the maintenance of healthy populations of grassland bird species and working lands that are critical for rural economies and carbon sequestration
are dependent on the conservation, restoration, and management of grassland ecosystems, which are composed of tallgrass, mixed grass, and shortgrass prairies, sagebrush shrub-steppe, and savannah grasslands (referred to in this section as “grassland ecosystems”);

(2) grasslands cover 358,000,000 acres of the United States, 85 percent of which are privately owned and serve as an important habitat for 29 breeding obligate grassland bird species;

(3) sagebrush occupies 161,000,000 acres of 14 western States;

(4) over the last decade alone, millions of acres of grassland ecosystems in North America have been converted to cropland and residential and commercial development;

(5) grassland ecosystems are threatened by fragmentation, invasive species, wildfire, degradation, and land conversion;

(6) on average, about 1,200,000 acres of sagebrush burn each year in the United States due to invasive annual grasses that fuel catastrophic wildfires;
(7) in addition to the wildfires described in paragraph (6), there has been a decrease in the number of working farms and ranches due to—

(A) pressures to convert or sell land; and

(B) challenges in keeping ranching profitable; and

(8) effective restoration strategies for land managers of grassland ecosystems require—

(A) access to adequate quantities of high quality, regionally appropriate, and diverse native plant seeds;

(B) science-based guidance on cultivating native plant species; and

(C) as stated in the National Seed Strategy for Rehabilitation and Restoration developed by the Plant Conservation Alliance and chaired by the Director of the Bureau of Land Management, more research on seedling establishment and species interaction in order to increase the use of native plant species.

SEC. 3. PURPOSE.

The purpose of this Act is to take bold action to conserve and restore grasslands in North America while supporting ranchers, farmers, Indian Tribes, sportsmen and sportswomen, rural communities, and other interests by—
(1) preventing additional conversion and loss of native grasslands and loss of sagebrush biome and sustaining those ecosystems as working lands by creating a flexible, voluntary, and innovative grant program;

(2) improving grassland and rangeland health and management;

(3) mitigating the impacts of severe drought and wildfire on grasslands;

(4) supporting farmer and rancher stewards and Tribal partners;

(5) improving biodiversity and habitat for grassland and sagebrush birds, pollinators, and other wildlife;

(6) increasing carbon sequestration;

(7) providing increased recreational and hunter access opportunities, at the discretion of private landowners; and

(8) encouraging stronger public-private partnerships in support of landscape-level grassland conservation.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONSERVATION STRATEGY.—The term “Conservation Strategy” means the North American
Grasslands Conservation Strategy established under section 7(a).

(2) COUNCIL.—The term “Council” means the North American Grasslands Conservation Council established by section 5(a).

(3) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a grazing land coalition;

(B) an agricultural or livestock producer group;

(C) an Indian Tribe;

(D) a land trust;

(E) a State or local government;

(F) a Federal land management agency;

(G) a nongovernmental organization;

(H) a community-based organization; and

(I) a group of individuals that are private landowners.

(5) GRASSLANDS.—The term “grasslands” means tallgrass, mixed grass, shortgrass, native prairie, sagebrush shrub-steppe, savanna grasslands,
glades, wet meadows, coastal grasslands, and other related grassland ecosystems.

(6) Grasslands Conservation Project.—The term “grasslands conservation project” means any conservation, restoration, protection, or enhancement activity that is carried out with a grant awarded under the program.

(7) Indian Tribe.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) Program.—The term “program” means the grant program established under section 8(a).

(9) Secretary.—The term “Secretary” means the Secretary of the Interior.

(10) Tribal Organization.—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).


(a) Establishment.—There is established the North American Grasslands Conservation Council.

(b) Membership.—
(1) **GENERAL.**—The Council shall be composed of 10 members, of whom—

(A) 1 shall be the Director, who shall be the responsible Federal official for ensuring Council compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) 1 shall be a representative of the National Fish and Wildlife Foundation;

(C) 2 shall be appointed by the Secretary, who shall each be a Director of a State fish and wildlife agency;

(D) 2 shall be appointed by the Secretary, who shall be representatives of Indian Tribes;

(E) 2 shall be appointed by the Secretary, who shall each represent a different landowning, farming, ranching, or grazing group organization that is actively participating in carrying out grassland conservation projects; and

(F) 2 shall be appointed by the Secretary, who shall be members of conservation organizations.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—
(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Council shall serve for a term of 3 years.

(B) EXCEPTIONS.—

(i) DIRECTORS OF STATE FISH AND WILDLIFE AGENCIES.—Of the members first appointed under paragraph (1)(C)—

(I) 1 shall be appointed for a term of 2 years; and

(II) 1 shall be appointed for a term of 3 years.

(ii) OTHER MEMBERS.—Of the members first appointed under subparagraphs (D), (E), and (F) of paragraph (1)—

(I) 2 shall be appointed for a term of 1 year;

(II) 2 shall be appointed for a term of 2 years; and

(III) 2 shall be appointed for a term of 3 years.

(C) VACANCIES.—

(i) IN GENERAL.—With respect to a member appointed to the Council under subparagraph (C) or (E) of paragraph (1), a vacancy in the Council shall be filled in
accordance with that subparagraph for the
remainder of the applicable term of that
member.

(ii) ALTERNATE MEMBERS.—Until a
vacancy referred to in clause (i) is filled, or
in the event of an anticipated absence of a
member described in that clause from any
meeting of the Council, the Secretary shall
appoint an alternate member to the Coun-
cil who shall—

(I) be knowledgeable and experi-
enced in matters relating to grassland
conservation and restoration; and

(II) perform the duties of a mem-
ber appointed to the Council under
 subparagraph (C) or (E) of paragraph
(1).

(3) EX OFFICIO MEMBERS.—The Secretary may
include as ex officio, nonvoting members of the
Council—

(A) the Under Secretary for Farm Produc-
tion and Conservation of the Department of Ag-
riculture;

(B) the Director of the Bureau of Land
Management; and
(C) representatives of—

(i) other appropriate Federal, provincial, territorial, or Tribal government agencies; and

(ii) nonprofit charitable organizations and Native American interests, including Tribal organizations, that are participating in grasslands conservation projects.

(4) CHAIRPERSON.—

(A) IN GENERAL.—The Council shall select a Chairperson from among the members of the Council.

(B) TERM.—A Chairperson shall serve for a 3-year term, except that the first selected Chairperson may serve a term of less than 3 years.

(c) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the Chairperson.

(2) FREQUENCY.—The Council shall meet not less frequently than once per year.

(3) FORMAT.—A meeting of the Council may be conducted in person or virtually.

(4) AVAILABILITY.—Meetings of the Council shall be open to the public, and the Council shall
give public notice of the time and place of such meetings.

(d) Duties.—The Council shall—

(1) provide input to the Director in the development of the Conservation Strategy;

(2) establish publicly available project evaluation criteria for applications submitted under the program; and

(3) provide funding recommendations to the Director with respect to those applications.

(e) Compensation.—A member of the Council shall receive no compensation as a result of serving on the Council.

(f) FACA applicability.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

SEC. 6. REGIONAL GRASSLANDS CONSERVATION COUNCILS.

(a) In general.—There are established Regional Grasslands Conservation Councils for each region established by the Director, in consultation with relevant Federal agencies.

(b) Membership.—Each Regional Grasslands Conservation Council shall be composed of not more than 10 members, which shall include—
(1) representatives of nongovernmental organizations representing the conservation community;

(2) representatives from Tribal governments and organizations;

(3) representatives of rancher and farming interests;

(4) representatives from State fish and wildlife agencies; and

(5) any other representatives, as determined necessary by the Secretary in coordination with the Council.

(c) RECOMMENDATIONS.—A Regional Grasslands Conservation Council shall provide recommendations to the Council on—

(1) the selection of grasslands conservation projects; and

(2) best practices of established regional grassland conservation plans.

(d) FACA APPLICABILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a Regional Grasslands Conservation Council.

SEC. 7. NORTH AMERICAN GRASSLANDS CONSERVATION STRATEGY.

(a) IN GENERAL.—After not less than half of the members of the Council are appointed under section
5(b)(1), the Director shall, in consultation with the Council—

(1) develop a coordinated strategy, to be known as the “North American Grasslands Conservation Strategy”, for the protection, restoration, and management of grassland ecosystems across the United States; and

(2) support implementation, monitoring, and communication efforts relating to the Conservation Strategy.

(b) EXISTING CONSERVATION PLANS.—The Conservation Strategy shall draw from existing local, State, and regional conservation plans and frameworks, conservation plans of Indian Tribes, and State wildlife action plans, with an emphasis on supporting existing science-based frameworks from the Natural Resources Conservation Service, including the Working Land for Wildlife framework.

(c) INCLUSION.—The Conservation Strategy shall—

(1) identify key areas with—

(A) grasslands at high risk of conversion to cropland, residential and commercial development, shrub or woody encroachment, or invasion of annual grasses or other undesired vegetation;
(B) the highest potential of conserving native grasslands, restoring grasslands, and reducing fragmentation;

(C) ecologically significant grassland remnants;

(D) populations of grassland bird species of greatest conservation need, as identified in—

(i) State wildlife action plans;

(ii) Tribal conservation plans; or

(iii) the report of the United States Fish and Wildlife Service entitled “Birds of Conservation Concern 2021 Migratory Bird Program” and dated April 2021 (or a successor document); and

(E) grassland habitats important to the recovery of species listed as threatened species or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

(2) identify specific goals for increasing grassland acreage and enhancing existing grasslands primarily through incentivizing the voluntary restoration of grasslands and the management of native prairie or sagebrush shrublands through conservation practices such as—
(A) advanced grazing management or other prescribed grazing management that meets the objectives of the Conservation Strategy;

(B) prescribed fires;

(C) invasive species management;

(D) removal of encroaching woody vegetation; and

(E) restoration of marginal cropland and pastureland to native grasslands in areas that were historically grasslands; and

(3) develop—

(A) baseline inventories and population estimates of key indicator birds, pollinators, and other wildlife species at risk;

(B) goals for increasing population size and resiliency of those species, including through ensuring grassland habitat connectivity; and

(C) a tool for tracking county-level aggregated conversion of native grasslands to cropland, residential and commercial development, and other uses that shall be—

(i) made publicly available; and

(ii) updated on an annual basis.
(d) Availability.—Not later than 120 days before the date on which the program is established, the Conservation Strategy shall be finalized and made publicly available on the website of the United States Fish and Wildlife Service to help target investments in grasslands conservation projects.

SEC. 8. GRASSLAND CONSERVATION GRANT PROGRAM.

(a) Establishment.—Not later than 2 years after the date of enactment of this Act, the Director, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, shall establish a competitive grant program to award grants to eligible entities for eligible projects to support voluntary grasslands conservation projects, including projects—

(1) to conserve intact grasslands at risk of conversion to cropland and residential and commercial development;

(2) to restore degraded grasslands and improve grassland health;

(3) to increase carbon sequestration and ecological function in soils and improve resilience of grasslands;

(4) to support habitat and habitat connectivity for native grassland and sagebrush birds, polli-
nators, plants, watersheds, and other wildlife, including big game species; and

(5) to restore and enhance watersheds.

(b) APPLICATIONS.—An eligible entity desiring a grant under the program shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

(c) PRIORITY.—In awarding grants under the program, the Director shall prioritize grants to eligible entities that advance the goals of the Conservation Strategy.

(d) CONSIDERATIONS.—In awarding grants under the program, the Director shall consider recommendations made by the Council.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant awarded under the program for grasslands conservation projects, including—

(A) voluntary conservation easements;

(B) restoration and management activities, including—

(i) voluntary incentives to producers for prescribed burns;

(ii) removal of pinyon juniper or any other encroaching woody species;

(iii) management of invasive species;
(iv) maintenance and monitoring of new or ongoing grasslands conservation projects;

(v) advanced grazing management activities;

(vi) drought monitoring and preparedness activities; and

(vii) such other restoration and management activities as determined appropriate by the Director;

(C) ecosystem education, outreach, and conservation stewardship assistance, which may include—

(i) field days;

(ii) grazing management training programs;

(iii) conservation planning; and

(iv) education and outreach relating to—

(I) grazing management;

(II) control of invasive species;

(III) prescribed fires;

(IV) native seed crop systems research, in accordance with the re-
search carried out by the Secretary of Agriculture under section 9;

(V) land access, generational land transfers, and ensuring ranch-land viability;

(VI) best management practices relating to grassland biomes; and

(VII) participation in carbon and ecosystem markets;

(D) payments for ecosystem or conservation services; and

(E) such other activities that benefit grasslands and associated wildlife.

(2) RESTORATION ACTIVITIES.—For purposes of paragraph (1)(B), any restoration activity shall prioritize a diverse mix of appropriately sourced native grasses and forbs, with such exceptions as the Director determines to be appropriate for ecologically appropriate noninvasive and non-native species.

(f) GRASSLANDS CONSERVATION PROJECTS IN MEXICO AND CANADA.—The Secretary shall grant or otherwise provide up to 10 percent of the amounts made available under section 12(a)(1) to Federal agencies, eligible entities, and other individuals and entities, including foreign
land management agencies, for the purpose of assisting those entities and individuals in carrying out grasslands conservation projects in Mexico and Canada that—

(1) have been approved by the Council; and

(2) meet the goals of the Conservation Strategy.

(g) Tribal Set-Aside.—For each fiscal year, of the amounts made available to carry out the program, the Director shall set aside not less than 10 percent to provide grants to Indian Tribes and Tribal organizations.

(h) Cost-Sharing Requirement.—

(1) In general.—Subject to paragraph (2), the non-Federal share of the cost of carrying out an eligible project using funds from a grant awarded under the program shall be not less than 25 percent, including in-kind contributions.

(2) Waivers.—

(A) Indian Tribes.—The Secretary shall waive the cost-share requirement under paragraph (1) for grants awarded to Indian Tribes and Tribal organizations.

(B) Other Eligible Entities.—The Council shall establish waiver criteria under which the Secretary may waive the cost-share requirement under paragraph (1), in whole or
in part, for grants awarded to such other eligible entities.

(i) ADMINISTRATIVE COSTS.—An eligible entity awarded a grant under this section may use the grant funds for administrative costs relating to that grant.

SEC. 9. NATIVE SEED CROP SYSTEMS RESEARCH.

The Secretary and the Secretary of Agriculture shall jointly coordinate and implement the National Seed Strategy for Rehabilitation and Restoration developed by the Plant Conservation Alliance and chaired by the Director of the Bureau of Land Management, with an emphasis on—

(1) research relating to native seed crop systems, including—

(A) agronomic research to improve the understanding of native plants as seed crops for native rangeland revegetation, with an emphasis on enhancing natural plant establishment in the environment;

(B) research on plant seed physiology to improve seed quality, storage, and seeding success in the landscape;

(C) the development and technology transfer of best management practices and technologies for seed production, seed collection,
seed storage, and reseeding success in the environment;

(D) research on soil chemistry and biome composition and how soil chemistry and biome composition impact native seed establishment;

and

(E) identification of scenarios and preferred species for the incorporation of non-native seed, with the goal of the overall successful restoration of functional groups of species;

(2) extension of research described in paragraph (1) to seed producers and land managers responsible for restoration efforts; and

(3) production, storage, distribution, and planting of native seed crops in grassland areas for restoration.

SEC. 10. REGENERATIVE GRAZING DATA COLLECTION.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); and

(B) land of the National Forest System (as defined in section 11(a) of the Forest and
Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b)(1).

(3) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture (acting through the Chief of the Forest Service) and the Secretary (acting through the Director of the Bureau of Land Management), acting jointly.

(b) PILOT PROGRAM FOR USE OF REGENERATIVE GRAZING ON FEDERAL LAND TO MITIGATE THE EFFECTS OF CLIMATE CHANGE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall establish a pilot program to study the effectiveness of using grazing on Federal land to mitigate the effects of climate change.

(2) REQUIREMENTS.—In carrying out the pilot program, the Secretaries shall—

(A) identify—

(i) a standard set of practices to study, such as carbon beneficial practices, that support conservation and grazing goals, including—
(I) ecologically appropriate silvopasture;

(II) practices that provide wildlife habitat benefits;

(III) practices that consider flexibility in season of use;

(IV) forage and biomass management;

(V) planned grazing; and

(VI) range monitoring; and

(ii) sufficient grazing allotments on a diverse mixture of ecosystems to identify whether, and the extent to which, grazing is an effective tool to mitigate effects of climate change, including the ability—

(I) to improve soil health;

(II) to increase carbon sequestration;

(III) to reduce wildfire risk; and

(IV) to improve watershed resilience and biodiversity; and

(B) in developing, implementing, and monitoring the pilot program, consult with—

(i) the Chief of the Forest Service;
(ii) the Director of the Bureau of Land Management;

(iii) the Administrator of the Agricultural Research Service;

(iv) the Chief of the Natural Resources Conservation Service;

(v) the Director of the United States Geological Survey;

(vi) ranchers and representatives of the ranching industry;

(vii) representatives from grazing districts, associations, boards, or councils;

(viii) environmental and conservation nongovernmental organizations;

(ix) institutions of higher education;

and

(x) any other Federal or State agency, academic institution, or organization that the Secretaries determine to be appropriate.

(3) USE OF FUNDS.—Funds made available to carry out the pilot program may be used for—

(A) the conduct of research activities;

(B) the provision of technical assistance to permittees; or
(C) the construction of infrastructure necessary for implementing and analyzing regenerative grazing.

(4) REPORT TO CONGRESS.—Not later than 180 days after the date on which the Secretaries determine that a sufficient quantity of data has been collected under the pilot program, the Secretaries shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives, and make publicly available on the websites of the Department of Agriculture and the Department of the Interior, a report on the findings and data derived from the pilot program, including whether and the extent to which the use of regenerative grazing improved the ability to mitigate the impacts of climate change.

SEC. 11. REPORT TO CONGRESS.

The Director shall submit to Congress, and make publicly available, an annual report on the implementation of this Act, which shall include an annual assessment of the status of grasslands conservation projects, including
an accounting of expenditures by Federal, State, and other entities.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) to the Director to carry out the program, $290,000,000 for each of fiscal years 2022 through 2026, to remain available until expended;

(2) to carry out section 5, $1,000,000 for each of fiscal years 2022 through 2026, to remain available until expended;

(3) to the Secretary of Agriculture to carry out section 9, $1,000,000 for each of fiscal years 2022 through 2025, to remain available until expended; and

(4) to carry out section 10, $10,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.

(b) ADMINISTRATIVE COSTS FOR THE COUNCIL AND PROGRAM.—Of the amounts made available under subsection (a)(2), not more than 10 percent may be used for administrative costs relating to the Council and the program.
(c) LIMITATION.—None of the funds made available under this section may be used for species or habitat mitigation under any Federal law.