

112TH CONGRESS
2^D SESSION

H. R. 4019

To increase employment and educational opportunities in, and improve the economic stability of, counties containing Federal forest land, while also reducing the cost of managing such land, by providing such counties a dependable source of revenue from such land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2012

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To increase employment and educational opportunities in, and improve the economic stability of, counties containing Federal forest land, while also reducing the cost of managing such land, by providing such counties a dependable source of revenue from such land, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Federal Forests County Revenue, Schools, and Jobs Act
 4 of 2012”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COUNTY, SCHOOLS, AND REVENUE TRUST FOR
 FEDERAL FOREST LAND**

Sec. 101. Definitions.

Sec. 102. County, Schools, and Revenue Trust.

Sec. 103. Opt out option.

Sec. 104. Determination of annual revenue requirement and minimum sale
 level.

Sec. 105. County, Schools, and Revenue Trust Projects.

Sec. 106. Distribution of amounts from trust projects.

Sec. 107. Payments to beneficiary counties from County, Schools, and Revenue
 Trust.

Sec. 108. Initial payments pending implementation of trust projects.

TITLE II—PAYMENT IN LIEU OF TAXES AMENDMENTS

Sec. 201. Extension.

Sec. 202. Inclusion in definition of payment law.

Sec. 203. Congressional notification and publication of information.

TITLE III—FOREST SERVICE RECREATION RESIDENCE PROGRAM

Sec. 301. Definitions.

Sec. 302. Cabin user fees.

Sec. 303. Cabin transfer fees.

Sec. 304. Right of appeal and judicial review.

Sec. 305. Effect.

Sec. 306. Regulations.

7 **TITLE I—COUNTY, SCHOOLS,**
 8 **AND REVENUE TRUST FOR**
 9 **FEDERAL FOREST LAND**

10 **SEC. 101. DEFINITIONS.**

11 In this title:

1 (1) ANNUAL REVENUE REQUIREMENT.—The
2 term “annual revenue requirement”, with respect to
3 a unit of the National Forest System, means the
4 amount equal to 60 percent of the average annual
5 gross receipts derived from the unit during the 20-
6 year period beginning with fiscal year 1980, as de-
7 termined under section 104.

8 (2) BENEFICIARY COUNTY.—

9 (A) IN GENERAL.—The term “beneficiary
10 county” means a political subdivision of a State
11 that, on account of containing National Forest
12 System land, was eligible to receive payments
13 through the State under title I of the Secure
14 Rural Schools and Community Self-Determina-
15 tion Act of 2000 (16 U.S.C. 7111 et seq.).

16 (B) EXCLUSION OF CERTAIN COUNTIES.—

17 The term does not include a political subdivi-
18 sion of a State that elects not to participate
19 under section 103. A political subdivision that
20 opts out of participation may still receive pay-
21 ments as provided in the sixth paragraph under
22 the heading of “FOREST SERVICE” in the
23 Act of May 23, 1908 (35 Stat. 260; 16 U.S.C.
24 500) and section 13 of the Act of March 1,
25 1911 (36 Stat. 963; 16 U.S.C. 500).

1 (3) CATASTROPHIC EVENT.—The term “cata-
2 strophic event” means an event that the Secretary
3 determines will cause or has caused severe damage
4 to National Forest System land, including severe
5 fire, insect or disease infestations, windthrow, or
6 other extreme weather or natural disaster.

7 (4) CHARGEABLE VOLUME.—

8 (A) IN GENERAL.—The term “chargeable
9 volume” means only the volume of timber and
10 other forest products that is counted toward
11 meeting the allowable sale quantity of a unit of
12 National Forest System land based on the re-
13 gionally applicable utilization and
14 merchantability standards.

15 (B) EXCLUSION.—The term does not in-
16 clude post and pole sales and personal use fire-
17 wood.

18 (5) COMMUNITY WILDFIRE PROTECTION
19 PLAN.—The term “community wildfire protection
20 plan” has the meaning given that term in section
21 101 of the Healthy Forests Restoration Act of 2003
22 (16 U.S.C. 6511).

23 (6) COUNTY, SCHOOLS, AND REVENUE TRUST
24 PROJECT.—The terms “County, Schools, and Rev-
25 enue Trust Project” and “trust project” mean a

1 project designated by the Secretary as a project to
2 generate amounts to help meet the annual revenue
3 requirement.

4 (7) FEDERAL LAND.—The term “Federal land”
5 means—

6 (A) land within the National Forest Sys-
7 tem; and

8 (B) such portions of the revested Oregon
9 and California Railroad and reconveyed Coos
10 Bay Wagon Road grant land as are or may
11 hereafter come under the jurisdiction of the De-
12 partment of the Interior, which have heretofore
13 or may hereafter be classified as timberlands,
14 and power-site land valuable for timber, that
15 shall be managed, except as provided in the
16 former section 3 of the Act of August 28, 1937
17 (50 Stat. 875; 43 U.S.C. 1181c), for permanent
18 forest production.

19 (8) MINIMUM SALE LEVEL.—The term “min-
20 imum sale level”, for a unit of the National Forest
21 System for a fiscal year, means a quantity equal to
22 50 percent of the average annual chargeable timber
23 volume (as measured in net sawtimber volume) sold
24 from the unit during the period beginning with fiscal

1 year 1980 through fiscal year 2000, as determined
2 under section 104.

3 (9) NATIONAL FOREST SYSTEM.—The term
4 “National Forest System” has the meaning given
5 that term in section 11(a) of the Forest and Range-
6 land Renewable Resources Planning Act of 1974 (16
7 U.S.C. 1609(a)), except that the term does not in-
8 clude the National Grasslands and land utilization
9 projects designated as National Grasslands adminis-
10 tered pursuant to the Act of July 22, 1937 (7
11 U.S.C. 1010–1012).

12 (10) SECRETARY.—The term “Secretary”
13 means the Secretary of Agriculture or the designee
14 of the Secretary of Agriculture.

15 (11) SECRETARY CONCERNED.—The term
16 “Secretary concerned” means—

17 (A) the Secretary of Agriculture or the
18 designee of the Secretary of Agriculture with
19 respect to National Forest System land; and

20 (B) the Secretary of the Interior or the
21 designee of the Secretary of the Interior with
22 respect to the Federal land described in para-
23 graph (7)(B).

24 (12) STATE.—The term “State” includes the
25 Commonwealth of Puerto Rico.

1 (13) TRUST.—The terms “County, Schools, and
2 Revenue Trust” and “Trust” mean the County,
3 Schools, and Revenue Trust established in the
4 Treasury under section 102.

5 (14) TRUSTEE.—The term “Trustee” means
6 the Secretary, acting as the trustee of the County,
7 Schools, and Revenue Trust.

8 **SEC. 102. COUNTY, SCHOOLS, AND REVENUE TRUST.**

9 (a) ESTABLISHMENT OF TRUST.—There is estab-
10 lished in the Treasury a fund to be known as the “County,
11 Schools, and Revenue Trust”.

12 (b) TRUST PURPOSE.—The purpose of the Trust is
13 to provide a dependable source of revenue for each bene-
14 ficiary county containing National Forest System land.

15 (c) FIDUCIARY RESPONSIBILITY.—The Trustee has
16 a fiduciary responsibility to beneficiary counties to use
17 County, Schools, and Revenue Trust Projects to generate
18 amounts sufficient to satisfy the annual revenue require-
19 ment established for units of the National Forest System.

20 (d) TRUST ASSETS.—

21 (1) INITIAL DEPOSITS.—To allow the transition
22 necessary to implement this title and title II, there
23 is hereby appropriated to the Trust, out of amounts
24 in the Treasury not otherwise appropriated, an
25 amount equal to \$875,000,000 to provide payments

1 under section 108 during fiscal years 2012 and
2 2013.

3 (2) PORTION OF RECEIPTS FROM TRUST
4 PROJECTS.—There shall be credited to the Trust all
5 amounts required by section 106(a)(1) to be depos-
6 ited in the Trust from County, Schools, and Revenue
7 Trust Projects.

8 (e) LIMITATIONS.—The assets of the Trust shall
9 not—

10 (1) be subject to garnishment by, or otherwise
11 paid to, a creditor of a beneficiary county;

12 (2) be expended other than for the purposes au-
13 thorized in subsections (b) and (c) of section 107; or

14 (3) be used in lieu of or to otherwise offset
15 State funding sources for local schools, facilities, or
16 educational purposes.

17 (f) REPORTING.—Not later than 90 days after the
18 end of each fiscal year (beginning with fiscal year 2014),
19 the Secretary shall submit to Congress a report specifying
20 the deposits into, and distributions from, the Trust during
21 the preceding fiscal year.

22 **SEC. 103. OPT OUT OPTION.**

23 (a) ELECTION.—A political subdivision of a State
24 that otherwise satisfies the definition of beneficiary county
25 may elect not to participate under this title.

1 (b) TIME AND DURATION OF ELECTION.—An elec-
2 tion to opt out under subsection (a) is effective for a single
3 fiscal year and must be submitted to the Secretary before
4 the start of that fiscal year.

5 (c) EFFECT OF ELECTION.—

6 (1) NO TRUST PROJECTS.—No County, Schools,
7 and Revenue Trust Project may be commenced on
8 National Forest System land located in any political
9 subdivision that has opted out under subsection (a).
10 Other activities on the National Forest System land
11 in the political subdivision may be carried out in ac-
12 cordance with other laws applicable to the National
13 Forest System land.

14 (2) COMPLETION OF EXISTING PROJECTS.—
15 Trust projects underway before the effective date of
16 the opt out may be completed.

17 **SEC. 104. DETERMINATION OF ANNUAL REVENUE REQUIRE-**
18 **MENT AND MINIMUM SALE LEVEL.**

19 Not later than 60 days after the date of the enact-
20 ment of this Act, the Secretary shall determine for each
21 unit of the National Forest System—

22 (1) the annual revenue requirement for the
23 unit; and

24 (2) the minimum sale level for the unit.

1 **SEC. 105. COUNTY, SCHOOLS, AND REVENUE TRUST**
2 **PROJECTS.**

3 (a) **NEED FOR PROJECTS.**—Effective for fiscal year
4 2014 and each fiscal year thereafter, the Secretary shall
5 carry out County, Schools, and Revenue Trust Projects
6 in units of the National Forest System as necessary to
7 achieve the annual revenue requirement for the unit. The
8 Secretary is authorized and encouraged to commence the
9 implementation of trust projects before fiscal year 2014
10 to begin generating amounts for deposit in the Trust to
11 supplement the funds made available under section
12 102(d)(1).

13 (b) **DESIGNATION OF PROJECTS.**—

14 (1) **IN GENERAL.**—Except as otherwise pro-
15 vided in this subsection, the Secretary may designate
16 any project involving National Forest System land
17 (other than National Forest System land located in
18 a political subdivision that opted out under section
19 103) as a County, Schools, and Revenue Trust
20 Project.

21 (2) **TYPES OF PROJECTS.**—Trust projects may
22 include a timber sale, issuance of a grazing permit,
23 issuance of a special use permit involving land use,
24 mineral development, power generation, or rec-
25 reational use, and projects implementing a commu-
26 nity wildfire protection plan.

1 (3) EXCLUSION OF CERTAIN LAND FROM TRUST
2 PROJECTS.—A trust project shall not be designated
3 on National Forest System land—

4 (A) that is a component of the National
5 Wilderness Preservation System;

6 (B) on which the removal of vegetation is
7 specifically prohibited by Federal law; or

8 (C) over which administrative jurisdiction
9 was assumed by the Forest Service under sec-
10 tion 311.

11 (4) MAXIMUM NUMBER OF DESIGNATED
12 PROJECTS.—The maximum number of trust projects
13 designated by the Secretary for a unit of the Na-
14 tional Forest System for a fiscal year may not ex-
15 ceed the number of projects necessary to meet the
16 annual revenue requirement for the unit.

17 (5) STANDARDS FOR TRUST PROJECTS.—A
18 County, Schools, and Revenue Trust Project shall be
19 consistent with standards and guidelines contained
20 in the land and resource management plan or land
21 use plan for the unit of the National Forest System
22 in which the project will occur, except that the Sec-
23 retary may modify such standards and guidelines for
24 a specific trust project.

1 (c) SPECIAL AUTHORITY TO RESPOND TO CATA-
2 STROPHIC EVENTS.—Notwithstanding subsection (b)(4),
3 the Secretary may designate any project conducted in re-
4 sponse to a catastrophic event as a County, Schools, and
5 Revenue Trust Project.

6 (d) PUBLIC REVIEW AND REQUIRED ENVIRON-
7 MENTAL ANALYSIS.—

8 (1) PUBLIC NOTICE AND COMMENT.—

9 (A) PROPOSED PROJECT.—The Secretary
10 shall publish in the Federal Register notice of
11 a proposed County, Schools, and Revenue Trust
12 Project. The public may submit to the Sec-
13 retary specific written comments that relate to
14 the trust project within 30 days after the date
15 of the publication of the notice.

16 (B) FINAL DECISION.—Not later than 120
17 days after the date on which notice was pub-
18 lished under subparagraph (A) with regard to a
19 proposed County, Schools, and Revenue Trust
20 Project, and after taking into account any com-
21 ments received under such subparagraph, the
22 Secretary shall designate the final trust project
23 and publish in the Federal Register notice of
24 the final designated trust project.

1 (C) OBJECTIONS.—Only persons who sub-
2 mitted comments regarding a proposed County,
3 Schools, and Revenue Trust Project under sub-
4 paragraph (A) may submit to the Secretary
5 specific written objections that relate to the
6 final designated trust project. Any objections
7 regarding the final trust project must be sub-
8 mitted within 30 days after the date of the pub-
9 lication of the notice under subparagraph (B).

10 (2) ENVIRONMENTAL REPORT REQUIREMENT.—

11 (A) IN GENERAL.—Except as provided
12 under subparagraph (C), the Secretary shall
13 prepare an environmental report for each final
14 designated County, Schools, and Revenues
15 Trust Project within 180 days after the date on
16 which notice was published under paragraph
17 (1)(A) with regard to the project.

18 (B) ELEMENTS OF REPORT.—The environ-
19 mental report for a trust project shall include
20 at a minimum the following:

21 (i) To the extent the Secretary con-
22 siders appropriate and feasible, an evalua-
23 tion of the environmental impacts of the
24 proposed project, including the effect, if
25 any, on threatened or endangered species

1 listed under the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.).

3 (ii) Public comments received by the
4 Secretary regarding the project under sub-
5 paragraph (A) of paragraph (1), objections
6 to the project submitted under subpara-
7 graph (C) of such paragraph, and any re-
8 sponse to the comments and objections.

9 (iii) Any modifications to the project
10 to ensure that the annual revenue require-
11 ment is met.

12 (C) SPECIAL DEADLINES FOR PROJECTS IN
13 RESPONSE TO CATASTROPHIC EVENT.—In the
14 case of a trust project proposed in response to
15 a catastrophic event, the Secretary shall com-
16 plete the environmental report required by this
17 paragraph within 30 days after the date on
18 which notice was published under paragraph
19 (1)(A) with regard to the proposed project. The
20 Secretary shall adjust the deadlines for public
21 comments specified in subparagraphs (A) and
22 (C) of paragraph (1) as necessary to achieve
23 the expedited reporting requirement imposed by
24 this subparagraph.

1 (D) COST TO PREPARE ENVIRONMENTAL
2 REPORT.—The costs to prepare the environ-
3 mental report for a trust project shall not ex-
4 ceed an amount equal to one-third of the esti-
5 mated value of the receipts to be generated by
6 the trust project.

7 (3) SOLE MEANS FOR ADMINISTRATIVE RE-
8 VIEW.—The procedures provided by this subsection
9 are the sole means by which a person may seek ad-
10 ministrative review of a County, Schools, and Rev-
11 enue Trust Project.

12 (4) NO JUDICIAL REVIEW.—There shall be no
13 judicial review of the environmental report for a
14 County, Schools, and Revenue Trust Project.

15 (e) COMPLIANCE.—Compliance with this section shall
16 be deemed to be compliance with the requirements of the
17 Forest and Rangeland Renewable Resources Planning Act
18 of 1974 (16 U.S.C. 1601 et seq.), the National Environ-
19 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.), sec-
20 tion 14 of the National Forest Management Act of 1976
21 (16 U.S.C. 472a), the Endangered Species Act of 1973
22 (16 U.S.C. 1531 et seq.), and the Multiple-Use Sustained-
23 Yield Act of 1960 (16 U.S.C. 528 et seq.).

1 **SEC. 106. DISTRIBUTION OF AMOUNTS FROM TRUST**
2 **PROJECTS.**

3 (a) **PERCENTAGE DISTRIBUTION.**—The amounts de-
4 rived from a County, Schools, and Revenue Trust Project
5 shall be distributed as follows:

6 (1) 65 percent shall be deposited in the County,
7 Schools, and Revenue Trust.

8 (2) 35 percent shall be deposited in the general
9 fund of the Treasury for use as provided in sub-
10 section (b).

11 (b) **USE OF FUNDS FOR FOREST SERVICE.**—

12 (1) **IN GENERAL.**—Amounts deposited under
13 subsection (a)(2) shall be available, in such amounts
14 as may be provided in advance in appropriation
15 Acts, for the Forest Service.

16 (2) **FUNDS FOR PERFORMANCE BASED CASH**
17 **AWARDS.**—Of the amount made available under
18 paragraph (1) for a fiscal year, the Secretary shall
19 make available to the responsible officials for units
20 of the National Forest System up to one percent of
21 the amount for the purpose of providing perform-
22 ance-based cash awards under section 4505a of title
23 5, United States Code, to employees of the Forest
24 Service who assist a unit in exceeding its minimum
25 sale level for the fiscal year.

1 **SEC. 107. PAYMENTS TO BENEFICIARY COUNTIES FROM**
2 **COUNTY, SCHOOLS, AND REVENUE TRUST.**

3 (a) DISTRIBUTION METHOD.—As soon as practicable
4 at the end of each fiscal year, the Secretary shall dis-
5 tribute all amounts that were deposited in the County,
6 Schools, and Revenue Trust from trust projects for that
7 fiscal year to the States for distribution to beneficiary
8 counties in the manner provided by section 102(c)(1) of
9 the Secure Rural Schools and Community Self-Determina-
10 tion Act of 2000 (16 U.S.C. 7112(c)(1)).

11 (b) USE OF FUNDS.—The use of amounts received
12 by a beneficiary county under this section shall be subject
13 to subsections (c)(2) and (d) of section 102 of the Secure
14 Rural Schools and Community Self-Determination Act of
15 2000 (16 U.S.C. 7112).

16 **SEC. 108. INITIAL PAYMENTS PENDING IMPLEMENTATION**
17 **OF TRUST PROJECTS.**

18 (a) FISCAL YEAR 2012.—

19 (1) BENEFICIARY COUNTIES.—As soon as prac-
20 ticable after the end of fiscal year 2012, the Sec-
21 retary of Agriculture shall distribute to each bene-
22 ficiary county a payment equal to the amount dis-
23 tributed to the beneficiary county for fiscal year
24 2010 under section 102(c)(1) of the Secure Rural
25 Schools and Community Self-Determination Act of
26 2000 (16 U.S.C. 7112(c)(1)).

1 (2) COUNTIES THAT WERE ELIGIBLE FOR DI-
2 RECT COUNTY PAYMENTS.—As soon as practicable
3 after the end of fiscal year 2012, the Secretary of
4 the Interior shall distribute to each county that re-
5 ceived a payment for fiscal year 2010 under section
6 102(a)(2) of the Secure Rural Schools and Commu-
7 nity Self-Determination Act of 2000 (16 U.S.C.
8 7112(a)(2)) a payment equal to the amount distrib-
9 uted to the county for fiscal year 2010 under section
10 102(c)(1) of the Secure Rural Schools and Commu-
11 nity Self-Determination Act of 2000 (16 U.S.C.
12 7112(c)(1))

13 (b) FISCAL YEAR 2013.—As soon as practicable at
14 the end of fiscal year 2013, the Secretary concerned shall
15 distribute to each beneficiary county that received a pay-
16 ment under subsection (a)(1) and to each county that re-
17 ceived a payment under subsection (a)(2) a payment equal
18 to 75 percent of the amount distributed to the county
19 under subsection (a).

20 (c) SOURCE OF FUNDS.—The amounts required to
21 be distributed under this section shall be derived from
22 funds in the County, Schools, and Revenue Trust.

23 (d) USE OF FUNDS.—The distribution under this sec-
24 tion of amounts to a beneficiary county shall be subject
25 to subsections (c)(2) and (d) of section 102 of the Secure

1 Rural Schools and Community Self-Determination Act of
2 2000 (16 U.S.C. 7112). The distribution under this sec-
3 tion of amounts to a county described in subsection (a)(2)
4 shall be subject to subsection (d) of such section.

5 **TITLE II—PAYMENT IN LIEU OF** 6 **TAXES AMENDMENTS**

7 **SEC. 201. EXTENSION.**

8 Section 6906 of title 31, United States Code, is
9 amended by striking “2012” and inserting “2017”.

10 **SEC. 202. INCLUSION IN DEFINITION OF PAYMENT LAW.**

11 Section 6903(a)(1) of title 31, United States Code,
12 amended—

13 (1) by striking “and” at the end of subpara-
14 graph (I);

15 (2) by striking the period at the end of sub-
16 paragraph (J) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(K) titles I and II of the Federal Forests
20 County Revenue, Schools, and Jobs Act of
21 2012.”.

1 **SEC. 203. CONGRESSIONAL NOTIFICATION AND PUBLICA-**
2 **TION OF INFORMATION.**

3 Section 6903 of title 31, United States Code, is
4 amended by adding at the end the following new sub-
5 sections:

6 “(e) CONGRESSIONAL NOTIFICATION.—The Sec-
7 retary of the Interior shall submit to the Committee on
8 Energy and Natural Resources of the Senate and the
9 Committee on Natural Resources of the House of Rep-
10 resentatives a list of States that have not submitted to
11 the Secretary the data required to calculate payments
12 under this chapter by January 15 of each year.

13 “(f) PUBLICATION.—The Secretary of the Interior
14 shall—

15 “(1) publish in the Federal Register and on the
16 Department of the Interior website a list of States
17 that have not submitted to the Secretary the data
18 required to calculate payments under this chapter by
19 February 1 of each year; and

20 “(2) update the list published on the Depart-
21 ment of the Interior website under paragraph (1) to
22 reflect any changes in the list.”.

1 **TITLE III—FOREST SERVICE**
2 **RECREATION RESIDENCE**
3 **PROGRAM**

4 **SEC. 301. DEFINITIONS.**

5 In this title:

6 (1) **AUTHORIZATION; AUTHORIZE.**—The terms
7 “authorization” and “authorize” mean the issuance
8 of a special use permit for the use and occupancy of
9 National Forest System land by a cabin owner under
10 the Recreation Residence Program.

11 (2) **CABIN.**—The term “cabin” means a pri-
12 vately built and owned recreation residence and re-
13 lated improvements on National Forest System land
14 that—

15 (A) is authorized for private use and occu-
16 pancy; and

17 (B) may be sold or transferred between
18 private parties.

19 (3) **CABIN OWNER.**—The term “cabin owner”
20 means—

21 (A) a person authorized by the Secretary
22 to use and to occupy a cabin; and

23 (B) a trust, heir, or assign of a person de-
24 scribed in subparagraph (A).

1 (4) CABIN TRANSFER FEE.—The term “cabin
2 transfer fee” means a fee that is paid to the United
3 States on the transfer of a cabin between private
4 parties for money or other consideration that results
5 in the issuance of a new permit.

6 (5) CABIN USER FEE.—The term “cabin user
7 fee” means an annual fee paid to the United States
8 by a cabin owner in accordance with an authoriza-
9 tion for the use and occupancy of a cabin.

10 (6) CURRENT APPRAISAL CYCLE.—The term
11 “current appraisal cycle” means the completion of
12 Forest Service review and acceptance of—

13 (A) initial typical lot appraisals; and

14 (B) second appraisals, if ordered by cabin
15 owners and approved by the Forest Service.

16 (7) CURRENT CABIN USER FEE.—The term
17 “current cabin user fee” means the most recent
18 cabin user fee, as adjusted under section 302(c).

19 (8) LOT.—The term “lot” means a parcel of
20 National Forest System land on which a person is
21 authorized to build, use, occupy, and maintain a
22 cabin.

23 (9) NATIONAL FOREST SYSTEM.—The term
24 “National Forest System” has the meaning given
25 that term in section 11 of the Forest and Rangeland

1 Renewable Resources Planning Act of 1974 (16
2 U.S.C. 1609).

3 (10) RECREATION RESIDENCE PROGRAM.—The
4 term “Recreation Residence Program” means the
5 Recreation Residence Program established under the
6 last paragraph under the heading “FOREST SERV-
7 ICE” in the Act of March 4, 1915 (16 U.S.C. 497).

8 (11) SECRETARY.—The term “Secretary”
9 means the Secretary of Agriculture, acting through
10 the Chief of the Forest Service.

11 (12) TYPICAL LOT.—The term “typical lot”
12 means a cabin lot, or group of cabin lots, in a tract
13 that is selected for use in an appraisal as being rep-
14 resentative of, and that has similar value character-
15 istics as, other lots or groups of lots within the tract.

16 **SEC. 302. CABIN USER FEES.**

17 (a) PAYMENT OF CABIN USER FEES.—Cabin owners
18 shall pay an annual cabin user fee established by the Sec-
19 retary in accordance with this section.

20 (b) INITIAL CABIN USER FEES.—

21 (1) ESTABLISHMENT.—The Secretary shall es-
22 tablish initial cabin user fees in accordance with this
23 subsection.

24 (2) ASSIGNMENT TO VALUE TIERS.—On com-
25 pletion of the current appraisal cycle, as required by

1 paragraph (4), the Secretary shall assign each per-
2 mitted lot on National Forest System land to 1 of
3 9 tiers based on the following considerations:

4 (A) Before assigning the lots to tiers, all
5 appraised lot values shall be adjusted, or nor-
6 malized, for price changes occurring after the
7 appraisal, in accordance with the National As-
8 sociation of Homebuilders/Wells Fargo Housing
9 Opportunity Index.

10 (B) Second appraisal values that meet
11 Forest Service standards for approval shall su-
12 persede initial lot appraisal values for the nor-
13 malization and ranking process under subpara-
14 graph (A).

15 (C) The tiers shall be established, on a na-
16 tional basis, according to relative lot value, with
17 lots having the lowest adjusted appraised value
18 assigned to tier 1 and lots having the highest
19 adjusted appraised value assigned to tier 9.

20 (D) The number of lots (by percentage) as-
21 signed to each tier is contained in the table set
22 forth in paragraph (3).

23 (E) Data from incomplete appraisals may
24 not be used to establish the fee tiers under this
25 subsection.

1 (F) Until assigned to a tier under this sub-
 2 section, the Secretary shall assess (and may ad-
 3 just annually subject to clause (ii)) an interim
 4 fee for permitted cabin lots (including lots with
 5 incomplete appraisals) in an amount equal to
 6 the lesser of—

7 (i) \$4,500; or

8 (ii) the amount of the current cabin
 9 user fee, as determined under the Cabin
 10 User Fee Fairness Act of 2000 (16 U.S.C.
 11 6201 et seq.), which amount the Secretary
 12 may increase annually by not more than
 13 25 percent, except that the increased fee
 14 shall not exceed the otherwise scheduled
 15 fee determined under the Cabin User Fee
 16 Fairness Act of 2000.

17 (3) AMOUNT OF INITIAL CABIN USER FEES.—

18 The initial cabin user fees, based on the assignments
 19 under paragraph (2), are as follows:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	8 percent	\$500
Tier 2	16 percent	\$1,000
Tier 3	20 percent	\$1,500
Tier 4	20 percent	\$2,000
Tier 5	12 percent	\$2,500

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 6	8 percent	\$3,000
Tier 7	6 percent	\$3,500
Tier 8	6 percent	\$4,000
Tier 9	4 percent	\$4,500.

1 (4) DEADLINE FOR COMPLETION OF CURRENT
2 APPRAISAL CYCLE.—Not later than 3 years after the
3 date of enactment of this Act, the Secretary shall
4 complete the current appraisal cycle.

5 (5) EFFECTIVE DATE.—The initial cabin user
6 fees required by this subsection shall take effect be-
7 ginning with the first calendar year beginning after
8 the completion of the current appraisal cycle.

9 (c) ANNUAL ADJUSTMENTS OF CABIN USER FEE.—
10 Once initial cabin user fees have been assessed, based on
11 the tier assignments under subsection (b)(2), the Sec-
12 retary shall use changes in the Implicit Price Deflator for
13 the Gross Domestic Product published by the Bureau of
14 Economic Analysis of the Department of Commerce, ap-
15 plied on a 5-year rolling average, to assess an annual ad-
16 justment to cabin user fees.

17 (d) EFFECT OF DESTRUCTION, SUBSTANTIAL DAM-
18 AGE, OR LOSS OF ACCESS.—

19 (1) IN GENERAL.—The Secretary shall reduce
20 the cabin user fee to \$100 per year for a cabin if—

1 (A) the cabin is destroyed or suffers sub-
2 stantial damage in an amount that is greater
3 than 50 percent of replacement cost of the
4 cabin; or

5 (B) access to the cabin is significantly im-
6 paired, whether by catastrophic events, natural
7 causes, or governmental actions.

8 (2) TERM OF REDUCED FEE.—The reduced fee
9 under paragraph (1) shall be in effect until the later
10 of—

11 (A) the last day of the year in which the
12 destruction or impairment occurs; or

13 (B) the date on which the cabin may be
14 lawfully reoccupied and normal access has been
15 restored.

16 **SEC. 303. CABIN TRANSFER FEES.**

17 (a) PAYMENT OF CABIN TRANSFER FEES.—In con-
18 junction with the transfer of ownership of any cabin and
19 the issuance of a new permit, the cabin owner transferring
20 the cabin shall file with the Secretary a sworn statement
21 declaring the amount of money or other value received,
22 if any, for the transfer of the cabin.

23 (b) AMOUNT.—As a condition of the issuance by the
24 Secretary of a new authorization for the use and occu-
25 pancy of the cabin, the cabin owner transferring the cabin

1 shall pay to the Secretary a cabin transfer fee in an
 2 amount determined as follows:

Consideration Received by Transfer	Transfer Fee Amount
\$0 to \$250,000	\$1,000
\$250,000.01 to \$500,000.00	\$1,000 plus 5 percent of consideration in excess of \$250,000 up to \$500,000
\$500,000.01 and above	\$1,000 plus 5 percent of consideration in excess of \$250,000 up to \$500,000 plus 10 percent of consideration in excess of \$500,000.

3 (c) INDEX.—The Secretary shall use changes in the
 4 Implicit Price Deflator for the Gross Domestic Product
 5 published by the Bureau of Economic Analysis of the De-
 6 partment of Commerce, applied on a 5-year rolling aver-
 7 age, to determine and apply an annual adjustment to the
 8 cabin transfer fee threshold amounts set forth in the table
 9 contained in subsection (b).

10 **SEC. 304. RIGHT OF APPEAL AND JUDICIAL REVIEW.**

11 (a) RIGHT OF APPEAL.—

12 (1) IN GENERAL.—Notwithstanding any action
 13 of a cabin owner to exercise rights in accordance
 14 with section 305, the Secretary shall by regulation
 15 grant to the cabin owner the right to an administra-
 16 tive appeal of the determination of a new cabin user
 17 fee, fee tier, cabin transfer fee, or whether or not to
 18 reduce a cabin user fee under section 302(d).

1 (2) APPLICABLE LAW.—An appeal under para-
2 graph (1) shall be pursuant to the appeal process
3 provided under subpart C of part 251 of title 36,
4 Code of Federal Regulations (or a successor regula-
5 tion).

6 (b) JUDICIAL REVIEW.—

7 (1) IN GENERAL.—A cabin owner that contests
8 a final decision of the Secretary under this title may
9 bring a civil action in United States district court.

10 (2) VENUE.—The venue for an action brought
11 before the United States district court under this
12 subsection shall be in the Federal judicial district in
13 which the cabin is located or the permit holder re-
14 sides.

15 (3) EFFECT ON MEDIATION.—Nothing in this
16 title precludes a person from seeking mediation for
17 an action under this title.

18 **SEC. 305. EFFECT.**

19 (a) IN GENERAL.—Nothing in this title limits or re-
20 stricts any right, title, or interest of the United States in
21 or to any land or resource.

22 (b) SPECIAL RULE FOR ALASKA.—In determining a
23 cabin user fee in the State of Alaska, the Secretary shall
24 not establish or impose a cabin user fee or a condition
25 affecting a cabin user fee that is inconsistent with 1303(d)

1 of the Alaska National Interest Lands Conservation Act
2 (16 U.S.C. 3193(d)).

3 **SEC. 306. REGULATIONS.**

4 Not later than December 31, 2013, the Secretary
5 shall issue regulations to carry out this title.

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