

(6) “per capita income” means—

(A) in the case of the United States, the income of the United States divided by the population of the United States;

(B) in the case of a State, the income of that State, divided by the population of that State; and

(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

(7) “finding of discrimination” means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711(a) or (b);

(8) “holding of discrimination” means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

(B) violated a prohibition against discrimination described in section 6711(b); and

(9) “Secretary” means the Secretary of Housing and Urban Development.

(b) DELEGATION OF ADMINISTRATION.—The Secretary may enter into agreements with other executive branch departments and agencies to delegate to that department or agency all or part of the Secretary’s responsibility for administering this chapter.

(c) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

(d) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.

(Added Pub. L. 103-322, title III, §31001(a), Sept. 13, 1994, 108 Stat. 1880.)

#### PRIOR PROVISIONS

Prior sections 6720 to 6724 were repealed by Pub. L. 99-272, title XIV, §14001(a)(1), (e), Apr. 7, 1986, 100 Stat. 327, 329, eff. Oct. 18, 1986.

Section 6720, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1027, related to enforcement by Attorney General of prohibitions on discrimination.

Section 6721, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1028, related to civil action by person adversely affected.

Section 6722, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1028, related to judicial review.

Section 6723, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1029; Pub. L. 98-185, §8, Nov. 30, 1983, 97 Stat. 1310, related to audits, investigations, and reviews.

Section 6724, Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1030, related to reports to Congress.

#### CHAPTER 69—PAYMENT FOR ENTITLEMENT LAND

Sec. 6901.	Definitions.
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6906.	Funding.
6907.	State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government.

#### AMENDMENTS

2008—Pub. L. 110-343, div. C, title VI, §601(c)(2), Oct. 3, 2008, 122 Stat. 3911, added item 6906 and struck out former item 6906 “Authorization of appropriations”.

1994—Pub. L. 103-272, §4(f)(1)(U)(i), July 5, 1994, 108 Stat. 1362, added item 6907.

#### § 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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1031; Pub. L. 98-63, title I, §101(1), July 30, 1983, 97 Stat. 323; Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1775; Pub. L. 103-272, §4(f)(3), July 5, 1994, 108 Stat. 1364; Pub. L. 104-333, div. I, title X, §1033(a), Nov. 12, 1996, 110 Stat. 4239; Pub. L. 105-83, title III, §350, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 105-263, §5(d), Oct. 19, 1998, 112 Stat. 2348.)

are omitted as executed. The words “Secretary of the Army” are substituted for “Army” for consistency. In subclause (E), the words “owned by the United States” are omitted as surplus. The words “Secretary of the Army” are substituted for “Army Corps of Engineers” because of 10:3012. In subclause (F), the word “Government” is added for clarity. In subclause (G), the words “In administering sections 1601 to 1607 of title 31” are omitted as unnecessary. The words “for fiscal years occurring after September 30, 1978” are omitted as executed. Subclause (G) is substituted for 16:715s(h)(1) because of the restatement.

In clause (2), before subclause (A), the word “general” is added for consistency in the title. In subclause (A), the word “parish” is omitted as unnecessary because of 1:2. The word “city” is substituted for “municipality” for consistency in the subtitle. The words “State of” are omitted as surplus. The words “political subdivision of a State” are substituted for “unit of government below the State” for consistency. The words “the basis of” are omitted as surplus. The word “basis” is substituted for “principle” for consistency in the subtitle. The words “Secretary of Commerce” are substituted for “Bureau of the Census”, and the words “general purpose political subdivision of a State” are substituted for “unit of general government” for consistency. In subclause (B), the words “Such term also includes” are omitted as unnecessary. Subclause (D) is added because of section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

REFERENCES IN TEXT

Section 5 of the Southern Nevada Public Land Management Act of 1998, referred to in par. (1)(H), is section 5 of Pub. L. 105-263, Oct. 19, 1998, 112 Stat. 2347, subsec. (d) of which amended this section. Subsecs. (a) to (c) of section 5, which related to acquisition of certain environmentally sensitive land, are not classified to the Code.

AMENDMENTS

1998—Par. (1)(H). Pub. L. 105-263 added subpar. (H).  
 1997—Par. (2)(A)(i). Pub. L. 105-83 inserted “(other than in Alaska)” after “borough, or city”.

1996—Par. (2). Pub. L. 104-333 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “unit of general local government” means:

- “(A) a county (or parish), township, borough, or city where the city is independent of any other unit of general local government, that: (i) is within the class or classes of such political subdivisions 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 on January 1, 1983, by the Secretary of Commerce for general statistical purposes. The term ‘governmental services’ includes, but is not limited to, those services that relate to public safety, environment, housing, social services, transportation, and governmental administration;
- “(B) the District of Columbia;
- “(C) the Commonwealth of Puerto Rico;
- “(D) Guam; and
- “(E) the Virgin Islands.”

1994—Par. (2)(A). Pub. L. 103-272 amended Pub. L. 100-446. See 1988 Amendment note below.

1988—Par. (2)(A). Pub. L. 100-446, as amended by Pub. L. 103-272, struck out “existing in Alaska on October 20, 1976” after “township, borough”.

1983—Par. (2). Pub. L. 98-63 amended par. (2) generally, substituting in subpar. (A) “a county (or parish), township, borough existing in Alaska on October 20, 1976, or city where the city is independent of any other unit of general local government, that: (i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior, in his discretion, de-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6901(1)(A)-(F).	31:1606(a)(1)-(3), (5), (b).	Oct. 20, 1976, Pub. L. 94-565, §6(a)(1)-(3), (5), (b), (c), 90 Stat. 2665; Dec. 23, 1981, Pub. L. 97-99, §912(a)(2), 95 Stat. 1387.
	31:1606(a)(4).	Oct. 20, 1976, Pub. L. 94-565, §6(a)(4), 90 Stat. 2665; restated Oct. 17, 1978, Pub. L. 95-469, §3(1), 92 Stat. 1321; Dec. 23, 1981, Pub. L. 97-99, §912(a)(1), 95 Stat. 1387.
	31:1606(a)(6).	Oct. 20, 1976, Pub. L. 94-565, 90 Stat. 2662, §6(a)(6); added Dec. 23, 1981, Pub. L. 97-99, §912(a)(3), 95 Stat. 1387.
6901(1)(G)	16:715s(h)(1).	June 15, 1935, ch. 261, 49 Stat. 378, §401(b)(1); added Oct. 17, 1978, Pub. L. 95-469, §1(a)(4), 92 Stat. 1321.
6901(2) .....	31:1606(c).	

In clause (1), before subclause (A), the text of 31:1606(b) is omitted as unnecessary because of the restatement of the source provisions. In subclause (A), the word “and” is substituted for “within each, or any combination thereof” to eliminate unnecessary words. The words “but not limited to” are omitted as surplus. In subclause (D), the words “effective October 1, 1978”

termines 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 on January 1, 1983, by the Secretary of Commerce for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, environment, housing, social services, transportation, and governmental administration" for "a county, city, township, borough existing in Alaska on October 20, 1976, or other political subdivision of a State that the Secretary of the Interior, on the same basis that the Secretary of Commerce uses for general statistical purposes, decides is a general purpose political subdivision of a State"; including the District of Columbia in definition; and excluding the Commonwealth of the Northern Mariana Islands from definition.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 4(f)(3) of Pub. L. 103-272 provided that the amendment made by that section is effective Sept. 27, 1988.

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-263, §1, Oct. 19, 1998, 112 Stat. 2343, provided that: "This Act [amending this section and section 460ccc-1 of Title 16, Conservation] may be cited as the 'Southern Nevada Public Land Management Act of 1998'."

#### SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-397, §1, Oct. 22, 1994, 108 Stat. 4156, provided that: "This Act [amending sections 6902 and 6903 of this title and enacting provisions set out as notes under sections 6902 and 6903 of this title] may be cited as the 'Payments In Lieu of Taxes Act'."

### § 6902. Authority and Eligibility<sup>1</sup>

(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<sup>2</sup> 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.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1032; Pub. L. 103-93, §10(b), Oct. 1, 1993, 107 Stat. 999; Pub. L. 103-397, §4, Oct. 22, 1994, 108 Stat. 4157; Pub. L. 104-333, div. I, title X, §1033(b), Nov. 12, 1996, 110 Stat. 4240.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6902(a) .....	31:1601.	Oct. 20, 1976, Pub. L. 94-565, §§1, 5(a), (b), 90 Stat. 2662, 2665.
6902(b) .....	31:1605(c).	Oct. 20, 1976, Pub. L. 94-565, 90 Stat. 2662, §5(c); added Oct. 17, 1978, Pub. L. 95-469, §3(2), 92 Stat. 1321.
6902(c) .....	31:1605(a).	
6902(d) .....	31:1605(b).	

In subsection (a), the words "Effective for fiscal years beginning on and after October 1, 1976" are omitted as executed. The words "(as defined in section 1606 of this title)" are omitted because of the restatement. The text of 31:1601(last sentence) is omitted as unnecessary.

In subsection (b), the word "or" is substituted for "and/or" for consistency. The words "except that, beginning in fiscal year 1979" are omitted as executed. The words "of such land" are omitted as surplus. The word "Federal" is omitted as unnecessary. The words "and which is or was so donated . . . thereof by the State or unit of local government" are omitted as surplus.

In subsection (c), the citation in parentheses for the Act of May 24, 1939, is included only for information purposes.

In subsection (d), the words "county or" are omitted as unnecessary because a county is a unit of general local government under section 6901 of the revised title.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-333 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "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."

1994—Pub. L. 103-397 amended section generally. Prior to amendment, section read as follows:

"(a) 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. A unit may use the payment for any governmental purpose.

"(b) A unit of general local government may not receive a payment for land for which payment under this chapter otherwise may be received if the land was owned or administered by a State or unit and was exempt from real estate taxes when the land was conveyed to the United States Government. This subsection does not apply to payments for land a State or unit acquires from a private party to donate to the Government within 8 years of acquisition, nor does this subsection apply to payments for lands in Utah ac-

<sup>1</sup> So in original. Probably should not be capitalized.

<sup>2</sup> So in original. Probably should be "this chapter".