

(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

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 concerned,¹ 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.)

Editorial Notes

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 of each fiscal year (or a later date specified by the Secretary concerned for

the fiscal year), 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 Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

(2) Expenditure of funds

The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B)(i), (B)(ii), or (C)(i) of section 7112(d)(1) of this title.

(Pub. L. 106-393, title II, § 207, as added Pub. L. 110-343, div. C, title VI, § 601(a), Oct. 3, 2008, 122 Stat. 3908; amended Pub. L. 112-141, div. F, title I, § 100101(a)(2), July 6, 2012, 126 Stat. 905; Pub. L. 113-40, § 10(a)(2)(D), Oct. 2, 2013, 127 Stat. 545; Pub. L. 114-10, title V, § 524(c)(3), Apr. 16, 2015, 129 Stat. 180; Pub. L. 115-141, div. O, title IV, § 401(b)(3), Mar. 23, 2018, 132 Stat. 1079.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), 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.

PRIOR PROVISIONS

A prior section 207 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. (d)(2). Pub. L. 115-141 substituted “subparagraph (B)(i), (B)(ii),” for “subparagraph (B)”.

2015—Subsec. (a). Pub. L. 114-10 substituted “September 30 of each fiscal year (or a later date specified by the Secretary concerned for the fiscal year)” for

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