

to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

**(ii) Maximum amount of assistance**

The total amount obligated under this subparagraph may not exceed \$1,000,000 for any fiscal year during which the pilot program is in effect.

**(E) Review and report**

**(i) Initial report**

Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

**(ii) Annual report**

The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

**(f) Requirements for project funds**

The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

- (1) to road maintenance, decommissioning, or obliteration; or
- (2) to restoration of streams and watersheds.

(Pub. L. 106-393, title II, §204, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3902.)

**PRIOR PROVISIONS**

A prior section 204 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

**§ 7125. Resource advisory committees**

**(a) Establishment and purpose of resource advisory committees**

**(1) Establishment**

The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

**(2) Purpose**

The purpose of a resource advisory committee shall be—

- (A) to improve collaborative relationships; and
- (B) to provide advice and recommendations to the land management agencies consistent with the purposes of this subchapter.

**(3) Access to resource advisory committees**

To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of

view represented and the functions to be performed, the Secretary concerned may,<sup>1</sup> establish resource advisory committees for part of, or 1 or more, units of Federal land.

**(4) Existing advisory committees**

**(A) In general**

An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this subchapter.

**(B) Charter**

A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this chapter.

**(C) Bureau of land management advisory committees**

The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this subchapter.

**(b) Duties**

A resource advisory committee shall—

- (1) review projects proposed under this subchapter by participating counties and other persons;
- (2) propose projects and funding to the Secretary concerned under section 7123 of this title;
- (3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this chapter under this subchapter;
- (4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this subchapter;
- (5)(A) monitor projects that have been approved under section 7124 of this title; and  
(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and
- (6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

**(c) Appointment by the Secretary**

**(1) Appointment and term**

**(A) In general**

The Secretary concerned,<sup>1</sup> shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

**(B) Reappointment**

The Secretary concerned may reappoint members to subsequent 4-year terms.

<sup>1</sup> So in original. The comma probably should not appear.

**(2) Basic requirements**

The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

**(3) Initial appointment**

Not later than 180 days after October 3, 2008, the Secretary concerned shall make initial appointments to the resource advisory committees.

**(4) Vacancies**

The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

**(5) Compensation**

Members of the resource advisory committees shall not receive any compensation.

**(d) Composition of advisory committee****(1) Number**

Each resource advisory committee shall be comprised of 15 members.

**(2) Community interests represented**

Committee members shall be representative of the interests of the following 3 categories:

**(A) 5 persons that—**

(i) represent organized labor or non-timber forest product harvester groups;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

**(iii) represent—**

(I) energy and mineral development interests; or

(II) commercial or recreational fishing interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

**(B) 5 persons that represent—**

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups, wild-life or hunting organizations, or watershed associations.

**(C) 5 persons that—**

(i) hold State elected office (or a designee);

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

**(3) Balanced representation**

In appointing committee members from the 3 categories in paragraph (2), the Secretary

concerned shall provide for balanced and broad representation from within each category.

**(4) Geographic distribution**

The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent<sup>2</sup> practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

**(5) Chairperson**

A majority on each resource advisory committee shall select the chairperson of the committee.

**(e) Approval procedures****(1) In general**

Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this subchapter.

**(2) Quorum**

A quorum must be present to constitute an official meeting of the committee.

**(3) Approval by majority of members**

A project may be proposed by a resource advisory committee to the Secretary concerned under section 7123(a) of this title, if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

**(f) Other committee authorities and requirements****(1) Staff assistance**

A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

**(2) Meetings**

All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

**(3) Records**

A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(Pub. L. 106-393, title II, §205, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3905.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(4)(B) and (b)(3), was in the original “this Act”, meaning Pub. L. 106-393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

## CODIFICATION

October 3, 2008, referred to in subsec. (c)(3), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L.

<sup>2</sup> So in original. Probably should be preceded by “the”.

110-343, which enacted this section, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 205 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

**§ 7126. Use of project funds**

**(a) Agreement regarding schedule and cost of project**

**(1) Agreement between parties**

The Secretary concerned may carry out a project submitted by a resource advisory committee under section 7123(a) of this title using project funds or other funds described in section 7123(a)(2) of this title, if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

**(2) Limited use of Federal funds**

The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

**(b) Transfer of project funds**

**(1) Initial transfer required**

As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 7123(a)(2) of this title, the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 7123(a)(2) of this title; or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 7123(a)(2) of this title for the first fiscal year.

**(2) Condition on project commencement**

The unit of National Forest System land or Bureau of Land Management District con-

cerned,<sup>1</sup> shall not commence a project until the project funds, or other funds described in section 7123(a)(2) of this title required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

**(3) Subsequent transfers for multiyear projects**

**(A) In general**

For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

**(B) Suspension of work**

The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

(Pub. L. 106-393, title II, §206, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3907.)

PRIOR PROVISIONS

A prior section 206 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

**§ 7127. Availability of project funds**

**(a) Submission of proposed projects to obligate funds**

By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 7123(a)(1) of this title a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

**(b) Use or transfer of unobligated funds**

Subject to section 7128 of this title, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

**(c) Effect of rejection of projects**

Subject to section 7128 of this title, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

**(d) Effect of court orders**

**(1) In general**

If an approved project under this chapter is enjoined or prohibited by a Federal court, the

<sup>1</sup> So in original. The comma probably should not appear.