

(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 (1)(A) for all eligible counties.

**(9) 50-percent base share**

The term “50-percent base share” means the number equal to the average of—

(A) the quotient obtained by dividing—

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

(ii) the total number acres<sup>1</sup> of Federal land in all eligible counties in all eligible States; and

(B) the quotient obtained by dividing—

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

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

**(10) 50-percent payment**

The term “50-percent payment” means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

**(11) Full funding amount**

The term “full funding amount” means—

(A) \$500,000,000 for fiscal year 2008; and

(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

**(12) Income adjustment**

The term “income adjustment” means the square of the quotient obtained by dividing—

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

(B) the median per capita personal income of all eligible counties.

**(13) Per capita personal income**

The term “per capita personal income” means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

**(14) Safety net payments**

The term “safety net payments” means the special payment amounts paid to States and counties required by section 13982 or 13983<sup>2</sup> of the Omnibus Budget 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 section 7111(a) of this title.

**(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).

(Pub. L. 106-393, § 3, as added Pub. L. 110-343, div. C, title VI, § 601(a), Oct. 3, 2008, 122 Stat. 3894.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 106-393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Act of July 22, 1937, referred to in par. (7)(A), is act July 22, 1937, ch. 517, 50 Stat. 522, known as the Bankhead-Jones Farm Tenant Act, which is classified generally to chapter 33 (§1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables.

Act of August 28, 1937, referred to in par. (10), is act Aug. 28, 1937, ch. 876, 50 Stat. 874. Section 3 of the Act was classified to section 1181c of Title 43, Public Lands, prior to repeal by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Title II of the Act enacted section 1181f of Title 43 and repealed section 1174 of Title 43. For complete classification of this Act to the Code, see Tables.

The Act of May 24, 1939, referred to in par. (10), is act May 24, 1939, ch. 144, 53 Stat. 753, which enacted 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. 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.

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

**§ 7111. Secure payments for States containing Federal land**

**(a) State payment**

For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

<sup>2</sup> See References in Text note below.

(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 2011, 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.

(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.)

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.

**§ 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, 2008 (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.

**(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 2011.

**(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 to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

**(d) Expenditure rules for eligible counties**

**(1) Allocations**

**(A) Use of portion in same manner as 25-percent payment or 50-percent payment, as applicable**

Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

**(B) Election as to use of balance**

Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):