

sections 1181f-1 to 1181f-4 of Title 43, Public Lands, and provisions set out as a note under section 1181f-1 of Title 43 prior to editorial reclassification, and is now classified generally to subchapter II (§2621 et seq.) of chapter 44 of Title 43. For complete classification of this Act to the Code, see Tables.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993, referred to in par. (14), are sections 13982 and 13983 of Pub. L. 103-66, which were set out as notes under section 500 of this title and section 1181f of Title 43, Public Lands, respectively, prior to repeal by Pub. L. 106-393, title IV, §404, Oct. 30, 2000, 114 Stat. 1623.

PRIOR PROVISIONS

A prior section 3 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2021—Par. (11)(D) to (F). Pub. L. 117-58 added subpars. (D) to (F) and struck out former subpars. (D) and (E) which read as follows:

“(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015; and

“(E) for fiscal year 2018 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.”

2018—Par. (11)(C) to (E). Pub. L. 115-141, §401(a)(1), as amended by Pub. L. 115-334, §8704(a)(1)(B), substituted “through fiscal year 2015” for “and each fiscal year thereafter” in subpar. (C) and added subpars. (D) and (E).

2012—Par. (11)(B), (C). Pub. L. 112-141 substituted “each of fiscal years 2009 through 2011” for “fiscal year 2009 and each fiscal year thereafter” in subpar. (B) and added subpar. (C).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-334 effective as if enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act, div. O of Pub. L. 115-141, see section 8704(a)(2) of Pub. L. 115-334, set out as a note under section 901 of Title 2, The Congress.

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

SUBCHAPTER I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

Statutory Notes and Related Subsidiaries

Similar provisions were contained in the following prior appropriation act:

Pub. L. 116-6, div. E, title IV, §427, Feb. 15, 2019, 133 Stat. 264.

§ 7111. Secure payments for States containing Federal land

(a) State payment

For each of fiscal years 2008 through 2015 and 2017 through 2023, 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.

(b) County payment

For each of fiscal years 2008 through 2015 and 2017 through 2023, 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.

(c) Special rule for fiscal year 2014 payments

(1) State payment

If an eligible county in a State that will receive a share of the State payment for fiscal year 2014 has already received, or will receive, a share of the 25-percent payment for fiscal year 2014 distributed to the State before April 16, 2015, the amount of the State payment shall be reduced by the amount of that eligible county’s share of the 25-percent payment.

(2) County payment

If an eligible county that will receive a county payment for fiscal year 2014 has already received a 50-percent payment for that fiscal year, the amount of the county payment shall be reduced by the amount of the 50-percent payment.

(d) Special rule for fiscal year 2017 payments

(1) State payment

If an eligible county in a State that will receive a share of the State payment for fiscal year 2017 has already received, or will receive, a share of the 25-percent payment for fiscal year 2017 distributed to the State before March 23, 2018, the amount of the State payment shall be reduced by the amount of the share of the eligible county of the 25-percent payment.

(2) County payment

If an eligible county that will receive a county payment for fiscal year 2017 has already received a 50-percent payment for fiscal year 2017, the amount of the county payment shall be reduced by the amount of the 50-percent payment.

(3) Prompt payment

Not later than 45 days after March 23, 2018, the Secretary of the Treasury shall make all payments under this subchapter for fiscal year 2017.

(Pub. L. 106-393, title I, §101, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3896; amended Pub. L. 112-141, div. F, title I, §100101(a)(2), July 6, 2012, 126 Stat. 905; Pub. L. 113-40, §10(a)(1)(A), Oct. 2, 2013, 127 Stat. 544; Pub. L. 114-10, title V, §524(a)(1), (3), Apr. 16, 2015, 129 Stat. 178, 179; Pub. L. 115-141, div. O, title IV, §401(a)(2), Mar. 23, 2018, 132 Stat. 1077; Pub. L. 116-94, div. I, title III, §301(a)(1), Dec. 20, 2019, 133 Stat. 3020; Pub. L. 117-58, div. D, title XII, §41202(b)(1), Nov. 15, 2021, 135 Stat. 1132.)

Editorial Notes

PRIOR PROVISIONS

A prior section 101 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by

Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2021—Subsecs. (a), (b). Pub. L. 117-58 substituted “2015 and 2017 through 2023” for “2015, 2017, 2018, 2019, and 2020” in introductory provisions.

2019—Subsecs. (a), (b). Pub. L. 116-94 substituted “2018, 2019, and 2020” for “and 2018” in introductory provisions.

2018—Subsecs. (a), (b). Pub. L. 115-141, §401(a)(2)(A), substituted “2015, 2017, and 2018” for “2015” in introductory provisions.

Subsec. (d). Pub. L. 115-141, §401(a)(2)(B), added subsec. (d).

2015—Subsecs. (a), (b). Pub. L. 114-10, §524(a)(1), substituted “2015” for “2013” in introductory provisions.

Subsec. (c). Pub. L. 114-10, §524(a)(3), added subsec. (c).

2013—Subsecs. (a), (b). Pub. L. 113-40 substituted “2013” for “2012” in introductory provisions.

2012—Subsecs. (a), (b). Pub. L. 112-141 substituted “2012” for “2011” in introductory provisions.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 7112. Payments to States and counties

(a) Payment amounts

Except as provided in section 7113 of this title, the Secretary of the Treasury shall pay to—

(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

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

(B) the share of the State payment of the eligible county; and

(2) a county an amount equal to the amount elected under subsection (b) by each county for—

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

(B) the county payment for the eligible county.

(b) 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, 2013 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), 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.

(C) Effect of late payment for fiscal years 2014 and 2015

The election otherwise required by subparagraph (A) shall not apply for fiscal year 2014 or 2015.

(D) Payments for each of fiscal years 2017 through 2020

The election otherwise required by subparagraph (A) shall not apply for each of fiscal years 2017 through 2020.¹

(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. If such two-fiscal year period included fiscal year 2013, the county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, also shall be effective for fiscal years 2014 and 2015 and for each of fiscal years 2017 through 2020.

(B) Full funding amount

If a county elects to receive a share of the State payment or the county payment in 2013, the election shall be effective for all subsequent fiscal years through fiscal year 2015 and for each of fiscal years 2017 through 2020.

(3) Source of payment amounts

The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

(A) any amounts that are appropriated to carry out this chapter;

(B) 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; and

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

(c) Distribution and expenditure of payments

(1) Distribution method

A State that receives a payment under subsection (a) for Federal land described in section 7102(7)(A) of this title 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

Subject to subsection (d), payments received by a State under subsection (a) and distributed

¹ See County Elections for Fiscal Year 2021 Under the Secure Rural Schools and Community Self-Determination Act of 2000 note below.