

113TH CONGRESS
2^D SESSION

S. 2626

To amend chapter 69 of title 31, United States Code, to expand the payment in lieu of taxes program to include payments for secure rural schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2014

Mr. WALSH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend chapter 69 of title 31, United States Code, to expand the payment in lieu of taxes program to include payments for secure rural schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Share Act of
5 2014”.

6 **SEC. 2. DEFINITIONS.**

7 Section 6901(1) of title 31, United States Code, is
8 amended—

1 (1) in subparagraph (G), by striking “or” at
2 the end;

3 (2) in subparagraph (H), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(I) that was purchased for addition to the
7 National Wildlife Refuge System.”.

8 **SEC. 3. AUTHORITY AND ELIGIBILITY.**

9 Section 6902(a) of title 31, United States Code, is
10 amended—

11 (1) in paragraph (1)—

12 (A) by striking “(a)(1) Except” and insert-
13 ing the following:

14 “(a) PAYMENTS TO UNITS OF GENERAL LOCAL GOV-
15 ERNMENT.—

16 “(1) PAYMENTS.—

17 “(A) IN GENERAL.—Except”; and

18 (B) in the second sentence, by striking “A
19 unit” and inserting the following:

20 “(B) USE.—Except as provided in para-
21 graph (3), a unit”; and

22 (2) by adding at the end the following:

23 “(3) USE OF FUNDS.—

24 “(A) SECURE RURAL SCHOOLS ALLOCA-
25 TION.—If a unit of general local government re-

1 ceived a payment under the Secure Rural
2 Schools and Community Self-Determination Act
3 of 2000 (16 U.S.C. 7101 et seq.) for fiscal year
4 2013 and elects not to receive a payment under
5 section 6903(e)(4) for a fiscal year, of the pay-
6 ments made to the unit of general local govern-
7 ment pursuant to this chapter, the unit of gen-
8 eral local government shall use the amount cal-
9 culated under subparagraph (B) for the appli-
10 cable fiscal year—

11 “(i) in accordance with the require-
12 ments of section 102(c)(1) of the Secure
13 Rural Schools and Community Self-Deter-
14 mination Act of 2000 (16 U.S.C.
15 7112(c)(1)); and

16 “(ii) in a manner that ensures that
17 each payment provided to the unit of gen-
18 eral local government under this chapter is
19 allocated among each eligible program of
20 the unit of general local government for
21 the fiscal year based on the proportion re-
22 quired under applicable State law for fiscal
23 year 2013, consistent with section 6908.

1 “(B) AMOUNT.—The amount referred to in
2 subparagraph (A) is the product obtained by
3 multiplying—

4 “(i) the amounts provided under this
5 chapter for the unit of general local gov-
6 ernment for the applicable fiscal year; by

7 “(ii) the proportion that—

8 “(I) the amount of payments re-
9 ceived by the unit of general local gov-
10 ernment under title I of the Secure
11 Rural Schools and Community Self-
12 Determination Act of 2000 (16
13 U.S.C. 7111 et seq.) for fiscal year
14 2013; bears to

15 “(II) the sum of—

16 “(aa) the amount received
17 by the unit of general local gov-
18 ernment for fiscal year 2013
19 under this chapter;

20 “(bb) 95 percent of the
21 amount received by the unit of
22 general local government for fis-
23 cal year 2013 under the Secure
24 Rural Schools and Community

1 Self-Determination Act of 2000
2 (16 U.S.C. 1701 et seq.); and

3 “(cc) the amount authorized
4 to be received by the unit of gen-
5 eral local government for fiscal
6 year 2013 under section
7 401(c)(2) of the Act of June 15,
8 1935 (commonly known as the
9 ‘Refuge Revenue Sharing Act’)
10 (16 U.S.C. 715s(c)(2)).

11 “(C) STATE LAW.—

12 “(i) EFFECT.—Nothing in this chap-
13 ter prevents a State from enacting a law
14 that changes the allocation of payments
15 among each eligible program of units of
16 general local government pursuant to this
17 chapter under subparagraph (A)(ii).

18 “(ii) APPLICABILITY.—If a State en-
19 acts a law that modifies the allocation of
20 payments among each eligible program of
21 units of general local government pursuant
22 to this chapter under subparagraph (A)(ii),
23 the allocation modified by the State law
24 shall apply the following fiscal year for the
25 State.”.

1 **SEC. 4. PAYMENTS.**

2 Section 6903 of title 31, United States Code, is
3 amended—

4 (1) in subsection (b)(1), by striking “(but not
5 more than the limitation determined under sub-
6 section (c) of this section)” each place it appears
7 and inserting “(but not more than the limitation de-
8 termined under subsection (c) or section 6904, as
9 applicable)”;

10 (2) in subsection (c), by striking “The limita-
11 tion” each place it appears and inserting “Subject to
12 section 6904, the limitation”; and

13 (3) by adding at the end the following:

14 “(e) **ADDITIONAL PAYMENT ELECTION.**—

15 “(1) **INITIAL ELECTION TO RECEIVE 25-PER-**
16 **CENT PAYMENTS.**—If a unit of general local govern-
17 ment elected to receive amounts under section
18 102(b)(2)(B) of the Secure Rural Schools and Com-
19 munity Self-Determination Act of 2000 (16 U.S.C.
20 7112(b)(2)(B)) for fiscal year 2013, not later than
21 September 30 of the first fiscal year after the date
22 of enactment of this subsection, the unit of general
23 local government shall notify the Secretary of Agri-
24 culture of the election to receive or not to receive
25 amounts under the Act of May 23, 1908 (16 U.S.C.
26 500).

1 “(2) ELECTION TO RECEIVE 25-PERCENT PAY-
 2 MENTS.—If a unit of general local government elects
 3 under paragraph (1) to receive amounts under the
 4 Act of May 23, 1908 (16 U.S.C. 500), for purposes
 5 of this chapter, the unit of general local government
 6 shall not receive any payments under section 6904.

7 “(3) ELECTION NOT TO RECEIVE 25-PERCENT
 8 PAYMENTS.—If a unit of general local government
 9 elects under paragraph (1) not to receive amounts
 10 under the Act of May 23, 1908 (16 U.S.C. 500), for
 11 purposes of this chapter, the payment under sub-
 12 section (b) shall exclude the amounts that would
 13 have been paid to the unit of general local govern-
 14 ment for the fiscal year under the Act of May 23,
 15 1908 (16 U.S.C. 500).

16 “(4) SUBSEQUENT ELECTIONS.—A unit of gen-
 17 eral local government described in paragraph (1)
 18 may change the election for subsequent fiscal years
 19 if the unit of general local government notifies Sec-
 20 retary of Agriculture of the election by September
 21 30 of the preceding fiscal year.”.

22 **SEC. 5. ADDITIONAL PAYMENTS.**

23 Section 6904 of title 31, United States Code, is
 24 amended—

1 (1) by striking the section designation and
2 heading and all that follows through “(b) The Sec-
3 retary” and inserting the following:

4 **“§ 6904. Additional payments**

5 “(a) IN GENERAL.—In addition to payments the Sec-
6 retary of the Interior makes under section 6902, the Sec-
7 retary of the Interior shall make payments for each fiscal
8 year to a unit of general local government subject to the
9 requirements of this section.

10 “(b) REQUIREMENTS FOR ACQUIRED DESIGNATED
11 ENTITLEMENT LAND.—

12 “(1) REAL PROPERTY TAXES.—In addition to
13 payments the Secretary of the Interior makes under
14 section 6902, the Secretary shall make a payment
15 for each fiscal year to a unit of general local govern-
16 ment collecting and distributing real property taxes
17 (including a unit in the State of Alaska outside the
18 boundaries of an organized borough) in which is lo-
19 cated an interest in land that—

20 “(A) the Federal Government acquires
21 for—

22 “(i) the National Park System;

23 “(ii) the National Wilderness Preser-
24 vation System; or

1 “(iii) the National Wildlife Refuge
2 System; and

3 “(B) was subject to local real property
4 taxes during the 5-year period ending on the
5 date on which the interest is acquired.

6 “(2) REQUIREMENTS.—The Secretary”;

7 (2) in subsection (c)—

8 (A) in the third sentence, by striking “sub-
9 section (a) of this section” and inserting “para-
10 graph (1)”;

11 (B) by striking “(c) Each yearly” and in-
12 serting the following:

13 “(3) AMOUNT.—Each yearly”;

14 (3) by striking subsection (d) and inserting the
15 following:

16 “(4) REGULATIONS.—The Secretary may pro-
17 mulgate regulations under which payments may be
18 made to units of general local government when
19 paragraphs (1) and (2) will not carry out the pur-
20 pose of those paragraphs.”; and

21 (4) by adding at the end the following:

22 “(c) REQUIREMENTS FOR DESIGNATED ENTITLE-
23 MENT LAND AND HISTORIC PAYMENTS.—

24 “(1) DESIGNATED ENTITLEMENT LAND.—Not-
25 withstanding section 6903 and subject to paragraph

1 (4), the Secretary of the Interior shall adjust the ap-
2 plicable limitation described in section 6903(c) for a
3 unit of general local government that—

4 “(A) receives a payment under section
5 6902; and

6 “(B) uses that payment for entitlement
7 land that is—

8 “(i) a unit of the National Park Sys-
9 tem;

10 “(ii) a unit of the National Wildlife
11 Refuge System; or

12 “(iii) a component of the National
13 Wilderness Preservation System that is not
14 land described in clause (i) or (ii).

15 “(2) HISTORIC PAYMENTS.—Notwithstanding
16 section 6903, the Secretary of the Interior shall
17 make a payment to a unit of general local govern-
18 ment that received amounts during fiscal year 2013
19 under—

20 “(A) the Secure Rural Schools and Com-
21 munity Self-Determination Act of 2000 (16
22 U.S.C. 1701 et seq.); or

23 “(B) section 401(c)(2) of the Act of June
24 15, 1935 (commonly known as the ‘Refuge Rev-
25 enue Sharing Act’) (16 U.S.C. 715s(c)(2)).

1 “(3) ADDITIONAL PAYMENT CALCULATIONS.—

2 “(A) DESIGNATED ENTITLEMENT LAND.—

3 The adjusted limitation under paragraph (1)

4 shall be an amount equal to the sum of—

5 “(i) the applicable limitation for the

6 unit of general local government described

7 in section 6903(c); and

8 “(ii) the product obtained by multi-

9 plying—

10 “(I) the quantity of acres of enti-

11 tlement land of the unit of general

12 local government that is (as applica-

13 ble)—

14 “(aa) a unit of the National

15 Park System;

16 “(bb) a unit of the National

17 Wildlife Refuge System; or

18 “(cc) a component of the

19 National Wilderness Preservation

20 System that is not land described

21 in item (aa) or (bb); and

22 “(II) $\frac{1}{2}$ of the applicable per-

23 acre amount for the unit of general

24 local government described in section

25 6903(b)(1) for the fiscal year.

1 “(B) HISTORIC PAYMENTS.—The addi-
2 tional payment under paragraph (2) shall be an
3 amount equal to the difference between—

4 “(i) the sum of—

5 “(I) the amount received by the
6 unit of general local government for
7 fiscal year 2013 under this chapter;

8 “(II) 95 percent of the amount
9 received by the unit of local govern-
10 ment for fiscal year 2013 under the
11 Secure Rural Schools and Community
12 Self-Determination Act of 2000 (16
13 U.S.C. 1701 et seq.); and

14 “(III) the amount authorized to
15 be received by the unit of general local
16 government for fiscal year 2013 under
17 section 401(c)(2) of the Act of June
18 15, 1935 (commonly known as the
19 ‘Refuge Revenue Sharing Act’) (16
20 U.S.C. 715s(c)(2)); and

21 “(ii) the sum of—

22 “(I) the applicable amount for
23 the unit of general local government
24 described in section 6903(c); and

1 “(II) the applicable amount for
2 the unit of general local government
3 calculated under subparagraph (A).

4 “(4) LIMITATION.—The limitation under this
5 chapter for a unit of general local government that
6 receives a payment under paragraph (1) shall not
7 exceed the lesser of—

8 “(A) 3 times the applicable limitation spec-
9 ified in section 6903(c)(2) for the unit of gen-
10 eral local government; and

11 “(B) the limitation specified in section
12 6903(c)(2) for a unit of general local govern-
13 ment with a population of 50,000.”.

14 **SEC. 6. ADJUSTED SHARE.**

15 Chapter 69 of title 31, United States Code, is amend-
16 ed—

17 (1) by redesignating sections 6906 and 6907 as
18 sections 6907 and 6908, respectively; and

19 (2) by inserting after section 6905 the fol-
20 lowing:

21 **“§ 6906. Adjusted share**

22 “(a) REQUIREMENT.—The final payment provided
23 under this chapter for a fiscal year for each unit of general
24 local government shall be adjusted by an amount equal
25 to the quotient obtained by dividing—

1 “(1) the sum of the amount of payments to the
2 applicable unit of general local government under
3 sections 6903 through 6905; by

4 “(2) the economic performance index described
5 in subsection (d).

6 “(b) ECONOMIC PERFORMANCE SCORE MEAS-
7 URES.—The economic performance index referred to in
8 subsection (a)(2) shall be based on an economic perform-
9 ance score comprised of 5 equally weighted measures of
10 economic performance and opportunity, calculated for
11 each fiscal year, as follows:

12 “(1) MEDIAN HOUSEHOLD INCOME.—The me-
13 dian household income for the unit of general local
14 government, according to the most recent 5-year es-
15 timate of the American Community Survey of the
16 Bureau of the Census.

17 “(2) AVERAGE EARNINGS PER JOB.—The aver-
18 age earnings per job for the unit of general local
19 government, according to the most recent estimates
20 of the applicable Regional Economic Profiles (as re-
21 flected in Table CA 30) published by the Bureau of
22 Economic Analysis of the Department of Commerce.

23 “(3) PERCENTAGE OF FAMILIES ABOVE THE
24 POVERTY LEVEL.—The percentage of households
25 served by the unit of general local government that

1 are above the poverty level, as determined by the
2 most recent 5-year estimates of the American Com-
3 munity Survey of the Bureau of the Census.

4 “(4) PERCENTAGE OF POPULATION WITH
5 BACHELOR’S DEGREE OR HIGHER.—The percentage
6 of the population served by the unit of general local
7 government that, as determined by the most recent
8 5-year estimates of the American Community Survey
9 of the Bureau of the Census—

10 “(A) is aged 25 years or older; and

11 “(B) has received—

12 “(i) a bachelor’s degree from an insti-
13 tution of higher education; or

14 “(ii) a master’s, professional, or doc-
15 torate degree.

16 “(5) AREA CLASSIFICATIONS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), a classification of each unit of gen-
19 eral local government into core based statistical
20 areas and combined statistical areas, as deter-
21 mined in accordance with the most recent met-
22 ropolitan and micropolitan statistical areas and
23 delineations of the Office of Management and
24 Budget and resulting from the application of

1 published standards to the Bureau of the Cen-
2 sus data, into 1 of the following 4 areas:

3 “(i) A central metropolitan statistical
4 area.

5 “(ii) An outlying metropolitan statis-
6 tical area.

7 “(iii) A central micropolitan statistical
8 area.

9 “(iv) An outlying micropolitan statis-
10 tical area.

11 “(B) RURAL AREAS.—Any unit of general
12 local government that is not delineated into 1 of
13 the 4 areas described in subparagraph (A) shall
14 be considered to be a rural area.

15 “(c) ECONOMIC PERFORMANCE SCORE PREPARA-
16 TION.—In preparing the economic performance score
17 under subsection (b), the Secretary of the Interior shall—

18 “(1)(A) gather data for the most recent cal-
19 endar year available regarding each variable de-
20 scribed in paragraphs (1) through (5) of subsection
21 (b) that comprise the score for each unit of general
22 local government; or

23 “(B) if specific data for a unit of general local
24 government are not available, use the applicable
25 county average;

1 “(2) recalculate each variable on a 0-to-1 scale
2 by dividing the value of the variable for each unit of
3 general local government by the highest value for
4 that variable among all units of general local govern-
5 ment, including by classifying a unit of general local
6 government under subsection (b)(5) such that—

7 “(A) a central metropolitan statistical area
8 is equal to 0.75;

9 “(B) an outlying metropolitan statistical
10 area is equal to 0.6;

11 “(C) a central micropolitan statistical area
12 is equal to 0.5;

13 “(D) an outlying micropolitan statistical
14 area is equal to 0.4; and

15 “(E) a rural area is equal to 0.25;

16 “(3) calculate for each unit of general local gov-
17 ernment an economic performance score that is
18 equal to the sum of the value of the variables recal-
19 culated under paragraph (2); and

20 “(4) create a percentile rank for each unit of
21 general local government, which shall be equal to the
22 quotient obtained by dividing—

23 “(A) the product obtained by multi-
24 plying—

25 “(i) 100; and

1 “(ii) the difference between—
 2 “(I) the numeric rank of the eco-
 3 nomic performance score calculated
 4 under paragraph (3), relative to the
 5 economic performance scores of all
 6 other units of general local govern-
 7 ment; and
 8 “(II) 0.5; by
 9 “(B) the total number of units of general
 10 local government.

11 “(d) ECONOMIC PERFORMANCE INDEX.—For pur-
 12 poses of subsection (a), the Secretary of the Interior shall
 13 adjust the amount of payments provided under this chap-
 14 ter based on an economic performance index equal to the
 15 sum of—

16 “(1) the product obtained by multiplying—
 17 “(A) the difference between—
 18 “(i) the percentile rank calculated
 19 under subsection (c); and
 20 “(ii) 0.5; and
 21 “(B) 0.4; and
 22 “(2) 1.”.

23 **SEC. 7. FUNDING.**

24 Section 6907 of title 31, United States Code (as re-
 25 designated by section 6(1)), is amended by striking “of

1 fiscal years 2008 through 2014” and inserting “fiscal
2 year”.

3 **SEC. 8. RESOURCE ADVISORY COMMITTEES.**

4 Chapter 69 of title 31, United States Code (as
5 amended by section 6(1)), is amended by adding at the
6 end the following:

7 **“§ 6909. Funding for resource advisory committees**

8 “(a) IN GENERAL.—For each of fiscal years 2014
9 through 2018, not more than \$25,000,000 of the amounts
10 made available for the fiscal year to the Secretary of the
11 Interior for obligation or expenditure in accordance with
12 this chapter shall be made available to the Secretary of
13 the Interior or the Secretary of Agriculture, as applica-
14 ble—

15 “(1) to pay the administrative costs of any re-
16 source advisory committee (as defined in section 201
17 of the Secure Rural Schools and Community Self-
18 Determination Act of 2000 (16 U.S.C. 7121)) that
19 was established before September 29, 2013; or

20 “(2) to establish new resource advisory commit-
21 tees, as appropriate, in accordance with section 205
22 of the Secure Rural Schools and Community Self-
23 Determination Act of 2000 (16 U.S.C. 7125).

24 “(b) VEGETATION MANAGEMENT PROJECTS.—Not-
25 withstanding title II of the Secure Rural Schools and

1 Community Self-Determination Act of 2000 (16 U.S.C.
 2 7121 et seq.), resource advisory committees provided
 3 amounts under this section may propose vegetation man-
 4 agement projects, including projects authorized under sec-
 5 tion 602 of the Healthy Forests Restoration Act of 2003
 6 (16 U.S.C. 6591a).

7 “(c) ALLOCATION.—Amounts under this section shall
 8 be allocated among units of general local government and
 9 applicable units of Federal land in a manner substantially
 10 similar to the allocation of amounts under title II of the
 11 Secure Rural Schools and Community Self-Determination
 12 Act of 2000 (16 U.S.C. 7121 et seq.) for fiscal year 2013.

13 “(d) UNUSED AMOUNTS.—Any unused amounts
 14 under this section as of September 30 of each fiscal year
 15 shall be allocated in accordance with this chapter among
 16 all units of general local government for the subsequent
 17 fiscal year.”.

18 **SEC. 9. CONFORMING AMENDMENT.**

19 The chapter analysis for chapter 69 of title 31,
 20 United States Code, is amended by striking the items re-
 21 lating to sections 6906 and 6907 and inserting the fol-
 22 lowing:

“6906. Adjusted share.

“6907. Funding.

“6908. State legislation requiring reallocation or redistribution of payments to
 smaller units of general purpose government.

“6909. Funding for resource advisory committees.”.

