

<b>DEPARTMENTAL REGULATION</b>		<b>NUMBER:</b> 1042-143
<b>SUBJECT:</b>  Advisory Committee on Forest Counties Payments	<b>DATE:</b> March 5, 2007	
	<b>OPI:</b> Forest Service	

## 1 PURPOSE AND SCOPE

- a This regulation reestablishes the Advisory Committee on Forest Counties Payments, which will henceforth be referred to by the term “Advisory Committee,” in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Department of the Interior and Related Agencies Appropriations Act (Pub. L. No. 106-291) (the Act), and an Act to Extend the Term of Forest Counties Payments Committee (Pub. L. No. 108-319). The purpose of the Advisory Committee is to develop recommendations for policy or legislative initiatives (or both), regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in sections 320(a)(3) and (4) (Public Law No. 106-291). The recommendations are to be made consistent with sustainable forestry, the practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations.
- b In developing the recommendations, the Advisory Committee shall consider the following:
- (1) Evaluate the method by which payments are made to eligible States and eligible counties under provisions of law referred to in sections 320(a)(3) and (4) and related laws, such as the Secure Rural Schools and Community Self-Determination Act (Pub. L. No. 106-393) (Secure Rural Schools Act);
  - (2) Consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands;
  - (3) Evaluate the economic, environmental, and social benefits that accrue to counties containing Federal lands, including

recreation, natural resources industries, and the value of environmental services that result from Federal lands; and

- (4) Evaluate the expenditures by counties on activities on Federal lands which are Federal responsibilities.
- c The Advisory Committee shall monitor the payments made to eligible States and eligible counties under the provisions of law referred to in sections 320(a) (3) and (4) and related laws such as the Secure Rural Schools Act.

## 2 SPECIAL INSTRUCTIONS

- a This Advisory Committee shall terminate on September 30, 2007, in accordance with Public Law No. 108-319, unless the Advisory Committee's term is extended beyond that date by legislation.
- b This regulation will expire 2 years after the date of filing if the Advisory Committee's term of service is legislatively extended for 2 years beyond the date of filing. This regulation supersedes DR 1042-143, dated January 4, 2004.

## 3 OFFICERS AND MEMBERSHIP

- a This Advisory Committee shall consist of the following seven members as directed by the Act:
  - (1) The Chief of the Forest Service or a designee of the Chief who has significant expertise in sustainable forestry;
  - (2) The Director of the Bureau of Land Management or a designee of the Director who has significant expertise in sustainable forestry;
  - (3) The Director of the Office of Management and Budget or the Director's designee;
  - (4) Two members who are elected members of the governing branches of eligible counties, who will serve as special government employees (SGE): one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking

members of the committees of jurisdiction of the House of Representatives); and

- (5) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties who will serve as SGEs: one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives).
- b The Committee shall elect a Chairperson from among its members.
- c Membership under sections 3(a)(4) and 3(a)(5), to the greatest extent possible, shall be selected from geographically diverse locations.
- d The Advisory Committee shall have an Executive Director, who shall be appointed by the Advisory Committee and serve at the pleasure of the Advisory Committee.
- e The Advisory Committee shall have the authority to appoint other personnel subject to the provision of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.
- f The Advisory Committee shall have the authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under this section.
- g The Committee may create and operate subcommittees recommended by a majority of the committee members and approved by the Secretary or the DFO.
- h Equal opportunity practices, in line with USDA policies, shall be followed in all membership appointments to the Advisory Committee to the extent provided for in the legislation. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.
- i Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by paragraph 3(a). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under this section.

#### 4 DUTIES

- a The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both), consistent with sustainable forestry, regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in sections 320(a) (3) and (4) of the Act and related laws such as the Secure Rural Schools Act.
- b The Advisory Committee shall monitor the payments made to eligible States and eligible counties pursuant to the Act, and related laws, and submit to Congress an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.
- c The Advisory Committee shall make itself available to Congress for testimony or comments on the reports, required to be submitted by the Advisory Committee, and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rulemaking or other administrative decision processes.

#### 5 ESTIMATED ANNUAL OPERATING COSTS

- a The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson of the Advisory Committee, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule, including travel time, and while away from their homes or regular places of business, shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.
- b The executive director shall be paid at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule.
- c The estimated cost of operating the Advisory Committee is

\$300,000 annually for the term of this regulation. Federal staff support is estimated to be 2.5 FTE.

## 6 NUMBER AND FREQUENCY OF MEETINGS

The Board will meet as often as is necessary to complete its work.

## 7 REPORTS AND SUPPORT

- a The Advisory Committee shall submit a final report to Congress containing the recommendations developed under section 4(a) and semiannual progress reports on its activities and expenditures to Congress until the final report has been submitted.
- b To the extent practicable, staff support for the Advisory Committee shall be provided by the Forest Service and the Bureau of Land Management. The Forest Service shall provide funds necessary for the work of the Advisory Committee.

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