

## Calendar No. 533

108TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 108-277

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### FOREST COUNTIES PAYMENTS COMMITTEE

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MAY 20, 2004.—Ordered to be printed

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Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 3249]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3249) to extend the term of the Forest Counties Payments Committee, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 3249 is to extend the term of the Forest Counties Payments Committee.

#### BACKGROUND AND NEED

The Forest Counties Payments Committee originally was established by section 320 of the Department of the Interior and Related Agencies Appropriation Act, 2001 (Public Law 106-291; U.S.C. 500 note). This “advisory committee” was established “to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.”

Due to the changes made to county payments enacted in the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), it was impossible for the advisory committee to collect meaningful data on some issues since the counties did not receive their first payments under that authority until September of 2000—fully 9 months into the 18-month life of the advisory committee; thus, some of the tasks the advisory committee were requested to report on could not be accomplished.

H.R. 3249 will extend the term of the advisory committee for approximately four years, allowing the advisory committee to complete the tasks that it was unable to address prior to the legislative termination of the advisory committee under Public Law 106–393.

#### LEGISLATIVE HISTORY

H.R. 3249 was introduced on October 3, 2003, by Representatives Walden and DeFazio. The bill was passed by a voice vote in the House of Representatives on October 28, 2003.

The Subcommittee on Public Lands and Forests held a hearing on H.R. 3249 on March 10, 2004. At its business meeting on April 28, 2004, the Committee on Energy and Natural Resources ordered H.R. 3249 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on April 28, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 3249.

#### SECTION-BY-SECTION ANALYSIS

Section 1 amends section 320(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 994; 16 U.S.C. 500 note) to extend the term of the advisory committee to September 30, 2007.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 4, 2004.*

Hon. PETE V. DOMENICI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3249, an act to extend the term of the Forest Counties payments Committee.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 3249—An act to extend the term of the Forest Counties Payments Committee*

H.R. 3249 would extend the term of the Forest Counties Payments Committee through fiscal year 2007. That committee was established in October 2000 to develop recommendations for the Congress concerning payments to state and local governments to support public education and other programs in counties where certain federal lands are located.

Based on information from the Forest Service, CBO estimates that extending the committee's term would cost about \$200,000 a year over the 2005–2007 period, assuming the availability of appropriated funds. That amount includes the cost of salaries and other expenses for the committee. The act would not affect direct spending or revenues. H.R. 3249 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3249.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3249.

#### EXECUTIVE COMMUNICATIONS

On March 10, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on H.R. 3249. These reports had not been received at the time the report on H.R. 3249 was filed. When the report becomes available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of Agriculture at the Subcommittee hearing follows:

STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL  
RESOURCES AND ENVIRONMENT, UNITED STATES DEPARTMENT  
OF AGRICULTURE

Mr. Chairman:

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H.R. 3249 EXTENSION OF TERM OF FOREST COUNTIES  
PAYMENTS COMMITTEE

H.R. 3249 would extend the term of the Forest Counties Payments Committee to September 30, 2007. The Department would have no objections to the enactment of H.R. 3249.

The Forest Counties Payments Committee was created by Congress pursuant to Section 320, of the Department of the Interior and Related Agencies Appropriation Act of 2001, Public Law 106–291. The Committee is charged with

developing recommendations to Congress for making certain payments to states and counties for education and other public purposes. The Committee was also instructed to monitor payments made to states and counties under certain payments, loans and related laws which would include the Secure Rural Schools and Community Self-determination Act of 2000 (P.L. 106-393), to submit annual reports to Congress describing the amounts and sources of payments to states and counties, and be available to provide testimony, or comments on legislation or regulations to implement recommendations made in such reports.

The Forest Counties Payments Committee submitted its Report to Congress on February 6, 2003. The Report includes recommendations for future payments to states and counties, as well as findings and information pertaining to allocation of education dollars by states, the importance of sustaining the health of our forests and communities, and the success of citizen advisory committees in reaching agreement on various management projects.

Formal discussions between Congress and the Committee regarding recommendations and information contained in the Report have not taken place. This dialogue will be important as the Secure Rural Schools and Community Self-determination Act comes closer to its expiration date of 2006. Also, there may be a need to provide additional information, or evaluate other options that congressional committees may be interested in considering.

Extension of the termination date would allow the Committee to fulfill the requirements of the enacting legislation, continue the monitoring and evaluating of implementation of P.L. 106-393, and provide continued assistance to the six committees of jurisdiction.

#### CONCLUSION

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions that you or the other members may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 3249, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### **DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT OF 2001**

P.L. 106-291 (114 Stat. 994)

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#### **SEC. 320. ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS.**

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(d) FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(e) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate **【**three years after the date of the enactment of this Act**】** *on September 30, 2007.*

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