

to reject a proposed project shall not be subject to administrative appeal or judicial review.

(C) Notice of rejection

Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) Notice of project approval

The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

(d) Source and conduct of project

Once the Secretary concerned accepts a project for review under section 7123 of this title, the acceptance shall be deemed a Federal action for all purposes.

(e) Implementation of approved projects

(1) Cooperation

Notwithstanding chapter 63 of title 31, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) Best value contracting

(A) In general

For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

(B) Factors

The Secretary concerned shall determine best value based on such factors as—

- (i) the technical demands and complexity of the work to be done;
- (ii)(I) the ecological objectives of the project; and
- (II) the sensitivity of the resources being treated;
- (iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and
- (iv) the commitment of the contractor to hiring highly qualified workers and local residents.

(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; amended Pub. L. 112-141, div. F, title I, § 100101(a)(6), July 6, 2012, 126 Stat. 906; Pub. L.

113-40, § 10(a)(2)(B), Oct. 2, 2013, 127 Stat. 545; Pub. L. 114-10, title V, § 524(c)(2), Apr. 16, 2015, 129 Stat. 180; Pub. L. 115-141, div. O, title IV, § 401(b)(1), Mar. 23, 2018, 132 Stat. 1079.)

Editorial Notes

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.

AMENDMENTS

2018—Subsec. (e)(3). Pub. L. 115-141 struck out par. (3) which established a pilot program to implement projects involving the sale of merchantable timber.

2015—Subsec. (e)(3)(B)(iii). Pub. L. 114-10 substituted “fiscal year 2010 and fiscal years thereafter” for “each of fiscal years 2010 through 2013”.

2013—Subsec. (e)(3)(B)(iii). Pub. L. 113-40 substituted “2013” for “2012”.

2012—Subsec. (e)(3)(B)(iii). Pub. L. 112-141 substituted “through 2012” for “and 2011”.

§ 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,¹ 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 December 20, 2023, or an advisory committee determined by the Secretary concerned before December 20, 2023, 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 December 20, 2023, shall be considered to be filed for purposes of this chapter.

¹ So in original. The comma probably should not appear.

(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,¹ 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.

(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

Except as provided in paragraph (6), each resource advisory committee shall be comprised of 15 members.

(2) Community interests represented

Except as provided in paragraph (6), 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, wildlife 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 extent² 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.

(6) Committee composition waiver authority

(A) Notice

On notice from the applicable regional forester that an adequate number of qualified candidates are not interested or available to serve on a resource advisory committee, the

² So in original. Probably should be preceded by “the”.

Secretary concerned shall publish a notice in the Federal Register seeking candidates for the resource advisory committee.

(B) Modification of membership requirements

If, by the date that is 30 days after the date of publication of notice under subparagraph (A), an inadequate number of qualified candidates have applied to serve on a resource advisory committee, the Secretary concerned may reduce—

- (i) the membership requirement under paragraph (1) to not fewer than 9; and
- (ii) the membership requirements under subparagraphs (A), (B), and (C) of paragraph (2) to 3 in each category described in that paragraph, except that where a vacancy exists on a resource advisory committee, the Secretary concerned may not reject a qualified applicant from any category.

(C) Termination of authority

The authority provided under this paragraph terminates on October 1, 2023.

(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.

(g) Resource advisory committee appointment pilot programs

(1) Definitions

In this subsection:

(A) Applicable designee

The term “applicable designee” means the applicable regional forester.

(B) National pilot program

The term “national pilot program” means the national pilot program established under paragraph (4)(A).

(C) Regional pilot program

The term “regional pilot program” means the regional pilot program established under paragraph (3)(A).

(2) Establishment of pilot programs

In accordance with paragraphs (3) and (4), the Secretary concerned shall carry out 2 pilot programs to appoint members of resource advisory committees.

(3) Regional pilot program

(A) In general

The Secretary concerned shall carry out a regional pilot program to allow an applicable designee to appoint members of resource advisory committees.

(B) Geographic limitation

The regional pilot program shall only apply to resource advisory committees chartered in—

- (i) the State of Montana; and
- (ii) the State of Arizona.

(C) Responsibilities of applicable designee

(i) Review

Before appointing a member of a resource advisory committee under the regional pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the regional pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

(ii) Savings clause

Nothing in this paragraph relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on December 20, 2018, including any requirement for advertising a vacancy.

(4) National pilot program

(A) In general

The Secretary concerned shall carry out a national pilot program to allow the Chief of the Forest Service or the Director of the Bureau of Land Management, as applicable, to submit to the Secretary concerned nominations of individuals for appointment as members of resource advisory committees.

(B) Appointment

Under the national pilot program, subject to subparagraph (C), not later than 30 days after the date on which a nomination is transmitted to the Secretary concerned under subparagraph (A), the Secretary concerned shall—

- (i) appoint the nominee to the applicable resource advisory committee; or
- (ii) reject the nomination.

(C) Automatic appointment

If the Secretary concerned does not act on a nomination in accordance with subparagraph (B) by the date described in that subparagraph, the nominee shall be deemed appointed to the applicable resource advisory committee.

(D) Geographic limitation

The national pilot program shall apply to a resource advisory committee chartered in any State other than—

- (i) the State of Montana; or
- (ii) the State of Arizona.

(E) Savings clause

Nothing in this paragraph relieves the Secretary concerned from any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

(5) Termination of effectiveness

The authority provided under this subsection terminates on October 1, 2023.

(6) Report to Congress

Not later 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

- (A) with respect to appointments made under the regional pilot program compared to appointments made under the national pilot program, a description of the extent to which—
 - (i) appointments were faster or slower; and
 - (ii) the requirements described in paragraph (3)(C)(i) differ; and
- (B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot programs.

(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; amended Pub. L. 112–141, div. F, title I, § 100101(a)(7), July 6, 2012, 126 Stat. 906; Pub. L. 113–40, § 10(a)(2)(C), Oct. 2, 2013, 127 Stat. 545; Pub. L. 115–141, div. O, title IV, § 401(b)(2), Mar. 23, 2018, 132 Stat. 1079; Pub. L. 115–334, title VIII, § 8702, Dec. 20, 2018, 132 Stat. 4875; Pub. L. 116–94, div. I, title III, § 301(b)(1), Dec. 20, 2019, 133 Stat. 3021; Pub. L. 117–58, div. D, title XII, § 41202(c), (d)(1), Nov. 15, 2021, 135 Stat. 1132, 1134.)

Editorial Notes**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. 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.

AMENDMENTS

2021—Subsec. (a)(4)(A), (B). Pub. L. 117–58, § 41202(d)(1), substituted “December 20, 2023” for “December 20, 2021” wherever appearing.

Subsec. (g). Pub. L. 117–58, § 41202(c), added subsec. (g) and struck out former subsec. (g) which related to the regional appointment pilot program.

2019—Subsec. (a)(4)(A), (B). Pub. L. 116–94 substituted “December 20, 2021” for “September 29, 2018” wherever appearing.

2018—Subsec. (a)(4)(A), (B). Pub. L. 115–141 substituted “2018” for “2012” wherever appearing.

Subsec. (d)(1). Pub. L. 115–334, § 8702(1)(A), substituted “Except as provided in paragraph (6), each” for “Each”.

Subsec. (d)(2). Pub. L. 115–334, § 8702(1)(B), substituted “Except as provided in paragraph (6), committee” for “Committee” in introductory provisions.

Subsec. (d)(6). Pub. L. 115–334, § 8702(1)(C), added par. (6).

Subsec. (g). Pub. L. 115–334, § 8702(2), added subsec. (g). 2013—Subsec. (a)(4)(A), (B). Pub. L. 113–40 substituted “2012” for “2011” wherever appearing.

2012—Subsec. (a)(4)(A), (B). Pub. L. 112–141 substituted “2011” for “2006” wherever appearing.

Statutory Notes and Related Subsidiaries**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 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