

110TH CONGRESS
1ST SESSION

H. R. 3058

To amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2007

Mr. DEFAZIO (for himself, Mr. RAHALL, Mr. THOMPSON of California, Mr. BAIRD, Ms. HOOLEY, Mr. MATHESON, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Land Commu-
 5 nities Transition Assistance Act of 2007”.

6 **SEC. 2. PERMANENT FUNDING.**

7 (a) IN GENERAL.—Section 6906 of title 31, United
 8 States Code, is amended to read as follows:

9 **“§ 6906. Funding**

10 “For each of fiscal years 2008 through 2012,
 11 amounts authorized under this chapter shall be made
 12 available to the Secretary of the Interior, without further
 13 appropriations, for obligation or expenditure in accordance
 14 with this chapter.”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
 16 tions for chapter 69 of title 31, United States Code, is
 17 amended by striking the item relating to section 6906 and
 18 inserting the following:

“6906. Funding.”.

19 **SEC. 3. TRANSITIONAL PAYMENTS STATES AND COUNTIES**
 20 **PREVIOUSLY ENTITLED TO PAYMENTS**
 21 **UNDER SECURE RURAL SCHOOLS AND COM-**
 22 **MUNITY SELF-DETERMINATION ACT OF 2000.**

23 (a) TRANSITIONAL PAYMENTS.—Chapter 69 of title
 24 31, United States Code, is amended by adding at the end
 25 the following new section:

1 **“§ 6908. Secure rural schools transition payments**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ADJUSTED SHARE.—The term ‘adjusted
4 share’ means the number equal to the quotient ob-
5 tained by dividing—

6 “(A) the number equal to the quotient ob-
7 tained by dividing—

8 “(i) the base share for the eligible
9 county; by

10 “(ii) the income adjustment for the el-
11 igible county; by

12 “(B) the number equal to the sum of the
13 quotients obtained under subparagraph (A) and
14 paragraph (8)(A) for all eligible counties.

15 “(2) BASE SHARE.—The term ‘base share’
16 means the number equal to the average of—

17 “(A) the quotient obtained by dividing—

18 “(i) the number of acres of Federal
19 land described in paragraph (7)(A) in each
20 eligible county; by

21 “(ii) the total number of acres of Fed-
22 eral land in all eligible counties in all eligi-
23 ble States; and

24 “(B) the quotient obtained by dividing—

25 “(i) the amount equal to the average
26 of the 3 highest 25-percent payments and

1 safety net payments made to each eligible
2 State for each eligible county during the
3 eligibility period; by

4 “(ii) the amount equal to the sum of
5 the amounts calculated under clause (i)
6 and paragraph (9)(B)(i) for all eligible
7 counties in all eligible States during the
8 eligibility period.

9 “(3) COUNTY PAYMENT.—The term ‘county
10 payment’ means the payment for an eligible county
11 calculated under subsection (c).

12 “(4) ELIGIBLE COUNTY.—The term ‘eligible
13 county’ means any county that—

14 “(A) contains Federal land (as defined in
15 paragraph (7)); and

16 “(B) elects to receive a share of the State
17 payment or the county payment under sub-
18 section (f).

19 “(5) ELIGIBILITY PERIOD.—The term ‘eligi-
20 bility period’ means fiscal year 1986 through fiscal
21 year 1999.

22 “(6) ELIGIBLE STATE.—The term ‘eligible
23 State’ means a State or territory of the United
24 States that received a 25-percent payment for 1 or
25 more fiscal years of the eligibility period.

1 “(7) FEDERAL LAND.—The term ‘Federal land’
2 means—

3 “(A) land within the National Forest Sys-
4 tem, as defined in section 11(a) of the Forest
5 and Rangeland Renewable Resources Planning
6 Act of 1974 (16 U.S.C. 1609(a)) exclusive of
7 the National Grasslands and land utilization
8 projects designated as National Grasslands ad-
9 ministered pursuant to the Act of July 22,
10 1937 (7 U.S.C. 1010–1012); and

11 “(B) such portions of the revested Oregon
12 and California Railroad and reconveyed Coos
13 Bay Wagon Road grant land as are or may
14 hereafter come under the jurisdiction of the De-
15 partment of the Interior, which have heretofore
16 or may hereafter be classified as timberlands,
17 and power-site land valuable for timber, that
18 shall be managed, except as provided in the
19 former section 3 of the Act of August 28, 1937
20 (50 Stat. 875; 43 U.S.C. 1181c), for permanent
21 forest production.

22 “(8) 50-PERCENT ADJUSTED SHARE.—The
23 term ‘50-percent adjusted share’ means the number
24 equal to the quotient obtained by dividing—

1 “(A) the number equal to the quotient ob-
2 tained by dividing—

3 “(i) the 50-percent base share for the
4 eligible county; by

5 “(ii) the income adjustment for the el-
6 igible county; by

7 “(B) the number equal to the sum of the
8 quotients obtained under subparagraph (A) and
9 paragraph (1)(A) for all eligible counties.

10 “(9) 50-PERCENT BASE SHARE.—The term ‘50-
11 percent base share’ means the number equal to the
12 average of—

13 “(A) the quotient obtained by dividing—

14 “(i) the number of acres of Federal
15 land described in paragraph (7)(B) in each
16 eligible county; by

17 “(ii) the total number of acres of Fed-
18 eral land in all eligible counties in all eligi-
19 ble States; and

20 “(B) the quotient obtained by dividing—

21 “(i) the amount equal to the average
22 of the 3 highest 50-percent payments made
23 to each eligible county during the eligibility
24 period; by

1 “(ii) the amount equal to the sum of
2 the amounts calculated under clause (i)
3 and paragraph (2)(B)(i) for all eligible
4 counties in all eligible States during the
5 eligibility period.

6 “(10) 50-PERCENT PAYMENT.—The term ‘50-
7 percent payment’ means the payment that is the
8 sum of the 50-percent share otherwise paid to a
9 county pursuant to title II of the Act of August 28,
10 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f),
11 and the payment made to a county pursuant to the
12 Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43
13 U.S.C. 1181f–1 et seq.).

14 “(11) FULL FUNDING AMOUNT.—The term ‘full
15 funding amount’ means—

16 “(A) \$520,000,000 for fiscal year 2008;
17 and

18 “(B) for fiscal year 2009 and each fiscal
19 year thereafter, the amount that is equal to 90
20 percent of the full funding amount for the pre-
21 ceding fiscal year.

22 “(12) INCOME ADJUSTMENT.—The term ‘in-
23 come adjustment’ means the square of the quotient
24 obtained by dividing—

1 “(A) the per capita personal income for
2 each eligible county; by

3 “(B) the median per capita personal in-
4 come of all eligible counties.

5 “(13) PER CAPITA PERSONAL INCOME.—The
6 term ‘per capita personal income’ means the most
7 recent per capita personal income data, as deter-
8 mined by the Bureau of Economic Analysis.

9 “(14) SAFETY NET PAYMENTS.—The term
10 ‘safety net payments’ means the special payment
11 amounts paid to States and counties required by
12 section 13982 or 13983 of the Omnibus Budget
13 Reconciliation Act of 1993 (Public Law 103–66; 16
14 U.S.C. 500 note; 43 U.S.C. 1181f note).

15 “(15) SECRETARY CONCERNED.—The term
16 ‘Secretary concerned’ means—

17 “(A) the Secretary of Agriculture or the
18 designee of the Secretary of Agriculture with
19 respect to the Federal land described in para-
20 graph (7)(A); and

21 “(B) the Secretary of the Interior or the
22 designee of the Secretary of the Interior with
23 respect to the Federal land described in para-
24 graph (7)(B).

1 “(16) STATE PAYMENT.—The term ‘State pay-
2 ment’ means the payment for an eligible State cal-
3 culated under subsection (b).

4 “(17) 25-PERCENT PAYMENT.—The term ‘25-
5 percent payment’ means the payment to States re-
6 quired by the sixth paragraph under the heading of
7 ‘forest service’ in the Act of May 23, 1908 (35 Stat.
8 260; 16 U.S.C. 500), and section 13 of the Act of
9 March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

10 “(b) CALCULATION OF STATE PAYMENT AMOUNT.—
11 For each of fiscal years 2008 through 2012, the Secretary
12 of Agriculture shall calculate for each eligible State an
13 amount equal to the sum of the products obtained by mul-
14 tiplying—

15 “(1) the adjusted share for each eligible county
16 within the eligible State; by

17 “(2) the full funding amount for the fiscal year.

18 “(c) CALCULATION OF COUNTY PAYMENT
19 AMOUNT.—For each of fiscal years 2008 through 2012,
20 the Secretary of the Interior shall calculate for each eligi-
21 ble county that received a 50-percent payment during the
22 eligibility period an amount equal to the product obtained
23 by multiplying—

24 “(1) the 50-percent adjusted share for the eligi-
25 ble county; by

1 “(2) the full funding amount for the fiscal year.

2 “(d) PAYMENT AMOUNTS FOR ELIGIBLE STATES.—

3 The Secretary of the Treasury shall pay to each eligible

4 State or Territory an amount equal to the sum of the

5 amounts elected under subsection (f) by each county with-

6 in the eligible State or Territory for—

7 “(1) if the county is eligible for the 25-percent

8 payment, the share of the 25-percent payment; or

9 “(2) the share of the State payment of the eli-

10 gible county.

11 “(e) PAYMENT AMOUNTS FOR ELIGIBLE COUN-

12 TIES.—The Secretary of the Treasury shall pay to each

13 eligible county an amount equal to the amount elected

14 under subsection (f) by the county for—

15 “(1) if the county is eligible for the 50-percent

16 payment, the 50-percent payment; or

17 “(2) the county payment for the eligible county.

18 “(f) ELECTION TO RECEIVE PAYMENT AMOUNT.—

19 “(1) ELECTION; SUBMISSION OF RESULTS.—

20 “(A) IN GENERAL.—The election to receive

21 a share of the State payment, the county pay-

22 ment, a share of the State payment and the

23 county payment, a share of the 25-percent pay-

24 ment, the 50-percent payment, or a share of the

25 25-percent payment and the 50-percent pay-

1 ment, as applicable, shall be made at the discre-
2 tion of each affected county by August 1, 2008,
3 and thereafter in accordance with paragraph
4 (2)(A), and transmitted to the Secretary con-
5 cerned by the Governor of each eligible State.

6 “(B) FAILURE TO TRANSMIT.—If an elec-
7 tion for an affected county is not transmitted to
8 the Secretary concerned by the date specified
9 under subparagraph (A), the affected county
10 shall be considered to have elected to receive a
11 share of the State payment, the county pay-
12 ment, or a share of the State payment and the
13 county payment, as applicable.

14 “(2) DURATION OF ELECTION.—

15 “(A) IN GENERAL.—A county election to
16 receive a share of the 25-percent payment or
17 50-percent payment, as applicable, shall be ef-
18 fective for 2 fiscal years.

19 “(B) FULL FUNDING AMOUNT.—If a coun-
20 ty elects to receive a share of the State payment
21 or the county payment, the election shall be ef-
22 fective for all subsequent fiscal years through
23 fiscal year 2012.

1 “(g) SOURCE OF PAYMENT AMOUNTS.—The pay-
2 ment to an eligible State or eligible county under this sec-
3 tion for a fiscal year shall be derived from—

4 “(1) any revenues, fees, penalties, or miscella-
5 neous receipts, exclusive of deposits to any relevant
6 trust fund, special account, or permanent operating
7 funds, received by the Federal Government from ac-
8 tivities by the Bureau of Land Management or the
9 Forest Service on the applicable Federal land;

10 “(2) for fiscal year 2008, any funds appro-
11 priated to carry out this section; and

12 “(3) to the extent of any shortfall, out of any
13 amounts in the Treasury of the United States not
14 otherwise appropriated.

15 “(h) DISTRIBUTION AND EXPENDITURE OF PAY-
16 MENTS.—

17 “(1) DISTRIBUTION METHOD.—A State that re-
18 ceives a payment under this section shall distribute
19 the appropriate payment amount among the appro-
20 priate counties in the State in accordance with—

21 “(A) the act of May 23, 1908 (16 U.S.C.
22 500); and

23 “(B) section 13 of the Act of March 1,
24 1911 (36 Stat. 963; 16 U.S.C. 500).

1 “(2) EXPENDITURE PURPOSES.—Payments re-
2 ceived by a State under this section and distributed
3 to counties in accordance with paragraph (1), and
4 payments received by an eligible county under this
5 section, shall be expended in the same manner in
6 which 25-percent payments or 50-percent payments,
7 as applicable, are required to be expended. Those
8 counties electing to receive a share of the State pay-
9 ment, the county payment, or a share of the State
10 Payment and the county payment, shall reserve not
11 less than 15 percent of the amount received for ex-
12 penditure in accordance with titles II and III of the
13 Secure Rural Schools and Community Self-Deter-
14 mination Act of 2000 (15 U.S.C. 500 note; Public
15 Law 106–393).

16 “(i) TIME FOR PAYMENT.—The payments required
17 under this section for a fiscal year shall be made as soon
18 as practicable after the end of that fiscal year.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 69 of title 31, United States
21 Code, is amended by adding at the end the following new
22 item:

“6908. Secure rural schools transition payments.”.

1 **SEC. 4. SPECIAL REQUIREMENTS REGARDING TRANSITION**
2 **PAYMENTS TO THE STATES OF CALIFORNIA,**
3 **OREGON, AND WASHINGTON.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADJUSTED AMOUNT.—The term “adjusted
6 amount” means, with respect to a covered State—

7 (A) for fiscal year 2008—

8 (i) the sum of the amounts paid for
9 fiscal year 2006 under section 102(a)(2) of
10 the Secure Rural Schools and Community
11 Self-Determination Act of 2000 (16 U.S.C.
12 500 note; Public Law 106–393), as in ef-
13 fect on September 29, 2006, for the eligi-
14 ble counties in the covered State that have
15 elected under section 6908 of title 31,
16 United States Code, as added by section 3
17 of this Act, to receive a share of the State
18 payment for fiscal year 2008; and

19 (ii) the sum of the amounts paid for
20 fiscal year 2006 under section 103(a)(2) of
21 the Secure Rural Schools and Community
22 Self-Determination Act of 2000 (16 U.S.C.
23 500 note; Public Law 106–393), as in ef-
24 fect on September 29, 2006, for the eligi-
25 ble counties in the State of Oregon that
26 have elected under section 6908 of title 31,

1 United States Code, as added by section 3
2 of this Act, to receive the county payment
3 for fiscal year 2008;

4 (B) for fiscal year 2009, 90 percent of—

5 (i) the sum of the amounts paid for
6 fiscal year 2006 under such section
7 102(a)(2) for the eligible counties in the
8 covered State that have elected under such
9 section 6908 to receive a share of the
10 State payment for fiscal year 2009; and

11 (ii) the sum of the amounts paid for
12 fiscal year 2006 under such section
13 103(a)(2) for the eligible counties in the
14 State of Oregon that have elected under
15 such section 6908 to receive the county
16 payment for fiscal year 2009;

17 (C) for fiscal year 2010, 81 percent of—

18 (i) the sum of the amounts paid for
19 fiscal year 2006 under such section
20 102(a)(2) for the eligible counties in the
21 covered State that have elected under such
22 section 6908 to receive a share of the
23 State payment for fiscal year 2010; and

24 (ii) the sum of the amounts paid for
25 fiscal year 2006 under such section

1 103(a)(2) for the eligible counties in the
2 State of Oregon that have elected under
3 such section 6908 to receive the county
4 payment for fiscal year 2010; and

5 (D) for fiscal year 2011, 73 percent of—

6 (i) the sum of the amounts paid for
7 fiscal year 2006 under such section
8 102(a)(2) for the eligible counties in the
9 covered State that have elected under such
10 section 6908 to receive a share of the
11 State payment for fiscal year 2011; and

12 (ii) the sum of the amounts paid for
13 fiscal year 2006 under such section
14 103(a)(2) for the eligible counties in the
15 State of Oregon that have elected under
16 such section 6908 to receive the county
17 payment for fiscal year 2011.

18 (2) COVERED STATE.—The term “covered
19 State” means each of the States of California, Or-
20 egon, and Washington.

21 (3) ELIGIBLE COUNTY.—The term “eligible
22 county” has the meaning given that term in section
23 6908 of title 31, United States Code, as added by
24 section 3 of this Act.

1 (b) TRANSITION PAYMENTS.—For each of fiscal
2 years 2008 through 2011, in lieu of the payment amounts
3 that otherwise would have been made under section 6908
4 of title 31, United States Code, as added by section 3 of
5 this Act, the Secretary of the Treasury shall pay the ad-
6 justed amount to each covered State and the eligible coun-
7 ties within the covered State, as applicable.

8 (c) DISTRIBUTION OF ADJUSTED AMOUNT IN OR-
9 EGON AND WASHINGTON.—It is the intent of Congress
10 that the method of distributing the payments under sub-
11 section (b) among the counties in the States of Oregon
12 and Washington for each of the fiscal years 2008 through
13 2011 be in the same proportion that the payments were
14 distributed to the eligible counties in fiscal year 2006.

15 (d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—
16 The following payments shall be distributed among the eli-
17 gible counties in the State of California in the same pro-
18 portion that payments under section 102(a)(2) of the Se-
19 cure Rural Schools and Community Self-Determination
20 Act of 2000 (16 U.S.C. 500 note; Public Law 106–393),
21 as in effect on September 29, 2006, were distributed to
22 the eligible counties for fiscal year 2006:

23 (1) Payments to the State of California under
24 subsection (b).

1 (2) The shares of the eligible counties of the
2 State payment for California under section 6908 of
3 title 31, United States Code, as added by section 3
4 of this Act, for fiscal year 2011.

5 (e) TREATMENT OF PAYMENTS.—Any payment made
6 under subsection (b) shall be considered to be a payment
7 made under section 6908 of title 31, United States Code,
8 as added by section 3 of this Act, except that each eligible
9 county receiving a payment under such subsection or a
10 portion of such payment under subsection (c) or (d) shall
11 reserve not less than 15 percent of the amount received
12 for expenditure in accordance with titles II and III of the
13 Secure Rural Schools and Community Self-Determination
14 Act of 2000 (16 U.S.C. 500 note; Public Law 106–393).

15 **SEC. 5. OFFSETTING RECEIPTS.**

16 (a) ESTABLISHMENT.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary of the
18 Interior and the Secretary of Agriculture shall promulgate
19 regulations to establish new fees or fee increases for com-
20 mercial activities on Federal lands, National Forest Sys-
21 tem lands, and National Grasslands administered by the
22 respective Secretary. Such fee or fee increases shall apply
23 to any commercial lease or activity that is in effect on the
24 date final regulations are promulgated under the sub-
25 section or that is issued thereafter.

1 (b) AMOUNT.—The amount of fees shall, in aggre-
2 gate, result in the receipt by the United States of a total
3 of \$4,025,000 by October 1, 2012.

4 (c) OFFSETTING RECEIPTS.—New fees or the portion
5 of revenue generated from increased fees received by the
6 United States under this section shall be treated as offset-
7 ting receipts for the purposes of this Act.

○