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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6901

§ 6901. Definitions

In this chapter—

- (1)** "entitlement land" means land owned by the United States Government—
- (A)** that is in the National Park System or the National Forest System, including wilderness areas and lands described in section 2 of the Act of June 22, 1948 (16 U.S.C. 577d), and section 1 of the Act of June 22, 1956 (16 U.S.C. 577d-1);
 - (B)** the Secretary of the Interior administers through the Bureau of Land Management;
 - (C)** dedicated to the use of the Government for water resource development projects;
 - (D)** on which are located semi-active or inactive installations (except industrial installations) that the Secretary of the Army keeps for mobilization and for reserve component training;
 - (E)** that is a dredge disposal area under the jurisdiction of the Secretary of the Army;
 - (F)** that is located in the vicinity of Purgatory River Canyon and Pinon Canyon, Colorado, and acquired after December 23, 1981, by the United States Government to expand the Fort Carson military installation;
 - (G)** that is a reserve area (as defined in section 401(g)(3) of the Act of June 15, 1935 (16 U.S.C. 715s (g)(3))); or
 - (H)** acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1998 that is not otherwise described in subparagraphs (A) through (G).
- (2)**
- (A)** "unit of general local government" means—
 - (i)** a county (or parish), township, borough, or city (other than in Alaska) where the city is independent of any other unit of general local government, that—
 - (I)** is within the class or classes of such political subdivision in a State that the Secretary of the Interior, in his discretion, determines to be the principal provider or providers of governmental services within the State; and
 - (II)** is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes;
 - (ii)** any area in Alaska that is within the boundaries of a census area used by the

Secretary of Commerce in the decennial census, but that is not included within the boundary of a governmental entity described under clause (i);

(iii) the District of Columbia;

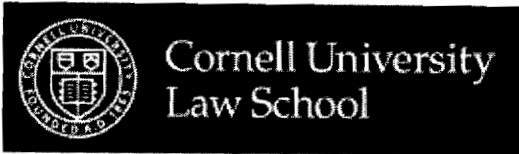
(iv) the Commonwealth of Puerto Rico;

(v) Guam; and

(vi) the Virgin Islands.

(B) the term "governmental services" includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration.

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6902

§ 6902. Authority and Eligibility 1

(a)

(1) Except as provided in paragraph (2), the Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

(2) For each unit of general local government described in section 6901 (2)(A)(ii), the Secretary of the Interior shall make a payment for each fiscal year to the State of Alaska for entitlement land located within such unit as set forth in this chapter. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the unit of general local government for which the payment was received. Such cities may use monies received under this paragraph for any governmental purpose.

(b) A unit of general local government may not receive a payment for land for which payment under this Act ^[2] otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

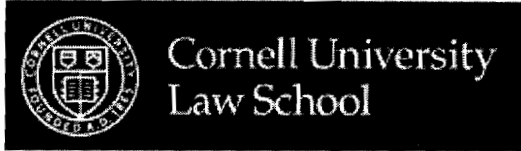
- (1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;
- (2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or
- (3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: Provided, however, That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired.

[1] So in original. Probably should not be capitalized.

[2] So in original. Probably should be "this chapter".

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6903

§ 6903. Payments

(a) In this section—

(1) "payment law"

means—

- (A)** the Act of June 20, 1910 (ch. 310, 36 Stat. 557);
- (B)** section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012);
- (C)** the Act of May 23, 1908 (16 U.S.C. 500) or the Secure Rural Schools and Community Self-Determination Act of 2000;
- (D)** section 5 of the Act of June 22, 1948 (16 U.S.C. 577g, 577g-1);
- (E)** section 401(c)(2) of the Act of June 15, 1935 (16 U.S.C. 715s (c)(2));
- (F)** section 17 of the Federal Power Act (16 U.S.C. 810);
- (G)** section 35 of the Act of February 25, 1920 (30 U.S.C. 191);
- (H)** section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355);
- (I)** section 3 of the Act of July 31, 1947 (30 U.S.C. 603); and
- (J)** section 10 of the Act of June 28, 1934 (known as the Taylor Grazing Act) (43 U.S.C. 315i).

(2) population shall be determined on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

(3) a unit of general local government may not be credited with a population of more than 50,000.

(b)

(1) A payment under section 6902 of this title is equal to the greater of—

(A) 93 cents during fiscal year 1995, \$1.11 during fiscal year 1996, \$1.29 during fiscal year 1997, \$1.47 during fiscal year 1998, and \$1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land located within a unit of general local government (but not more than the limitation determined under subsection (c) of this section) reduced (but not below 0) by amounts the unit received in the prior fiscal year under a payment law; or

(B) 12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents

during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land located in the unit (but not more than the limitation determined under subsection (c) of this section).

(2) The chief executive officer of a State shall submit to the Secretary of the Interior a statement on the amounts of payments the State transfers to each unit of general local government in the State out of amounts received under a payment law.

(c)

(1) The limitation for a unit of general local government with a population of not more than 4,999 is the highest dollar amount specified in paragraph (2).

(2) The limitation for a unit of general local government with a population of at least 5,000 is the following amount (rounding the population off to the nearest thousand):

	the limitation	is equal to the	population	If population equals—	times—
	5,000	\$110.00	6,000	103.00	7,000 97.00 8,000 90.00 9,000
84.00	10,000	77.00	11,000	75.00	12,000 73.00 13,000 70.00 14,000
68.00	15,000	66.00	16,000	65.00	17,000 64.00 18,000 63.00 19,000
62.00	20,000	61.00	21,000	60.00	22,000 59.00 23,000 59.00 24,000
58.00	25,000	57.00	26,000	56.00	27,000 56.00 28,000 56.00 29,000
55.00	30,000	55.00	31,000	54.00	32,000 54.00 33,000 53.00 34,000
53.00	35,000	52.00	36,000	52.00	37,000 51.00 38,000 51.00 39,000
50.00	40,000	50.00	41,000	49.00	42,000 48.00 43,000 48.00 44,000
47.00	45,000	47.00	46,000	46.00	47,000 46.00 48,000 45.00 49,000
45.00	50,000	44.00.			

(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6904

§ 6904. Additional payments

(a) In addition to payments the Secretary of

the Interior makes under section 6902 of this title, the Secretary shall make a payment for each fiscal year to a unit of general local government collecting and distributing real property taxes (including a unit in Alaska outside the boundaries of an organized borough) in which is located an interest in land that—

(1) the United States Government acquires for—

(A) the National Park System; or

(B) the National Forest Wilderness Areas; and

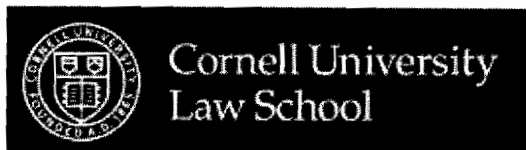
(2) was subject to local real property taxes within the 5-year period before the interest is acquired.

(b) The Secretary shall make payments only for the 5 fiscal years after the fiscal year in which the interest in land is acquired. Under guidelines the Secretary prescribes, the unit of general local government receiving the payment from the Secretary shall distribute payments proportionally to units and school districts that lost real property taxes because of the acquisition of the interest. A unit receiving a distribution may use a payment for any governmental purpose.

(c) Each yearly payment by the Secretary under this section is equal to one percent of the fair market value of the interest in land on the date the Government acquires the interest. However, a payment may not be more than the amount of real property taxes levied on the property during the last fiscal year before the fiscal year in which the interest is acquired. A decision on fair market value under this section may not include an increase in the value of an interest because the land is rezoned when the rezoning causes the increase after the date of enactment of a law authorizing the acquisition of an interest under subsection (a) of this section.

(d) The Secretary may prescribe regulations under which payments may be made to units of general local government when subsections (a) and (b) of this section will not carry out the purpose of subsections (a) and (b).

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6905

§ 6905. Redwood National Park and the Lake Tahoe Basin

year to each unit of general local government in which an interest in land owned by the United States Government in the Redwood National Park is located. A unit may use the payment for any governmental purpose. The payment shall be made as provided in section 6903 of this title and shall include an amount payable under section 6903.

(a) The Secretary of the Interior shall make a payment for each fiscal

(b)

(1) In addition to payments the Secretary makes under subsection (a) of this section, the Secretary shall make a payment for each fiscal year to each unit of general local government in which is located an interest in land—

(A) owned by the Government in the Redwood National Park; or

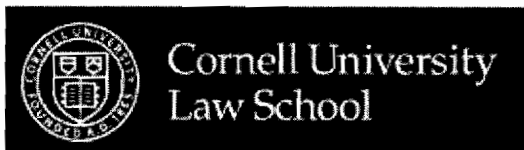
(B) acquired in the Lake Tahoe Basin under the Act of December 23, 1980 (Public Law 96-586, 94 Stat. 3383).

(2) The payment shall be made as provided in section 6904 of this title and shall include an amount payable under section 6904. However, an amount computed but not paid because of the first sentence of subsection (b) and the 2d sentence of subsection (c) of section 6904 shall be carried forward and applied to future years in which the payment would not otherwise equal the amount of real property taxes assessed and levied on the land during the last fiscal year before the fiscal year in which the interest was acquired until the amount is applied completely.

(3) The unit of general local government may use the payment for any governmental purpose.

(4) The Redwoods Community College District is a school district under section 6904 (b) of this title.

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § **6906**

§ **6906**. Authorization of appropriations

Necessary amounts may be appropriated to the

Secretary of the Interior to carry out this chapter. Amounts are available only as provided in appropriation laws.

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TITLE 31 > SUBTITLE V > CHAPTER 69 > § 6907

§ 6907. State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government

(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which

would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government which

- (1)** are located within the boundaries of the larger unit of general local government,
- (2)** provide general governmental services and
- (3)** contain entitlement lands within their boundaries. Such reallocation or redistribution shall generally reflect the level of services provided by, and the number of entitlement acres within, the smaller unit of general local government.

(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State equaling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a). Such redistribution shall be made within 30 days after receipt of such payment. No payment, or portion thereof, made by the Secretary shall be used by any State for the administration of this subsection or subsection (a).

(c) Appropriations made for payments in lieu of taxes for a fiscal year may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.

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