

# H.R.3058

## Public Land Communities Transition Assistance Act of 2007 (Introduced in House)

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### **SEC. 2. PERMANENT FUNDING.**

(a) In General- Section 6906 of title 31, United States Code, is amended to read as follows:

#### **` Sec. 6906. Funding**

` For each of fiscal years 2008 through 2012, amounts authorized under this chapter shall be made available to the Secretary of the Interior, without further appropriations, for obligation or expenditure in accordance with this chapter.'.

(b) Conforming Amendment- The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

`6906. Funding.'.

### **SEC. 3. TRANSITIONAL PAYMENTS STATES AND COUNTIES PREVIOUSLY ENTITLED TO PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.**

(a) Transitional Payments- Chapter 69 of title 31, United States Code, is amended by adding at the end the following new section:

#### **` Sec. 6908. Secure rural schools transition payments**

` (a) Definitions- In this section:

` (1) ADJUSTED SHARE- The term `adjusted share' means the number equal to the quotient obtained by dividing--

` (A) the number equal to the quotient obtained by dividing--

` (i) the base share for the eligible county; by

` (ii) the income adjustment for the eligible county;

by

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

` (2) BASE SHARE- The term `base share' means the number equal to the average of--

` (A) the quotient obtained by dividing--





Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

`(15) SECRETARY CONCERNED- The term `Secretary concerned' means--

`(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

`(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

`(16) STATE PAYMENT- The term `State payment' means the payment for an eligible State calculated under subsection (b).

`(17) 25-percent PAYMENT- The term `25-percent payment' means the payment to States required by the sixth paragraph under the heading of `forest service' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

`(b) Calculation of State Payment Amount- For each of fiscal years 2008 through 2012, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying--

`(1) the adjusted share for each eligible county within the eligible State; by

`(2) the full funding amount for the fiscal year.

`(c) Calculation of County Payment Amount- For each of fiscal years 2008 through 2012, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying--

`(1) the 50-percent adjusted share for the eligible county; by

`(2) the full funding amount for the fiscal year.

`(d) Payment Amounts for Eligible States- The Secretary of the Treasury shall pay to each eligible State or Territory an amount equal to the sum of the amounts elected under subsection (f) by each county within the eligible State or Territory for--

`(1) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

`(2) the share of the State payment of the eligible county.

`(e) Payment Amounts for Eligible Counties- The Secretary of the Treasury shall pay to each eligible county an amount equal to the amount elected under subsection (f) by the county for--

`(1) if the county is eligible for the 50-percent payment, the 50-percent payment; or

`(2) the county payment for the eligible county.

`(f) Election To Receive Payment Amount-

`(1) ELECTION; SUBMISSION OF RESULTS-

`(A) IN GENERAL- The election to receive a share of the State payment, the county payment, a share of the State

payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and thereafter in accordance with paragraph (2)(A), and transmitted to the Secretary concerned by the Governor of each eligible State.

`(B) FAILURE TO TRANSMIT- If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

`(2) DURATION OF ELECTION-

`(A) IN GENERAL- A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

`(B) FULL FUNDING AMOUNT- If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2012.

`(g) Source of Payment Amounts- The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from--

`(1) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

`(2) for fiscal year 2008, any funds appropriated to carry out this section; and

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

`(h) Distribution and Expenditure of Payments-

`(1) DISTRIBUTION METHOD- A State that receives a payment under this section shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with--

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

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

`(2) EXPENDITURE PURPOSES- Payments received by a State under this section and distributed to counties in accordance with paragraph (1), and payments received by an eligible county under this section, shall be expended in the same manner in which 25-percent payments or 50-percent payments, as

applicable, are required to be expended. Those counties electing to receive a share of the State payment, the county payment, or a share of the State Payment and the county payment, shall reserve not less than 15 percent of the amount received for expenditure in accordance with titles II and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (15 U.S.C. 500 note; Public Law 106-393).

`(i) Time for Payment- The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.'.

(b) Clerical Amendment- The table of sections at the beginning of chapter 69 of title 31, United States Code, is amended by adding at the end the following new item:

`6908. Secure rural schools transition payments.'.

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

(a) Definitions- In this section:

(1) ADJUSTED AMOUNT- The term `adjusted amount' means, with respect to a covered State--

(A) for fiscal year 2008--

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as in effect on September 29, 2006, for the eligible counties in the covered State that have elected under section 6908 of title 31, United States Code, as added by section 3 of this Act, to receive a share of the State payment for fiscal year 2008; and  
(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as in effect on September 29, 2006, for the eligible counties in the State of Oregon that have elected under section 6908 of title 31, United States Code, as added by section 3 of this Act, to receive the county payment for fiscal year 2008;

(B) for fiscal year 2009, 90 percent of--

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

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

(C) for fiscal year 2010, 81 percent of--

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

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2010; and

(D) for fiscal year 2011, 73 percent of--

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

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

(2) COVERED STATE- The term `covered State' means each of the States of California, Oregon, and Washington.

(3) ELIGIBLE COUNTY- The term `eligible county' has the meaning given that term in section 6908 of title 31, United States Code, as added by section 3 of this Act.

(b) Transition Payments- For each of fiscal years 2008 through 2011, in lieu of the payment amounts that otherwise would have been made under section 6908 of title 31, United States Code, as added by section 3 of this Act, the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

(c) Distribution of Adjusted Amount in Oregon and Washington- It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of the fiscal years 2008 through 2011 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

(d) Distribution of Payments in California- The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) of the Secure Rural Schools and Community Self-

Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as in effect on September 29, 2006, were distributed to the eligible counties for fiscal year 2006:

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

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

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

## **SEC. 5. OFFSETTING RECEIPTS.**

(a) Establishment- Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations to establish new fees or fee increases for commercial activities on Federal lands, National Forest System lands, and National Grasslands administered by the respective Secretary. Such fee or fee increases shall apply to any commercial lease or activity that is in effect on the date final regulations are promulgated under the subsection or that is issued thereafter.

(b) Amount- The amount of fees shall, in aggregate, result in the receipt by the United States of a total of \$4,025,000 by October 1, 2012. **(Note this is a typo and should read \$4,025,000,000.)**

(c) Offsetting Receipts- New fees or the portion of revenue generated from increased fees received by the United States under this section shall be treated as offsetting receipts for the purposes of this Act.