

which is certain, not in doubt or contingent on some other factor. "Indirect" interest refers to an interest contingent on another factor, or through a third party. In the case of permittees, an indirect interest will generally be an interest in a permit or lease that is through a third party, such as a child, spouse, business partner, or other affiliate.

The rule as finalized allows permittees and lessees with financial interests to serve on committees, thus broadening the base of advice available to the Department. This provision simply requires *disclosure* of interests by advisory committee members, and prohibits them from participating in *specific matters* in which they have such interests. It does not prevent persons with a legal interest from serving on committees.

Comments concerning application of conflict of interest provisions caused the Department to reexamine the types of interests that would have to be disclosed by committee members. In the final rule, as detailed below, the Department has expanded the list of interests that might be held by persons who might serve on RACs and which must be disclosed.

In the final rule, the Department has sought to correct any confusion between the terms "council," "committee," and "board," as discussed at § 1784.2-1. Conflict of interest provisions apply to *all* advisory committees that advise the Department as well as to the RACs.

In accordance with the above discussion, the Department has concluded that the final rule should adopt a modified version of the proposed rule. Modifications have been made to ensure consistency in the use of the terms "council" and "committee," and for consistency with other changes to the proposal regarding the structure of RACs, discussed below under §§ 1784.6-1 and 6-2. Additionally, the word "multiple" is eliminated in this section, and in all subsequent sections. The Department has made this decision to simplify the name of the councils.

In final paragraph (c), the phrase "leases, licenses, permits, contracts, or claims which involve lands or resources, or in any litigation which involve lands or resources administered by the Bureau of Land Management," is substituted for the phrase "Federal grazing permits or leases." This last change is made for consistency with the principle that this provision applies to *all* types of financial interests. The phrase adopted is consistent with that in existing paragraph (a) of this section. While persons who hold such interests

will still not normally be allowed to serve on advisory committees, except for the general exception introduced by this rule for grazing permittees or lessees, under special circumstances such a person may serve on a committee. In such case, the person would be required to disclose his or her interests.

Section 1784.3 Member Service

The proposed rule would have established that appointments to advisory committees would have been for two-year terms unless otherwise specified in the charter. Specific references to grazing advisory board, district advisory council and National Public Lands Advisory Council appointments, terms and election procedures, would have been removed.

Also, the provisions for reimbursement of committee members' travel and per diem expenses would have been modified to make clear that individuals selected by committees to provide input, but who themselves are not appointed committee members, would not have been eligible for reimbursement. This provision was necessary to limit costs.

Several comments were received on the charters and chartering process for advisory committees. Some comments indicated that as proposed, the changes would create the need for a new charter for each committee which would result in a lack of continuity in committee functioning.

Today's action amends the general advisory committee regulations found at 43 CFR Subpart 1784. These general regulations contain standards and procedures for the creation, operation and termination of advisory committees to advise the Secretary and BLM on matters relating to public lands and resources under the administrative jurisdiction of BLM. The proposed amendments must comply with the requirements of FACA. Thus the Department's discretion is limited by the terms of FACA.

FACA directs that advisory committees shall terminate within two years of establishment, unless renewed. At the time of renewal a new charter must be filed. The Department expects that charters will look substantially the same each time they are renewed, although changes may be made if experience suggests revisions are needed. The charter will meet the requirements of FACA, but will be relatively general in nature. Charters will include provisions such as council purpose and responsibilities, membership requirements, and terms of appointments. Bylaws may be prepared

by individual councils if needed to provide additional procedural guidance.

Many comments were received on membership service and tenure. Comments included the following: a public official's term on a committee should coincide with the term of office, vacancies should be filled in the same manner as positions were originally filled, members should be selected on the basis of merit, and membership should be staggered to achieve continuity. Several comments suggested that members should serve for longer than two years so they would become familiar with issues. Some comments indicated that two-year limits should be established. Other comments supported the view that charters should allow lifetime membership. Some comments suggested that members should be elected. Some of these comments suggested that members should be elected by grazing permittees and lessees.

Under FACA, the Department has some discretion regarding the terms of service for members. Generally, member terms are coterminous with the term of the charter. The Department intends to follow this general practice with RACs, except where special circumstances require otherwise. For example, the Department intends to appoint initial members to staggered terms, so members' terms will not all terminate in the same year. This ensures that there will always be experienced members on a council. The Department expects that some members will be reappointed, providing additional continuity to the councils. These practices have been used successfully in the past.

As explained in the discussion of § 1784.2-1, appointments to the advisory councils will be by the Secretary, as required by FACA. Secretarial appointment is also required by FLPMA. The Department will seek nominations from Governors, interested groups and private citizens. Members will qualify to serve on advisory committees because their education, training, or experience enables them to give informed and objective advice on matters of interest to the committee. Decisions about replacing members appointed to fill the position of the local elected official when the member's elective term expires will be made on a case-by-case basis. Existing paragraph (b)(2), which by today's action is redesignated (a)(2), provides for filling vacancies occurring by reason of removal, resignation, death, or departure from elective office. Such vacancies are to be filled using the same method by which the original appointment was made. Under existing