

TRANSFER OF FUNDS

Pub. L. 109-363, title III, §302(h)(4), Oct. 17, 2006, 120 Stat. 2077, provided that: “The Secretary of the Treasury may transfer to the Neotropical Migratory Bird Conservation Fund amounts that were in the Neotropical Migratory Bird Conservation Account immediately before the enactment of this Act [Oct. 17, 2006].”

**§ 6109. Authorization of appropriations**

**(a) In general**

There is authorized to be appropriated to the Account<sup>1</sup> to carry out this chapter for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b), to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

**(b) Authorized amount**

The amount referred to in subsection (a) is—

- (1) \$5,000,000 for each of fiscal years 2006 and 2007;
- (2) \$5,500,000 for fiscal year 2008;
- (3) \$6,000,000 for fiscal year 2009; and
- (4) \$6,500,000 for fiscal year 2010.

**(c) Availability**

Amounts appropriated under this section may remain available until expended.

**(d) Allocation**

Of amounts appropriated under this section for each fiscal year, not less than 75 percent shall be expended for projects carried out outside the United States.

(Pub. L. 106-247, §10, July 20, 2000, 114 Stat. 597; Pub. L. 109-363, title III, §302(i), Oct. 17, 2006, 120 Stat. 2077.)

AMENDMENTS

2006—Pub. L. 109-363 designated existing provisions as subsec. (a), inserted heading, substituted “for each of fiscal years 2006 through 2010 the amount specified for that fiscal year in subsection (b)” for “\$5,000,000 for each of fiscal years 2001 through 2005”, and added subsecs. (b) to (d).

**CHAPTER 81—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM**

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**§ 6201. Findings**

Congress finds that—

<sup>1</sup> So in original. Probably should be “Fund”.

(1) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915; and

(2) the fact that current appraisal procedures have, in certain circumstances, been inconsistently applied in determining fair market values for residential lots demonstrates that problems exist in accurately reflecting market values.

(Pub. L. 106-291, title VI, §602, Oct. 11, 2000, 114 Stat. 1014.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section and section 601 of Pub. L. 106-291, set out as a Short Title note below, are repealed.*

SHORT TITLE

Pub. L. 106-291, title VI, §601, Oct. 11, 2000, 114 Stat. 1014, provided that: “This title [enacting this chapter] may be cited as the ‘Cabin User Fee Fairness Act of 2000’.”

**§ 6202. Purposes**

The purposes of this chapter are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

(Pub. L. 106-291, title VI, §603, Oct. 11, 2000, 114 Stat. 1014.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6203. Definitions**

In this chapter:

**(1) Agency**

The term “agency” means the Forest Service.

**(2) Authorization**

The term “authorization” means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

**(3) Base cabin user fee**

The term “base cabin user fee” means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 6205 and 6206 of this title.

**(4) Cabin**

The term “cabin” means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

**(5) Cabin owner**

The term “cabin owner” means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

**(6) Cabin user fee**

The term “cabin user fee” means a special use fee paid annually by a cabin owner to the Secretary in accordance with this chapter.

**(7) Caretaker cabin**

The term “caretaker cabin” means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

**(8) Current cabin user fee**

The term “current cabin user fee” means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 6207 of this title.

**(9) Lot**

The term “lot” means a parcel of land in the National Forest System—

(A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and

(B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.

**(10) Natural, native state**

The term “natural, native state” means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.

**(11) Program**

The term “program” means the recreation residence program established under the authority of section 497 of this title.

**(12) Secretary**

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**(13) Tract**

The term “tract” means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

**(14) Tract association**

The term “tract association” means a cabin owner association in which all cabin owners within a tract are eligible for membership.

**(15) Typical lot**

The term “typical lot” means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being rep-

resentative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

(Pub. L. 106–291, title VI, §604, Oct. 11, 2000, 114 Stat. 1014.)

## REPEAL OF SECTION

*Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6204. Administration of recreation residence program**

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this chapter—

- (1) the market value of a lot; and
- (2) regional and local economic influences.

(Pub. L. 106–291, title VI, §605, Oct. 11, 2000, 114 Stat. 1015.)

## REPEAL OF SECTION

*Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6205. Appraisals****(a) Requirements for conducting appraisals**

In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

- (1) complete an inventory of improvements that were paid for by—
  - (A) the agency;
  - (B) third parties; or
  - (C) cabin owners (or predecessors of cabin owners),

during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A) of this section;

(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b) of this section, subject to public comment and congressional review;

(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(5) provide the appraiser with appraisal guidelines developed in accordance with this chapter;

(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

(7) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this chapter;

(8) require that the appraisal report—

(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

**(b) Specific appraisal guidelines**

In the development of specific appraisal guidelines in accordance with subsection (a)(3) of this section, the instructions to an appraiser shall require, at a minimum, the following:

**(1) Appraisal of a typical lot**

**(A) In general**

In conducting an appraisal under this section, the appraiser—

(i) shall not appraise each individual lot;

(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

**(B) Estimate of market value of typical lot**

**(i) In general**

The appraiser shall estimate the market value of a typical lot in accordance with this chapter.

**(ii) Equivalence to legally subdivided lot**

In selecting a comparable sale under this chapter, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

**(2) Exception for certain sales of land**

In conducting an appraisal under this chapter, the appraiser—

(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

(B) should not, in most circumstances, select a sale of comparable land that includes

land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

**(3) Adjustments for typical value influences**

**(A) In general**

The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

**(B) Value influences**

The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails;

(III) restrictions imposed by the agency; or

(IV) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

**(4) Adjustments to sales of comparable parcels**

**(A) Utilities, access, or facilities**

**(i) Agency**

Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

**(ii) Cabin owners**

Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

**(iii) Third parties**

Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1) of this section, the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

**(iv) Withdrawal of utility or access by agency**

If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

(I) the provision or maintenance of any utility or access; or

(II) a qualitative feature of the lot or immediate surroundings,

the cabin owner shall have the right to request, and, at the discretion of the Sec-

retary, obtain a new determination of the base cabin user fee at the expense of the agency.

**(B) Adjustment for exclusion**

In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

**(C) Adjustment process**

**(i) In general**

The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I)(aa) are present at, or add value to, the comparable parcel; but

(bb) are not present at the lot being appraised; or

(II) are not included in the appraisal as described in subparagraph (A).

**(ii) Adjustments**

**(I) In general**

In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

**(II) Cost information**

If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

**(iii) Analysis of cost information**

An analysis of cost information under clause (ii)(I) should include allowances, as appropriate, if the allowances are consistent with—

(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

(II) the Uniform Appraisal Standards for Federal Land Acquisition.

**(D) Reappraisal for and recalculation of base cabin user fee**

Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

(Pub. L. 106-291, title VI, § 606, Oct. 11, 2000, 114 Stat. 1015.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6206. Cabin user fees**

**(a) In general**

The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of

the market value of the lot, as determined in accordance with section 6205 of this title, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

**(b) Fee for caretaker cabin**

The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

**(c) Annual cabin user fee in the event of determination not to reissue authorization**

If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(A)  $\frac{1}{10}$  of the new base cabin user fee; by

(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

**(d) Annual cabin user fee in event of changed conditions**

If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

**(e) Termination of fee obligation in loss resulting from acts of God or catastrophic events**

On a determination by the agency that, because of an act of God or a catastrophic event, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

(Pub. L. 106-291, title VI, § 607, Oct. 11, 2000, 114 Stat. 1018.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6207. Annual adjustment of cabin user fee****(a) In general**

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) of this section that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

**(b) Initial index****(1) In general**

For the period of 10 years beginning on October 11, 2000, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d) of this section.

**(2) Statewide changes**

In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the criteria described in section 6205(b)(2) of this title, the Secretary shall use average statewide changes in the State in which the lot is located.

**(c) New index****(1) In general**

Not later than 10 years after October 11, 2000, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) of this section to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

**(2) Selection process**

Before selecting a new index, the Secretary shall—

- (A) solicit and consider comments from the public; and
- (B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—
  - (i) the Committee on Resources of the House of Representatives; and
  - (ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

**(d) Limitation**

In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section<sup>1</sup> (b) of this section, the Secretary shall—

- (1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and
- (2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

<sup>1</sup> So in original. Probably should be “subsection”.

(Pub. L. 106–291, title VI, §608, Oct. 11, 2000, 114 Stat. 1019; Pub. L. 108–7, div. F, title III, §324, Feb. 20, 2003, 117 Stat. 275.)

## REPEAL OF SECTION

*Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

## AMENDMENTS

2003—Subsec. (b)(2). Pub. L. 108–7 substituted “criteria” for “value influences” and “section 6205(b)(2)” for “section 6205(b)(3)”.

## CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 6208. Payment of cabin user fees****(a) Due date for payment of fees**

A cabin user fee shall be prepaid annually by the cabin owner.

**(b) Payment of equal or lesser fee**

If, in accordance with section 6206 of this title, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a) of this section.

**(c) Payment of greater fee**

If, in accordance with section 6206 of this title, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

- (1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or
- (2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

(Pub. L. 106–291, title VI, §609, Oct. 11, 2000, 114 Stat. 1020.)

## REPEAL OF SECTION

*Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6209. Right of second appraisal****(a) Right of second appraisal**

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

**(b) Conduct of second appraisal**

In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 6205(a)(4) of this title;

(2) use the appraisal guidelines used in the initial appraisal in accordance with section 6205(a)(5) of this title;

(3) consider all relevant factors in accordance with this chapter (including guidelines developed under section 6205(a)(3) of this title); and

(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

**(c) Request for reconsideration of base cabin user fee**

A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal.

**(d) Reconsideration of base cabin user fee**

On receipt of a request from the cabin owner under subsection (c) of this section for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

(1) review the initial appraisal of the agency;

(2) review the results and commentary from the second appraisal;

(3) determine a new base cabin user fee in an amount that is—

(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

(4) notify the cabin owner of the amount of the new base cabin user fee.

(Pub. L. 106-291, title VI, § 610, Oct. 11, 2000, 114 Stat. 1020.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6210. Right of appeal and judicial review**

**(a) Right of appeal**

Notwithstanding any action of a cabin owner to exercise rights in accordance with section 6209 of this title, the Secretary shall by regulation grant the cabin owner the right to an ad-

ministrative appeal of the determination of a new base cabin user fee.

**(b) Judicial review**

A cabin owner that is adversely affected by a final decision of the Secretary under this chapter may bring a civil action in United States district court.

(Pub. L. 106-291, title VI, § 611, Oct. 11, 2000, 114 Stat. 1021.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6211. Consistency with other law and rights**

**(a) Consistency with rights of the United States**

Nothing in this chapter limits or restricts any right, title, or interest of the United States in or to any land or resource.

**(b) Special rule for Alaska**

In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with section 3193(d) of this title.

(Pub. L. 106-291, title VI, § 612, Oct. 11, 2000, 114 Stat. 1021.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6212. Regulations**

Not later than 2 years after October 11, 2000, the Secretary shall promulgate regulations to carry out this chapter.

(Pub. L. 106-291, title VI, § 613, Oct. 11, 2000, 114 Stat. 1022.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6213. Transition provisions**

**(a) Assessment of annual fees**

For the period of time determined under subsection (b) of this section, the Secretary shall charge each cabin owner an annual fee as follows:

**(1) Lots not appraised since September 30, 1995**

For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on October 11, 2000, adjusted annually to re-

flect changes in the Implicit Price Deflator-Gross National Product Index.

**(2) Lots appraised on or after September 30, 1995**

**(A) In general**

Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on October 11, 2000, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

**(B) Appraisals resulting in base fee increase**

**(i) In general**

Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than \$3,000, the annual fee shall be equal to the sum of \$3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

**(ii) Fees paid after request of new appraisal or peer review**

If—

(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c) of this section; and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995,

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 6208 of this title, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 6208 of this title, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

**(b) Term**

**(1) Lots not appraised since September 30, 1995**

For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) of this section until—

(A) a base cabin user fee is determined in accordance with—

(i) this chapter; or

(ii) regulations and policies in effect on October 11, 2000; and

(B) the right of the cabin owner to a second appraisal under section 6209 of this title is exhausted.

**(2) Lots appraised on or after September 30, 1995**

For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge

fees under subsection (a)(2) of this section until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c) of this section; or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c) of this section, the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this chapter.

**(c) Request for new appraisal under new law**

**(1) In general**

Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 6205(a)(5) of this title, cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this chapter; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

**(2) Appraisal groupings by typical lot**

A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

**(3) Conduct of new appraisal**

On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this chapter.

**(4) Peer review of existing appraisals**

**(A) In general**

On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

**(B) Inconsistency**

If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this chapter, the Secretary shall, as appropriate and in accordance with this chapter—

(i) revise an existing base cabin user fee; or

(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

**(5) Payment of costs**

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

**(d) Assumption of new base cabin user fee**

In the absence of a request under subsection (c) of this section for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 6212 of this title, to be the base cabin user fee that complies with this section.

(Pub. L. 106-291, title VI, §614, Oct. 11, 2000, 114 Stat. 1022.)

REPEAL OF SECTION

*Pub. L. 113-291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*

**§ 6214. Cabin user and transfer fees**

**(a) In general**

The Secretary of Agriculture (referred to in this section as the “Secretary”) shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

**(b) Interim fee**

During the period beginning on January 1, 2014, and ending on the last day of the calendar year during which the current appraisal cycle is completed under subsection (c), the Secretary shall assess an interim annual fee for recreational residences on National Forest System land that is an amount equal to the lesser of—

- (1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent; or
- (2) \$5,600.

**(c) Completion of current appraisal cycle**

Not later than 1 year after December 19, 2014, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this section as the “current appraisal cycle”).

**(d) Lot value**

Only appraisals conducted and approved by the Secretary in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) during the current appraisal cycle shall be used to establish the base value assigned to the lot,

subject to the adjustment in subsection (e). If a second appraisal—

- (1) was approved by the Secretary, the value established by the second appraisal shall be the base value assigned to the lot; or
- (2) was not approved by the Secretary, the value established by the initial appraisal shall be the base value assigned to the lot.

**(e) Adjustment**

On the date of completion of the current appraisal cycle, and before assessing a fee under subsection (f), the Secretary shall make a 1-time adjustment to the value of each appraised lot on which a recreational residence is located to reflect any change in value occurring after the date of the most recent appraisal for the lot, in accordance with the 4th quarter of 2012 National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

**(f) Annual fee**

**(1) Base**

After the date on which appraised lot values have been adjusted in accordance with subsection (e), the annual fee assessed prospectively by the Secretary for recreational residences on National Forest System land shall be in accordance with the following tiered fee structure:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	6 percent	\$650
Tier 2	16 percent	\$1,150
Tier 3	26 percent	\$1,650
Tier 4	22 percent	\$2,150
Tier 5	10 percent	\$2,650
Tier 6	5 percent	\$3,150
Tier 7	5 percent	\$3,650
Tier 8	3 percent	\$4,150
Tier 9	3 percent	\$4,650
Tier 10	3 percent	\$5,150
Tier 11	1 percent	\$5,650.

**(2) Inflation adjustment**

The Secretary shall increase or decrease the annual fees set forth in the table under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

**(3) Access and occupancy adjustment**

**(A) In general**

The Secretary shall by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.

**(B) Appeal**

The Secretary shall by regulation grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.

**(g) Periodic review**

**(1) In general**

Beginning on the date that is 10 years after December 19, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(A) analyzes the annual fees set forth in the table under subsection (f) to ensure that the fees reflect fair value for the use of the land for recreational residence purposes, taking into account all use limitations and restrictions (including any limitations and restrictions imposed by the Secretary); and

(B) includes any recommendations of the Secretary with respect to modifying the fee system.

**(2) Limitation**

The use of appraisals shall not be required for any modifications to the fee system based on the recommendations under paragraph (1)(B).

**(h) Cabin transfer fees**

**(1) In general**

The Secretary shall establish a fee in the amount of \$1,200 for the issuance of a new recreational residence permit due to a change of ownership of the recreational residence.

**(2) Adjustments**

The Secretary shall annually increase or decrease the transfer fee established under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

**(i) Effect**

**(1) In general**

Nothing in this section limits or restricts any right, title, or interest of the United States in or to any land or resource in the National Forest System.

**(2) Alaska**

The Secretary shall not establish or impose a fee or condition under this section for permits in the State of Alaska that is inconsistent with section 3193(d) of this title.

**(j) Retention of fees**

**(1) In general**

Beginning 10 years after December 19, 2014, the Secretary may retain, and expend, for the purposes described in paragraph (2), any fees collected under this section without further appropriation.

**(2) Use**

Amounts made available under paragraph (1) shall be used to administer the recreational residence program and other recreation programs carried out on National Forest System land.

**(k) Repeal of Cabin User Fee Fairness Act of 2000**

Effective on the date of the assessment of annual permit fees in accordance with subsection

(f) (as certified to Congress by the Secretary), the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is repealed.

(Pub. L. 113–291, div. B, title XXX, § 3024, Dec. 19, 2014, 128 Stat. 3764.)

REFERENCES IN TEXT

The Cabin User Fee Fairness Act of 2000, referred to in subsecs. (b)(1), (c), (d), and (k), is title VI of Pub. L. 106–291, Oct. 11, 2000, 114 Stat. 1014, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 and also as part of the Military Construction Authorization Act for Fiscal Year 2015 and not as part of the Cabin User Fee Fairness Act of 2000 which comprises this chapter.

**CHAPTER 81A—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT**

Sec. 6231.	Findings, purpose, and definitions.
6232.	Fees for occupancy and use of National Forest System lands and facilities by organizational camps.
6233.	Implementation.
6234.	Relationship to other laws.
6235.	Deposit and expenditure of use fees.
6236.	Ministerial issuance, or amendment authorization.

**§ 6231. Findings, purpose, and definitions**

**(a) Findings**

Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,000<sup>1</sup> acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

<sup>1</sup> So in original.