

on the results and effectiveness of the program carried out under this chapter, including recommendations concerning how the chapter might be improved and whether the program should be continued.

(Pub. L. 106-247, §8, July 20, 2000, 114 Stat. 596; Pub. L. 109-363, title III, §302(g), Oct. 17, 2006, 120 Stat. 2076.)

AMENDMENTS

2006—Pub. L. 109-363 substituted “2 years after October 17, 2006,” for “October 1, 2002.”

§ 6108. Neotropical Migratory Bird Conservation Fund

(a) Establishment

There is established in the Treasury a separate account, which shall be known as the “Neotropical Migratory Bird Conservation Fund”. The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) Deposits into the Fund

The Secretary of the Treasury shall deposit into the Fund—

- (1) all amounts received by the Secretary in the form of donations under subsection (d); and
- (2) other amounts appropriated to the Fund.

(c) Use

(1) In general

Subject to paragraph (2), the Secretary may use amounts in the Account,¹ without further Act of appropriation, to carry out this chapter.

(2) Administrative expenses

Of amounts in the Account¹ available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(d) Acceptance and use of donations

The Secretary may accept and use donations to carry out this chapter. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

(Pub. L. 106-247, §9, July 20, 2000, 114 Stat. 596; Pub. L. 109-363, title III, §302(h)(1), (2), (3)(B), Oct. 17, 2006, 120 Stat. 2076, 2077.)

AMENDMENTS

2006—Pub. L. 109-363, §302(h)(1), substituted “Neotropical Migratory Bird Conservation Fund” for “Neotropical Migratory Bird Conservation Account” in section catchline.

Subsecs. (a), (b). Pub. L. 109-363, §302(h)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to the establishment of and deposits into the Neotropical Migratory Bird Conservation Account.

Subsec. (c)(2). Pub. L. 109-363, §302(h)(2), substituted “\$100,000” for “\$80,000”.

Subsec. (d). Pub. L. 109-363, §302(h)(3)(B), substituted “Fund” for “Account”.

¹ So in original. Probably should be “Fund”.

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 Account¹ 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

Sec.
6201 to 6213. Repealed.
6214. Cabin user and transfer fees.

§§ 6201 to 6213. Repealed. Pub. L. 113-291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766

Section 6201, Pub. L. 106-291, title VI, §602, Oct. 11, 2000, 114 Stat. 1014, set forth congressional findings.

Section 6202, Pub. L. 106-291, title VI, §603, Oct. 11, 2000, 114 Stat. 1014, related to purposes of chapter.

Section 6203, Pub. L. 106-291, title VI, §604, Oct. 11, 2000, 114 Stat. 1014, set forth definitions.

Section 6204, Pub. L. 106-291, title VI, §605, Oct. 11, 2000, 114 Stat. 1015, related to administration of recreation residence program.

Section 6205, Pub. L. 106-291, title VI, §606, Oct. 11, 2000, 114 Stat. 1015, related to appraisal process for determining cabin user fees.

¹ So in original. Probably should be “Fund”.

Section 6206, Pub. L. 106-291, title VI, §607, Oct. 11, 2000, 114 Stat. 1018, related to establishment of cabin user fees.

Section 6207, 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, related to annual adjustment of fees.

Section 6208, Pub. L. 106-291, title VI, §609, Oct. 11, 2000, 114 Stat. 1020, related to payment of fees.

Section 6209, Pub. L. 106-291, title VI, §610, Oct. 11, 2000, 114 Stat. 1020, related to right of cabin owner to obtain a second appraisal.

Section 6210, Pub. L. 106-291, title VI, §611, Oct. 11, 2000, 114 Stat. 1021, related to right of appeal and judicial review of determination.

Section 6211, Pub. L. 106-291, title VI, §612, Oct. 11, 2000, 114 Stat. 1021, related to consistency with other law and rights.

Section 6212, Pub. L. 106-291, title VI, §613, Oct. 11, 2000, 114 Stat. 1022, related to promulgation of regulations.

Section 6213, Pub. L. 106-291, title VI, §614, Oct. 11, 2000, 114 Stat. 1022, related to fees during period of transition.

EFFECTIVE DATE OF REPEAL

Repeal 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), see section 6214(k) of this title. The tiered fee schedule set out in section 6214(f) of this title was implemented effective Jan. 1, 2016.

SHORT TITLE

Pub. L. 106-291, title VI, §601, Oct. 11, 2000, 114 Stat. 1014, which provided that title VI of Pub. L. 106-291, enacting this chapter, could be cited as the "Cabin User Fee Fairness Act of 2000", was repealed by Pub. L. 113-291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, 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).

§ 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:

Table with 3 columns: Fee Tier, Approximate Percent of Permits Nationally, Fee Amount. Rows include Tier 1 through Tier 11 with corresponding percentages and fee amounts.

(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.