

105TH CONGRESS
2D SESSION

H. R. 3765

To gradually increase the fees paid by current holders of Forest Service special use permits that authorize the construction and occupancy of private recreation houses or cabins.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1998

Mr. SMITH of Oregon introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To gradually increase the fees paid by current holders of Forest Service special use permits that authorize the construction and occupancy of private recreation houses or cabins.

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. FEE ADJUSTMENT MECHANISM FOR CURRENT**
4 **HOLDERS OF CERTAIN FOREST SERVICE SPE-**
5 **CIAL USE PERMITS.**

6 (a) COVERED SPECIAL USE PERMITS.—This section
7 applies with respect to a special use permit in effect after
8 the date of the enactment of this Act that—

1 (1) was issued by the Forest Service before the
2 date of the enactment of this Act under the author-
3 ity of the last paragraph under the heading “FOR-
4 EST SERVICE” in the Act of March 4, 1915 (16
5 U.S.C. 497), or any other law; and

6 (2) authorizes a person to construct and occupy
7 a private recreation house or cabin on National For-
8 est System lands.

9 (b) BASE FEE.—For purposes of this section, the
10 base fee for each special use permit described in sub-
11 section (a) shall be equal to the fee in effect for that spe-
12 cial use permit on January 1, 1998. If the special use per-
13 mit was not in existence on that date, the base fee shall
14 be equal to the fee in effect for that special use permit
15 on the date of the enactment of this Act.

16 (c) ADJUSTMENT MECHANISM.—

17 (1) USE REQUIRED.—In the case of each spe-
18 cial use permit described in subsection (a), the pro-
19 cedure specified in this subsection is the only meth-
20 od by which the fee imposed in connection with the
21 special use permit may be changed during the re-
22 mainder of the term of the special use permit.

23 (2) INITIAL ADJUSTMENT.—Effective January
24 1, 1999, the Secretary of Agriculture shall increase
25 the base fee for each special use permit described in

1 subsection (a) by the percent change in the price
 2 index for the base quarter of the preceding year over
 3 the price index for the base quarter of the second
 4 preceding year, adjusted to the nearest $\frac{1}{10}$ of one
 5 percent.

6 (3) SUBSEQUENT ADJUSTMENTS.—Effective
 7 January 1, 2000, and annually thereafter during the
 8 remainder of the term of each special use permit de-
 9 scribed in subsection (a), the Secretary shall in-
 10 crease the fee in effect under this subsection for the
 11 preceding year by the percent change in the price
 12 index for the base quarter of the preceding year over
 13 the price index for the base quarter of the second
 14 preceding year, adjusted to the nearest $\frac{1}{10}$ of one
 15 percent.

16 (4) DEFINITIONS.—In this subsection:

17 (A) BASE QUARTER.—The term “base
 18 quarter”, means the last three months of a cal-
 19 endar year.

20 (B) PRICE INDEX.—The term “price
 21 index” means the Consumer Price Index (all
 22 items—United States city average) published
 23 monthly by the Bureau of Labor Statistics. The
 24 price index for a base quarter is the arithmet-

1 ical mean of the index for the three months
2 comprising that base quarter.

3 (d) EFFECT OF TRANSFER OF PERMIT.—

4 (1) TRANSFER TO DEPENDENTS.—Subsection
5 (c) shall continue to apply to a special use permit
6 described in subsection (a) even though the person
7 who holds the special use permit as of the date of
8 the enactment of this Act transfers the special use
9 permit to the person's spouse or to a child or grand-
10 child of the person.

11 (2) OTHER TRANSFERS.—Notwithstanding sub-
12 section (c)(1), any other transfer of a special use
13 permit described in subsection (a) shall terminate
14 the use of subsection (c) to adjust the fee for that
15 special use permit. Thereafter, the fees for that spe-
16 cial use permit shall be established and adjusted in
17 the manner otherwise provided by law for rec-
18 reational special use permits issued by the Forest
19 Service.

20 (e) TREATMENT OF RENEWALS.—If a special use
21 permit described in subsection (a) is renewed after the
22 date of the enactment of this Act, whether the renewal
23 is sought by the person who held the special use permit
24 as of such date or by a dependent of the person specified
25 in subsection (d)(1), the amount of the fee last in effect

1 under subsection (c) for the original special use permit
2 shall be the initial fee imposed upon issuance of the new
3 special use permit. The amount of the fee shall be adjusted
4 annually thereafter in the manner provided in subsection
5 (c)(3).

