

sion 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, 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” 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

Pub. L. 103-272, §4(f)(3), July 5, 1994, 108 Stat. 1364, 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.

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

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

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 acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired.

"(c) A unit of general local government receiving payment for a fiscal year for land under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), or the Act of May 24, 1939 (ch. 144, 53 Stat. 753), may not receive a payment under this chapter for the land for that fiscal year. This chapter does not apply to either Act.

"(d) If the total payment to a unit of general local government for a fiscal year would be less than \$100, the Secretary may not make the payment."

1993—Subsec. (b). Pub. L. 103-93 substituted "acquisition, nor does this subsection apply to payments for

lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired" for "acquisition".

## EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-397, § 5(a), Oct. 22, 1994, 108 Stat. 4158, provided that:

"(1) IN GENERAL.—Except as provided in paragraph (2), this Act [amending this section and section 6903 of this title and enacting provisions set out as notes under sections 6901 and 6903 of this title] and the amendments made by this Act shall become effective on October 1, 1994.

"(2) LIMITATION.—The amendment made by section 2(b)(2) [amending section 6903 of this title] shall become effective on October 1, 1998."

## § 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).