

**Editorial Notes**

## AMENDMENTS

1996—Pub. L. 104-127 substituted “the protection, management, and improvement of the National Forest System” for “the protection and improvement of the national forests”, inserted “management,” after “protection,” in two places, and inserted at end “Payment for work undertaken pursuant to this section may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this section would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.”

1928—Act May 29, 1928, struck out provision which required that annual reports be made to Congress of moneys received as contributions for cooperative work.

**§ 499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits**

All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under section 471(b)<sup>1</sup> of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270; Mar. 4, 1911, ch. 238, 36 Stat. 1253; Mar. 4, 1917, ch. 179, 39 Stat.

1149; June 7, 1924, ch. 348, § 9, 43 Stat. 655; May 29, 1928, ch. 901, § 1(97), 45 Stat. 993.)

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## REFERENCES IN TEXT

Section 471(b) of this title, referred to in text, was repealed by section 704(a) of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2792. For further details, see Codification note below.

## CODIFICATION

Section is a combination provision the basis for which is Act Mar. 4, 1907, which superseded previous provisions relating to the disposal of money received from sale of products or use of any land or resources of the forest reserves, contained in Act Feb. 1, 1905, ch. 288, § 5, 33 Stat. 628.

Act Mar. 4, 1911, is the source of the last portion of the section beginning with the words, “and also so much as may be necessary,” etc. That Act provides that so much of the former Act “which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much;”.

The words of this section reading, “including moneys received from sale of products from or use of lands in national forests created under section 471(b) of this title” were derived from the fourth sentence of section 9 of Act of June 7, 1924, which reads as follows: “All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law.” Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 act, and was repealed by section 704(a) of Pub. L. 94-579. Section 505 of this title is based on the second and third sentences of section 9 of the 1924 act.

The words “and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title,” are from a provision of Act Mar. 4, 1917, which reads, “Hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act [Act Mar. 1, 1911, ch. 186, 36 Stat. 961] or any Amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests.”

## AMENDMENTS

1928—Act May 29, 1928, struck out provision which required the Secretary of Agriculture to make an annual report to Congress of the amounts refunded under this section.

**§ 500. Payment and evaluation of receipts to State or Territory for schools and roads; moneys received; projections of revenues and estimated payments**

On and after May 23, 1908, an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State or Territory in which such national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest

<sup>1</sup> See References in Text note below.

is situated: *Provided*, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term “moneys received” shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

(May 23, 1908, ch. 192, 35 Stat. 260; Mar. 1, 1911, ch. 186, §13, 36 Stat. 963; June 30, 1914, ch. 131, 38 Stat. 441; Sept. 21, 1944, ch. 412, title II, §212, 58 Stat. 737; Apr. 24, 1950, ch. 97, §17(b), 64 Stat. 87; Pub. L. 94-588, §16, Oct. 22, 1976, 90 Stat. 2961; Pub. L. 110-343, div. C, title VI, §601(b), Oct. 3, 2008, 122 Stat. 3910.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of June 9, 1930, referred to in text, is act June 9, 1930, ch. 416, 46 Stat. 527, as amended, popularly known as the Knutson-Vandenberg Act, which is classified generally to sections 576, 576a, and 576b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 576 of this title and Tables.

Act of May 23, 1908, referred to in text, is act May 23, 1908, ch. 192, 35 Stat. 251, as amended. A portion of that act appearing at 35 Stat. 260 is classified to this section. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

“National forest” substituted in text for “forest reserve” the first, third and fourth time appearing, and for “reserve” the second time appearing, and “forest” substituted for “reserve”, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

Section is a combination of acts May 23, 1908, as amended, and Mar. 1, 1911, as amended.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

June 28, 1944, ch. 296, 58 Stat. 444.  
July 12, 1943, ch. 215, 57 Stat. 412.  
July 22, 1942, ch. 516, 56 Stat. 680.  
July 1, 1941, ch. 267, 55 Stat. 423.

##### AMENDMENTS

2008—Pub. L. 110-343, which directed substitution of “an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each na-

tional forest shall be paid” for “twenty-five percentum” and all that follows through “shall be paid” in provisions of both acts May 23, 1908, and Mar. 1, 1911, on which this section is based, was executed by making the substitution for “twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid”, to reflect the probable intent of Congress.

1976—Pub. L. 94-588 inserted provision that beginning Oct. 1, 1976, the term “moneys received” would include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract, and that the Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

1950—Act Apr. 24, 1950, struck out second proviso relating to limitation paid county.

1944—Act Sept. 21, 1944, inserted sentence relating to stumpage value of the timber.

1914—Act June 30, 1914, changed per centum to be paid to each State from five to twenty-five.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-393, §1(a), Oct. 30, 2000, 114 Stat. 1607, which provided that the Act could be cited as the “Secure Rural Schools and Community Self-Determination Act of 2000”, was repealed by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See section 1 of Pub. L. 106-393, set out as a Short Title note under section 7101 of this title.

##### SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

##### SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

Pub. L. 107-76, title VII, §751, Nov. 28, 2001, 115 Stat. 739, provided for the determination of the full payment amount for each eligible State and eligible county for fiscal years 2002 to 2006 under former section 102 of Pub. L. 106-393, formerly set out below.

Pub. L. 106-393, §§2, 3, Oct. 30, 2000, 114 Stat. 1608, 1609, which related to findings and purposes and provided definitions for Pub. L. 106-393, was repealed by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See sections 7101 and 7102 of this title.

Pub. L. 106-393, titles I-IV, Oct. 30, 2000, 114 Stat. 1611-1623, as amended by Pub. L. 110-28, title V, §5401(c), May 25, 2007, 121 Stat. 166; Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893, provided that:

[SECS. 101 to 403. Repealed. Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See sections 7111 to 7153 of this title.]

“SEC. 404. CONFORMING AMENDMENTS.”

[Repealed section 13982 of Pub. L. 103-66, which was set out as a note below, and section 13983 of Pub. L. 103-66, which was set out as a note under section 1181f of Title 43, Public Lands.]

##### ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS

Pub. L. 106-291, title III, §320, Oct. 11, 2000, 114 Stat. 990, as amended by Pub. L. 108-319, §1, Oct. 5, 2004, 118

Stat. 1212, established the Forest Counties Payments Committee to recommend methods for making payments to States and counties with Federal lands and provided for its termination on Sept. 30, 2007.

[Pub. L. 108-319, §1, Oct. 5, 2004, 118 Stat. 1212, provided that the amendment made by section 1 to section 320 of Pub. L. 106-291 was effective as of Oct. 11, 2003.]

#### SHARING OF FOREST SERVICE TIMBER SALE RECEIPTS

Pub. L. 103-66, title XIII, §13982, Aug. 10, 1993, 107 Stat. 681, as amended by Pub. L. 103-443, §1(a), Nov. 2, 1994, 108 Stat. 4631, which related to the amount of payments for each fiscal year from 1994 through 2003 that the Secretary of the Treasury was to make, in lieu of making the 25-percent payments to States, for the benefit of counties eligible to receive the 25-percent payments to States, was repealed by Pub. L. 106-393, title IV, §404, Oct. 30, 2000, 114 Stat. 1623.

#### DISTRIBUTION OF MONEYS RECEIVED FROM TIMBER SALVAGE SALES PROGRAM

Pub. L. 102-381, title II, Oct. 5, 1992, 106 Stat. 1401, provided: "That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1993 and subsequent fiscal years shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended."

Similar provisions were contained in the following appropriations act:

Pub. L. 103-138, title II, Nov. 11, 1993, 107 Stat. 1402.

### § 501. Expenditures from receipts for roads and trails; cooperation with State authorities; evaluation of receipts

On or after Mar. 4, 1913, ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

(Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 843; Sept. 21, 1944, ch. 412, title II, §212, 58 Stat. 737.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

June 28, 1944, ch. 296, 58 Stat. 444.

July 12, 1943, ch. 215, 57 Stat. 412.

July 22, 1942, ch. 516, 56 Stat. 680.

July 1, 1941, ch. 267, 55 Stat. 423.

##### AMENDMENTS

1944—Act Sept. 21, 1944, inserted sentence relating to stumpage value of the timber.

#### Statutory Notes and Related Subsidiaries

##### SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743,

not to be construed as affecting the distribution of live-stock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

### § 501a. Omitted

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##### CODIFICATION

Section, acts June 30, 1939, ch. 253, title I, 53 Stat. 956; June 25, 1940, ch. 421, 54 Stat. 547, related to the evaluation of receipts for sections 500 and 501 of this title. See sections 500 and 501 of this title.

### § 502. Rental of property for Forest Service; forage, care, and housing of animals; storage of vehicles and other equipment; pack stock; loss, damage, or destruction of horses, vehicles, and other equipment

The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

(a) To hire or rent property from employees of the Forest Service for the use of that Service whenever the public interest will be promoted thereby.

(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

(c) To contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service.

(d) To reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 to persons who were employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease.

(Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 843; Jan. 31, 1931, ch. 76, 46 Stat. 1052; Pub. L. 85-464, §1, June 20, 1958, 72 Stat. 216; Pub. L. 89-270, Oct. 19, 1965, 79 Stat. 991; Pub. L. 97-375, title I, §103(b), Dec. 21, 1982, 96 Stat. 1819.)

#### Editorial Notes

##### AMENDMENTS

1982—Subsec. (a). Pub. L. 97-375 struck out provision that the Secretary transmit to Congress a statement of rentals under the authority of this paragraph as soon as practicable after the end of each fiscal year.

1965—Subsec. (a). Pub. L. 89-270 required the transmittal of statement of rentals during the fiscal year to congressional committees and omitted restriction against use of hired or rented property by the employee from whom hired or rented and \$3,000 limitation on ag-