

114TH CONGRESS
1ST SESSION

S. 2164

To extend the secure rural schools and community self-determination program and to make permanent the payment in lieu of taxes program and the land and water conservation fund.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2015

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

A BILL

To extend the secure rural schools and community self-determination program and to make permanent the payment in lieu of taxes program and the land and water conservation fund.

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. EXTENSION OF SECURE RURAL SCHOOLS AND**
4 **COMMUNITY SELF-DETERMINATION PRO-**
5 **GRAM.**

6 (a) SECURE PAYMENTS FOR STATES AND COUNTIES
7 CONTAINING FEDERAL LAND.—

1 (1) DEFINITIONS.—Section 3(11) of the Secure
2 Rural Schools and Community Self-Determination
3 Act of 2000 (16 U.S.C. 7102) is amended—

4 (A) in subparagraph (B), by striking
5 “and” at the end;

6 (B) in subparagraph (C)—

7 (i) by striking “fiscal year 2012 and
8 each fiscal year thereafter” and inserting
9 “each of fiscal years 2012 through 2015”;
10 and

11 (ii) by striking “year.” and inserting
12 “year; and”; and

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

14 “(D) for each of fiscal years 2016 through
15 2025, the amount that is equal to the full fund-
16 ing amount for fiscal year 2011.”.

17 (2) CALCULATION OF PAYMENTS.—Section 101
18 of the Secure Rural Schools and Community Self-
19 Determination Act of 2000 (16 U.S.C. 7111) is
20 amended by striking “2015” each place it appears
21 and inserting “2025”.

22 (3) ELECTIONS.—Section 102(b) of the Secure
23 Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7112(b)) is amended—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking
 2 “August 1, 2013 (or as soon thereafter as
 3 the Secretary concerned determines is
 4 practicable), and August 1 of each second
 5 fiscal year thereafter” and inserting “Au-
 6 gust 1 of each fiscal year (or a later date
 7 specified by the Secretary concerned for
 8 the fiscal year)”; and

9 (ii) by adding at the end the fol-
 10 lowing:

11 “(D) PAYMENT FOR FISCAL YEARS 2016
 12 THROUGH 2025.—A county election otherwise
 13 required by subparagraph (A) shall not apply
 14 for fiscal years 2016 through 2025 if the coun-
 15 ty elects to receive a share of the State payment
 16 or the county payment in 2013.”; and

17 (B) in paragraph (2)(B)—

18 (i) by inserting “or any subsequent
 19 year” after “2013”; and

20 (ii) by striking “2015” and inserting
 21 “2025”.

22 (4) ELECTION AS TO USE OF BALANCE.—Sec-
 23 tion 102(d)(1) of the Secure Rural Schools and
 24 Community Self Determination Act of 2000 (16
 25 U.S.C. 7112(d)(1)) is amended—

1 (A) in subparagraph (B)(ii), by striking
2 “not more than 7 percent of the total share for
3 the eligible county of the State payment or the
4 county payment” and inserting “any portion of
5 the balance”; and

6 (B) by striking subparagraph (C) and in-
7 serting the following:

8 “(C) COUNTIES WITH MAJOR DISTRIBUTIONS.—In the case of each eligible county to
9 which \$350,000 or more is distributed for any
10 fiscal year pursuant to either or both of para-
11 graphs (1)(B) and (2)(B) of subsection (a), the
12 eligible county shall elect to do 1 or more of the
13 following with the balance of any funds not ex-
14 pended pursuant to subparagraph (A):

15
16 “(i) Reserve any portion of the bal-
17 ance for projects in accordance with title
18 II.

19 “(ii) Reserve not more than 7 percent
20 of the total share for the eligible county of
21 the State payment or the county payment
22 for projects in accordance with title III.

23 “(iii) Return to the Treasury of the
24 United States the portion of the balance
25 not reserved under clauses (i) and (ii).”.

1 (5) FAILURE TO ELECT.—Section
 2 102(d)(3)(B)(ii) of the Secure Rural Schools and
 3 Community Self-Determination Act of 2000 (16
 4 U.S.C. 7112(d)(3)(B)(ii)) is amended by striking
 5 “purpose described in section 202(b)” and inserting
 6 “purposes described in section 202(b), section
 7 203(c), or section 204(a)(5)”.

8 (6) DISTRIBUTION OF PAYMENTS TO ELIGIBLE
 9 COUNTIES.—Section 103(d)(2) of the Secure Rural
 10 Schools and Community Self-Determination Act of
 11 2000 (16 U.S.C. 7113(d)(2)) is amended by striking
 12 “2015” and inserting “2025”.

13 (b) CONTINUATION OF AUTHORITY TO CONDUCT
 14 SPECIAL PROJECTS ON FEDERAL LAND.—

15 (1) PILOT PROGRAM.—Section 204(e) of the
 16 Secure Rural Schools and Community Self-Deter-
 17 mination Act of 2000 (16 U.S.C. 7124(e)) is amend-
 18 ed by striking paragraph (3).

19 (2) AVAILABILITY OF PROJECT FUNDS.—Sec-
 20 tion 207(d)(2) of the Secure Rural Schools and
 21 Community Self-Determination Act of 2000 (16
 22 U.S.C. 7127(d)(2)) is amended by striking “sub-
 23 paragraph (B)” and inserting “subparagraph
 24 (B)(i)”.

1 (3) TERMINATION OF AUTHORITY.—Section
 2 208 of the Secure Rural Schools and Community
 3 Self-Determination Act of 2000 (16 U.S.C. 7128) is
 4 amended—

5 (A) in subsection (a), by striking “2017”
 6 and inserting “2027”; and

7 (B) in subsection (b), by striking “2018”
 8 and inserting “2028”.

9 (c) CONTINUATION OF AUTHORITY TO USE COUNTY
 10 FUNDS.—

11 (1) FUNDING FOR SEARCH AND RESCUE.—Sec-
 12 tion 302(a) of the Secure Rural Schools and Com-
 13 munity Self-Determination Act of 2000 (16 U.S.C.
 14 7142(a)) is amended by striking paragraph (2) and
 15 inserting the following:

16 “(2) to reimburse the participating county or
 17 sheriff for amounts paid for by the participating
 18 county or sheriff, as applicable, for—

19 “(A) search and rescue and other emer-
 20 gency services, including firefighting, that are
 21 performed on Federal land; and

22 “(B) emergency response vehicles or air-
 23 craft but only in the amount attributable to the
 24 use of the vehicles or aircraft to provide the
 25 services described in subparagraph (A).”.

1 (2) TERMINATION OF AUTHORITY.—Section
 2 304 of the Secure Rural Schools and Community
 3 Self-Determination Act of 2000 (16 U.S.C. 7144) is
 4 amended—

5 (A) in subsection (a), by striking “2017”
 6 and inserting “2027” and

7 (B) in subsection (b), by striking “2018”
 8 and inserting “2028”.

9 (d) NO REDUCTION IN PAYMENT.—Title IV of the
 10 Secure Rural Schools and Community Self-Determination
 11 Act of 2000 (16 U.S.C. 7151 et seq.) is amended by add-
 12 ing at the end the following:

13 **“SEC. 404. NO REDUCTION IN PAYMENTS.**

14 “Payments under this Act for fiscal year 2016 and
 15 each fiscal year thereafter shall be exempt from direct
 16 spending reductions under section 251A of the Balanced
 17 Budget and Emergency Deficit Control Act of 1985 (2
 18 U.S.C. 901a).”.

19 (e) AVAILABILITY OF FUNDS.—

20 (1) TITLE II FUNDS.—Any funds that were not
 21 obligated by September 30, 2014, as required by
 22 section 208 of the Secure Rural Schools and Com-
 23 munity Self-Determination Act of 2000 (16 U.S.C.
 24 7128) (as in effect on the day before the date of en-
 25 actment of the Medicare Access and CHIP Reau-

1 thorization Act of 2015 (Public Law 114–10; 129
 2 Stat. 87)) shall be available for use in accordance
 3 with title II of the Secure Rural Schools and Com-
 4 munity Self-Determination Act of 2000 (16 U.S.C.
 5 7121 et seq.).

6 (2) TITLE III FUNDS.—Any funds that were not
 7 obligated by September 30, 2014, as required by
 8 section 304 of the Secure Rural Schools and Com-
 9 munity Self-Determination Act of 2000 (16 U.S.C.
 10 7144) (as in effect on the day before the date of en-
 11 actment of the Medicare Access and CHIP Reau-
 12 thorization Act of 2015 (Public Law 114–10; 129
 13 Stat. 87)) shall be available for use in accordance
 14 with title III of the Secure Rural Schools and Com-
 15 munity Self-Determination Act of 2000 (16 U.S.C.
 16 7141 et seq.).

17 **SEC. 2. RESTORING MANDATORY FUNDING STATUS TO THE**
 18 **PAYMENT IN LIEU OF TAXES PROGRAM.**

19 Section 6906 of title 31, United States Code, is
 20 amended in the matter preceding paragraph (1), by strik-
 21 ing “of fiscal years 2008 through 2014” and inserting
 22 “fiscal year”.

1 **SEC. 3. PERMANENT AUTHORIZATION AND FULL FUNDING**
 2 **OF THE LAND AND WATER CONSERVATION**
 3 **FUND.**

4 (a) AUTHORIZATION.—Section 200302 of title 54,
 5 United States Code, is amended—

6 (1) in subsection (b), in the matter preceding
 7 paragraph (1), by striking “During the period end-
 8 ing September 30, 2015, there” and inserting
 9 “There”; and

10 (2) in subsection (c)(1), by striking “through
 11 September 30, 2015”.

12 (b) FULL FUNDING.—

13 (1) IN GENERAL.—Section 200303 of title 54,
 14 United States Code, is amended to read as follows:

15 **“§ 200303. Availability of funds**

16 “(a) IN GENERAL.—Amounts deposited in the Fund
 17 under section 200302 shall be made available for expendi-
 18 ture, without further appropriation or fiscal year limita-
 19 tion, to carry out the purposes of the Fund (including ac-
 20 counts and programs made available from the Fund under
 21 the Consolidated and Further Continuing Appropriations
 22 Act, 2015 (Public Law 113–235; 128 Stat. 2130)).

23 “(b) ADDITIONAL AMOUNTS.—Amounts made avail-
 24 able under subsection (a) shall be in addition to amounts
 25 made available to the Fund under section 105 of the Gulf
 26 of Mexico Energy Security Act of 2006 (43 U.S.C. 1331

1 note; Public Law 109–432) or otherwise appropriated
 2 from the Fund.

3 “(c) ALLOCATION AUTHORITY.—

4 “(1) SUBMISSION OF COST ESTIMATES.—The
 5 President shall submit to Congress detailed account,
 6 program, and project allocations to be funded under
 7 subsection (a) as part of the annual budget submis-
 8 sion of the President.

9 “(2) ALTERNATE ALLOCATION.—

10 “(A) IN GENERAL.—Appropriations Acts
 11 may provide for alternate allocation of amounts
 12 made available under subsection (a), including
 13 allocations by account and program.

14 “(B) ALLOCATION BY PRESIDENT.—

15 “(i) NO ALTERNATE ALLOCATIONS.—

16 If Congress has not enacted legislation es-
 17 tablishing alternate allocations by the date
 18 that is 120 days after the date on which
 19 the applicable fiscal year begins, amounts
 20 made available under subsection (a) shall
 21 be allocated by the President.

22 “(ii) INSUFFICIENT ALTERNATE AL-
 23 LOCATION.—If Congress enacts legislation
 24 establishing alternate allocations for
 25 amounts made available under subsection

1 (a) that are less than the full amount ap-
2 propriated under that subsection, the dif-
3 ference between the amount appropriated
4 and the alternate allocation shall be allo-
5 cated by the President.

6 “(3) ANNUAL REPORT.—The President shall
7 submit to Congress an annual report that describes
8 the final allocation by account, program, and project
9 of amounts made available under subsection (a), in-
10 cluding a description of the status of obligations and
11 expenditures.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions affected for title 54 is amended by striking the
14 item relating to section 200303 and inserting the
15 following:

“200303. Availability of funds.”.

16 (c) PUBLIC ACCESS.—Section 200306 of title 54,
17 United States Code, is amended by adding at the end the
18 following:

19 “(c) PUBLIC ACCESS.—Not less than 1.5 percent of
20 the annual authorized funding amount shall be made
21 available each year for projects that secure recreational
22 public access to existing Federal public land for hunting,
23 fishing, or other recreational purposes.”.

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