

Union Calendar No. 539

112TH CONGRESS
2^D SESSION**H. R. 4019****[Report No. 112–737, Part I]**

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

DECEMBER 31, 2012

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 31, 2012

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 14, 2012]

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Federal Forests County Revenue, Schools, and Jobs Act of*
 6 *2012”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *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.

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

4 **SEC. 101. DEFINITIONS.**

5 *In this title:*

6 (1) *ANNUAL REVENUE REQUIREMENT.*—The term
 7 “annual revenue requirement”, with respect to a unit
 8 of the National Forest System, means the amount
 9 equal to 60 percent of the average annual gross re-
 10 cepts derived from the unit during the 20-year period
 11 beginning with fiscal year 1980, as determined under
 12 section 104.

13 (2) *BENEFICIARY COUNTY.*—

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

21 (B) *EXCLUSION OF CERTAIN COUNTIES.*—
 22 The term does not include a political subdivision
 23 of a State that elects not to participate under
 24 section 103. A political subdivision that opts out
 25 of participation may still receive payments as

1 provided in the sixth paragraph under the head-
2 ing of “FOREST SERVICE” in the Act of May
3 23, 1908 (35 Stat. 260; 16 U.S.C. 500) and sec-
4 tion 13 of the Act of March 1, 1911 (36 Stat.
5 963; 16 U.S.C. 500).

6 (3) CATASTROPHIC EVENT.—The term “cata-
7 strophic event” means an event that the Secretary de-
8 termines will cause or has caused severe damage to
9 National Forest System land, including severe fire,
10 insect or disease infestations, windthrow, or other ex-
11 treme weather or natural disaster.

12 (4) CHARGEABLE VOLUME.—

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

20 (B) EXCLUSION.—The term does not in-
21 clude post and pole sales and personal use fire-
22 wood.

23 (5) COMMUNITY WILDFIRE PROTECTION PLAN.—
24 The term “community wildfire protection plan” has
25 the meaning given that term in section 101 of the

1 *Healthy Forests Restoration Act of 2003 (16 U.S.C.*
 2 *6511).*

3 (6) *COUNTY, SCHOOLS, AND REVENUE TRUST*
 4 *PROJECT.*—*The terms “County, Schools, and Revenue*
 5 *Trust Project” and “trust project” mean a project*
 6 *designated by the Secretary as a project to generate*
 7 *amounts to help meet the annual revenue require-*
 8 *ment.*

9 (7) *FEDERAL LAND.*—*The term “Federal land”*
 10 *means—*

11 (A) *land within the National Forest Sys-*
 12 *tem; and*

13 (B) *such portions of the revested Oregon*
 14 *and California Railroad and reconveyed Coos*
 15 *Bay Wagon Road grant land as are or may*
 16 *hereafter come under the jurisdiction of the De-*
 17 *partment of the Interior, which have heretofore*
 18 *or may hereafter be classified as timberlands,*
 19 *and power-site land valuable for timber, that*
 20 *shall be managed, except as provided in section*
 21 *3 of the Act of August 28, 1937 (50 Stat. 875;*
 22 *43 U.S.C. 1181c), for permanent forest produc-*
 23 *tion.*

24 (8) *MINIMUM SALE LEVEL.*—*The term “min-*
 25 *imum sale level”, for a unit of the National Forest*

1 *System for a fiscal year, means a quantity equal to*
2 *50 percent of the average annual chargeable timber*
3 *volume (as measured in net sawtimber volume) sold*
4 *from the unit during the period beginning with fiscal*
5 *year 1980 through fiscal year 2000, as determined*
6 *under section 104.*

7 (9) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
8 *tional Forest System” has the meaning given that*
9 *term in section 11(a) of the Forest and Rangeland*
10 *Renewable Resources Planning Act of 1974 (16*
11 *U.S.C. 1609(a)), except that the term does not include*
12 *the National Grasslands and land utilization projects*
13 *designated as National Grasslands administered pur-*
14 *suant to the Act of July 22, 1937 (7 U.S.C. 1010–*
15 *1012).*

16 (10) *SECRETARY.*—*The term “Secretary” means*
17 *the Secretary of Agriculture or the designee of the Sec-*
18 *retary of Agriculture.*

19 (11) *SECRETARY CONCERNED.*—*The term “Sec-*
20 *retary concerned” means—*

21 (A) *the Secretary of Agriculture or the des-*
22 *ignee of the Secretary of Agriculture with respect*
23 *to National Forest System land; and*

24 (B) *the Secretary of the Interior or the des-*
25 *ignee of the Secretary of the Interior with respect*

1 to the Federal land described in paragraph
2 (7)(B).

3 (12) *STATE*.—The term “State” includes the
4 Commonwealth of Puerto Rico.

5 (13) *TRUST*.—The terms “County, Schools, and
6 Revenue Trust” and “Trust” mean the County,
7 Schools, and Revenue Trust established in the Treas-
8 ury under section 102.

9 (14) *TRUSTEE*.—The term “Trustee” means the
10 Secretary, acting as the trustee of the County,
11 Schools, and Revenue Trust.

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

13 (a) *ESTABLISHMENT OF TRUST*.—There is established
14 in the Treasury a fund to be known as the “County, Schools,
15 and Revenue Trust”.

16 (b) *TRUST PURPOSE*.—The purpose of the Trust is to
17 provide a dependable source of revenue for each beneficiary
18 county containing National Forest System land.

19 (c) *FIDUCIARY RESPONSIBILITY*.—The Trustee has a
20 fiduciary responsibility to beneficiary counties to use Coun-
21 ty, Schools, and Revenue Trust Projects to generate
22 amounts sufficient to satisfy the annual revenue require-
23 ment established for units of the National Forest System.

24 (d) *TRUST ASSETS*.—

1 (1) *INITIAL DEPOSITS.*—To allow the transition
 2 necessary to implement this title, there is hereby ap-
 3 propriated to the Trust, out of amounts in the Treas-
 4 ury not otherwise appropriated, an amount equal to
 5 \$875,000,000 to provide payments under section 108
 6 during fiscal years 2012 and 2013.

7 (2) *PORTION OF RECEIPTS FROM TRUST*
 8 *PROJECTS.*—There shall be credited to the Trust all
 9 amounts required by section 106(a)(1) to be deposited
 10 in the Trust from County, Schools, and Revenue
 11 Trust Projects.

12 (e) *LIMITATIONS.*—The assets of the Trust shall not—

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

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

17 (3) be used in lieu of or to otherwise offset State
 18 funding sources for local schools, facilities, or edu-
 19 cational purposes.

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

1 **SEC. 103. OPT OUT OPTION.**

2 (a) *ELECTION*.—A political subdivision of a State that
3 otherwise satisfies the definition of beneficiary county may
4 elect not to participate under this title.

5 (b) *TIME AND DURATION OF ELECTION*.—An election
6 to opt out under subsection (a) is effective for a single fiscal
7 year and must be submitted to the Secretary before the start
8 of that fiscal year.

9 (c) *EFFECT OF ELECTION*.—

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

18 (2) *COMPLETION OF EXISTING PROJECTS*.—Trust
19 projects underway before the effective date of the opt
20 out may be completed.

21 **SEC. 104. DETERMINATION OF ANNUAL REVENUE REQUIRE-**
22 **MENT AND MINIMUM SALE LEVEL.**

23 Not later than 60 days after the date of the enactment
24 of this Act, the Secretary shall determine for each unit of
25 the National Forest System—

1 (1) *the annual revenue requirement for the unit;*
 2 *and*

3 (2) *the minimum sale level for the unit.*

4 **SEC. 105. COUNTY, SCHOOLS, AND REVENUE TRUST**
 5 **PROJECTS.**

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

15 (b) *DESIGNATION OF PROJECTS.*—

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

22 (2) *TYPES OF PROJECTS.*—Trust projects may
 23 include a timber sale, issuance of a grazing permit,
 24 issuance of a special use permit involving land use,
 25 mineral development, power generation, or rec-

1 *reational use, and projects implementing a commu-*
 2 *nity wildfire protection plan.*

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

6 (A) *that is a component of the National*
 7 *Wilderness Preservation System; or*

8 (B) *on which the removal of vegetation is*
 9 *specifically prohibited by Federal law.*

10 (4) *MAXIMUM NUMBER OF DESIGNATED*
 11 *PROJECTS.—The maximum number of trust projects*
 12 *designated by the Secretary for a unit of the National*
 13 *Forest System for a fiscal year may not exceed the*
 14 *number of projects necessary to meet the annual rev-*
 15 *enue requirement for the unit.*

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

24 (c) *SPECIAL AUTHORITY TO RESPOND TO CATA-*
 25 *STROPHIC EVENTS.—Notwithstanding subsection (b)(4), the*

1 *Secretary may designate any project conducted in response*
2 *to a catastrophic event as a County, Schools, and Revenue*
3 *Trust Project.*

4 (d) *PUBLIC REVIEW AND REQUIRED ENVIRONMENTAL*
5 *ANALYSIS.—*

6 (1) *PUBLIC NOTICE AND COMMENT.—*

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

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

23 (C) *OBJECTIONS.—Only persons who sub-*
24 *mitted comments regarding a proposed County,*
25 *Schools, and Revenue Trust Project under sub-*

1 paragraph (A) may submit to the Secretary spe-
2 cific written objections that relate to the final
3 designated trust project. Any objections regard-
4 ing the final trust project must be submitted
5 within 30 days after the date of the publication
6 of the notice under subparagraph (B).

7 (2) ENVIRONMENTAL REPORT REQUIREMENT.—

8 (A) IN GENERAL.—Except as provided
9 under subparagraph (C), the Secretary shall pre-
10 pare an environmental report for each final des-
11 ignated County, Schools, and Revenues Trust
12 Project within 180 days after the date on which
13 notice was published under paragraph (1)(A)
14 with regard to the project.

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

18 (i) To the extent the Secretary con-
19 siders appropriate and feasible, an evalua-
20 tion of the environmental impacts of the
21 proposed project, including the effect, if
22 any, on threatened or endangered species
23 listed under the Endangered Species Act of
24 1973 (16 U.S.C. 1531 et seq.).

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

7 (iii) *Any modifications to the project*
8 *to ensure that the annual revenue require-*
9 *ment is met.*

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

23 (D) *COST TO PREPARE ENVIRONMENTAL RE-*
24 *PORT.—The costs to prepare the environmental*
25 *report for a trust project shall not exceed an*

1 *amount equal to one-third of the estimated value*
 2 *of the receipts to be generated by the trust*
 3 *project.*

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

9 (4) *NO JUDICIAL REVIEW.—There shall be no ju-*
 10 *dicial review of the environmental report for a Coun-*
 11 *ty, Schools, and Revenue Trust Project.*

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

21 **SEC. 106. DISTRIBUTION OF AMOUNTS FROM TRUST**
 22 **PROJECTS.**

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

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

3 (2) 35 percent shall be deposited in the general
4 *fund of the Treasury for use as provided in subsection*
5 *(b).*

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

7 (1) *IN GENERAL.—*Amounts deposited under sub-
8 *section (a)(2) shall be available, in such amounts as*
9 *may be provided in advance in appropriation Acts,*
10 *for the Forest Service.*

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

21 ***SEC. 107. PAYMENTS TO BENEFICIARY COUNTIES FROM***
22 ***COUNTY, SCHOOLS, AND REVENUE TRUST.***

23 (a) *DISTRIBUTION METHOD.—**As soon as practicable*
24 *at the end of each fiscal year, the Secretary shall distribute*
25 *all amounts that were deposited in the County, Schools, and*

1 *Revenue Trust from trust projects for that fiscal year to*
 2 *the States for distribution to beneficiary counties in the*
 3 *manner provided by section 102(c)(1) of the Secure Rural*
 4 *Schools and Community Self-Determination Act of 2000*
 5 *(16 U.S.C. 7112(c)(1)).*

6 (b) *USE OF FUNDS.—The use of amounts received by*
 7 *a beneficiary county under this section shall be subject to*
 8 *subsections (c)(2) and (d) of section 102 of the Secure Rural*
 9 *Schools and Community Self-Determination Act of 2000*
 10 *(16 U.S.C. 7112).*

11 **SEC. 108. INITIAL PAYMENTS PENDING IMPLEMENTATION**
 12 **OF TRUST PROJECTS.**

13 (a) *FISCAL YEAR 2012.—*

14 (1) *BENEFICIARY COUNTIES.—As soon as prac-*
 15 *ticable after the end of fiscal year 2012, the Secretary*
 16 *of Agriculture shall distribute to each beneficiary*
 17 *county a payment equal to the amount distributed to*
 18 *the beneficiary county for fiscal year 2010 under sec-*
 19 *tion 102(c)(1) of the Secure Rural Schools and Com-*
 20 *munity Self-Determination Act of 2000 (16 U.S.C.*
 21 *7112(c)(1)).*

22 (2) *COUNTIES THAT WERE ELIGIBLE FOR DIRECT*
 23 *COUNTY PAYMENTS.—As soon as practicable after the*
 24 *end of fiscal year 2012, the Secretary of the Interior*
 25 *shall distribute to each county that received a pay-*

1 *ment for fiscal year 2010 under section 102(a)(2) of*
 2 *the Secure Rural Schools and Community Self-Deter-*
 3 *mination Act of 2000 (16 U.S.C. 7112(a)(2)) a pay-*
 4 *ment equal to the amount distributed to the county*
 5 *for fiscal year 2010 under section 102(c)(1) of the Se-*
 6 *cure Rural Schools and Community Self-Determina-*
 7 *tion Act of 2000 (16 U.S.C. 7112(c)(1)).*

8 *(b) FISCAL YEAR 2013.—As soon as practicable at the*
 9 *end of fiscal year 2013, the Secretary concerned shall dis-*
 10 *tribute to each beneficiary county that received a payment*
 11 *under subsection (a)(1) and to each county that received*
 12 *a payment under subsection (a)(2) a payment equal to 75*
 13 *percent of the amount distributed to the county under sub-*
 14 *section (a).*

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

18 *(d) USE OF FUNDS.—The distribution under this sec-*
 19 *tion of amounts to a beneficiary county shall be subject to*
 20 *subsections (c)(2) and (d) of section 102 of the Secure Rural*
 21 *Schools and Community Self-Determination Act of 2000*
 22 *(16 U.S.C. 7112). The distribution under this section of*
 23 *amounts to a county described in subsection (a)(2) shall*
 24 *be subject to subsection (d) of such section.*

1 ***TITLE II—PAYMENT IN LIEU OF***
2 ***TAXES AMENDMENTS***

3 ***SEC. 201. EXTENSION.***

4 *Section 6906 of title 31, United States Code, is amend-*
5 *ed by striking “2012” and inserting “2017”.*

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

7 *Section 6903(a)(1) of title 31, United States Code,*
8 *amended—*

9 *(1) by striking “and” at the end of subpara-*
10 *graph (I);*

11 *(2) by striking the period at the end of subpara-*
12 *graph (J) and inserting “; and”; and*

13 *(3) by adding at the end the following new sub-*
14 *paragraph:*

15 *“(K) title I of the Federal Forests County*
16 *Revenue, Schools, and Jobs Act of 2012.”.*

17 ***SEC. 203. CONGRESSIONAL NOTIFICATION AND PUBLICA-***
18 ***TION OF INFORMATION.***

19 *Section 6903 of title 31, United States Code, is amend-*
20 *ed by adding at the end the following new subsections:*

21 *“(e) CONGRESSIONAL NOTIFICATION.—The Secretary*
22 *of the Interior shall submit to the Committee on Energy*
23 *and Natural Resources of the Senate and the Committee on*
24 *Natural Resources of the House of Representatives a list of*
25 *States that have not submitted to the Secretary the data*

1 *required to calculate payments under this chapter by Janu-*
 2 *ary 15 of each year.*

3 “(f) *PUBLICATION.—The Secretary of the Interior*
 4 *shall—*

5 “(1) *publish in the Federal Register and on the*
 6 *Department of the Interior website a list of States*
 7 *that have not submitted to the Secretary the data re-*
 8 *quired to calculate payments under this chapter by*
 9 *February 1 of each year; and*

10 “(2) *update the list published on the Department*
 11 *of the Interior website under paragraph (1) to reflect*
 12 *any changes in the list.*

13 “(g) *ISSUANCE OF PAYMENTS.—Not later than May 1*
 14 *of each fiscal year, the Secretary of the Interior shall issue*
 15 *the payments authorized under this chapter.”.*

16 ***TITLE III—FOREST SERVICE***
 17 ***RECREATION RESIDENCE***
 18 ***PROGRAM***

19 ***SEC. 301. DEFINITIONS.***

20 *In this title:*

21 (1) *AUTHORIZATION; AUTHORIZE.—The terms*
 22 *“authorization” and “authorize” mean the issuance of*
 23 *a special use permit for the use and occupancy of Na-*
 24 *tional Forest System land by a cabin owner under the*
 25 *Recreation Residence Program.*

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

5 *(A) is authorized for private use and occu-*
6 *pancy; and*

7 *(B) may be sold or transferred between pri-*
8 *vate parties.*

9 (3) *CABIN OWNER.*—*The term “cabin owner”*
10 *means—*

11 *(A) a person authorized by the Secretary to*
12 *use and to occupy a cabin; and*

13 *(B) a trust, heir, or assign of a person de-*
14 *scribed in subparagraph (A).*

15 (4) *CABIN TRANSFER FEE.*—*The term “cabin*
16 *transfer fee” means a fee that is paid to the United*
17 *States on the transfer of a cabin between private par-*
18 *ties for money or other consideration that results in*
19 *the issuance of a new permit.*

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

1 (6) *CURRENT APPRAISAL CYCLE.*—*The term*
 2 *“current appraisal cycle” means the completion of*
 3 *Forest Service review and acceptance of—*

4 (A) *initial typical lot appraisals; and*

5 (B) *second appraisals, if ordered by cabin*
 6 *owners and approved by the Forest Service.*

7 (7) *CURRENT CABIN USER FEE.*—*The term “cur-*
 8 *rent cabin user fee” means the most recent cabin user*
 9 *fee, as adjusted under section 302(c).*

10 (8) *LOT.*—*The term “lot” means a parcel of Na-*
 11 *tional Forest System land on which a person is au-*
 12 *thorized to build, use, occupy, and maintain a cabin.*

13 (9) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
 14 *tional Forest System” has the meaning given that*
 15 *term in section 11 of the Forest and Rangeland Re-*
 16 *newable Resources Planning Act of 1974 (16 U.S.C.*
 17 *1609).*

18 (10) *RECREATION RESIDENCE PROGRAM.*—*The*
 19 *term “Recreation Residence Program” means the*
 20 *Recreation Residence Program established under the*
 21 *last paragraph under the heading “FOREST SERV-*
 22 *ICE” in the Act of March 4, 1915 (16 U.S.C. 497).*

23 (11) *SECRETARY.*—*The term “Secretary” means*
 24 *the Secretary of Agriculture, acting through the Chief*
 25 *of the Forest Service.*

1 (12) *TYPICAL LOT.*—*The term “typical lot”*
 2 *means a cabin lot, or group of cabin lots, in a tract*
 3 *that is selected for use in an appraisal as being rep-*
 4 *resentative of, and that has similar value characteris-*
 5 *tics as, other lots or groups of lots within the tract.*

6 **SEC. 302. CABIN USER FEES.**

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

10 (b) *INITIAL CABIN USER FEES.*—

11 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
 12 *lish initial cabin user fees in accordance with this*
 13 *subsection.*

14 (2) *ASSIGNMENT TO VALUE TIERS.*—*On comple-*
 15 *tion of the current appraisal cycle, as required by*
 16 *paragraph (4), the Secretary shall assign each per-*
 17 *mitted lot on National Forest System land to 1 of 9*
 18 *tiers based on the following considerations:*

19 (A) *Before assigning the lots to tiers, all ap-*
 20 *praised lot values shall be adjusted, or normal-*
 21 *ized, for price changes occurring after the ap-*
 22 *praisal, in accordance with the National Asso-*
 23 *ciation of Homebuilders/Wells Fargo Housing*
 24 *Opportunity Index.*

1 (B) *Second appraisal values that meet Forest Service standards for approval shall supersede initial lot appraisal values for the normalization and ranking process under subparagraph (A).*

2 (C) *The tiers shall be established, on a national basis, according to relative lot value, with lots having the lowest adjusted appraised value assigned to tier 1 and lots having the highest adjusted appraised value assigned to tier 9.*

3 (D) *The number of lots (by percentage) assigned to each tier is contained in the table set forth in paragraph (3).*

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

5 (F) *Until assigned to a tier under this subsection, the Secretary shall assess (and may adjust annually subject to clause (ii)) an interim fee for permitted cabin lots (including lots with incomplete appraisals) in an amount equal to the lesser of—*

6 (i) *\$4,500; or*

7 (ii) *the amount of the current cabin user fee, as determined under the Cabin*

1 *User Fee Fairness Act of 2000 (16 U.S.C.*
2 *6201 et seq.), which amount the Secretary*
3 *may increase annually by not more than 25*
4 *percent, except that the increased fee shall*
5 *not exceed the otherwise scheduled fee deter-*
6 *mined under the Cabin User Fee Fairness*
7 *Act of 2000.*

8 *(3) AMOUNT OF INITIAL CABIN USER FEES.—The*
9 *initial cabin user fees, based on the assignments*
10 *under paragraph (2), are as follows:*

<i>Fee Tier</i>	<i>Approximate Percent of Permits Nationally</i>	<i>Fee Amount</i>
<i>Tier 1</i>	<i>8 percent</i>	<i>\$500</i>
<i>Tier 2</i>	<i>16 percent</i>	<i>\$1,000</i>
<i>Tier 3</i>	<i>20 percent</i>	<i>\$1,500</i>
<i>Tier 4</i>	<i>20 percent</i>	<i>\$2,000</i>
<i>Tier 5</i>	<i>12 percent</i>	<i>\$2,500</i>
<i>Tier 6</i>	<i>8 percent</i>	<i>\$3,000</i>
<i>Tier 7</i>	<i>6 percent</i>	<i>\$3,500</i>
<i>Tier 8</i>	<i>6 percent</i>	<i>\$4,000</i>
<i>Tier 9</i>	<i>4 percent</i>	<i>\$4,500.</i>

11 *(4) DEADLINE FOR COMPLETION OF CURRENT*
12 *APPRAISAL CYCLE.—Not later than 3 years after the*
13 *date of enactment of this Act, the Secretary shall com-*
14 *plete the current appraisal cycle.*

1 (5) *EFFECTIVE DATE.*—*The initial cabin user*
2 *fees required by this subsection shall take effect begin-*
3 *ning with the first calendar year beginning after the*
4 *completion of the current appraisal cycle.*

5 (c) *ANNUAL ADJUSTMENTS OF CABIN USER FEE.*—
6 *Once initial cabin user fees have been assessed, based on*
7 *the tier assignments under subsection (b)(2), the Secretary*
8 *shall use changes in the Implicit Price Deflator for the*
9 *Gross Domestic Product published by the Bureau of Eco-*
10 *nomic Analysis of the Department of Commerce, applied*
11 *on a 5-year rolling average, to assess an annual adjustment*
12 *to cabin user fees.*

13 (d) *EFFECT OF DESTRUCTION, SUBSTANTIAL DAMAGE,*
14 *OR LOSS OF ACCESS.*—

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

17 (A) *the cabin is destroyed or suffers sub-*
18 *stantial damage in an amount that is greater*
19 *than 50 percent of replacement cost of the cabin;*
20 *or*

21 (B) *access to the cabin is significantly im-*
22 *paired, whether by catastrophic events, natural*
23 *causes, or governmental actions.*

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

4 *(A) the last day of the year in which the de-*
 5 *struction or impairment occurs; or*

6 *(B) the date on which the cabin may be*
 7 *lawfully reoccupied and normal access has been*
 8 *restored.*

9 **SEC. 303. CABIN TRANSFER FEES.**

10 (a) *PAYMENT OF CABIN TRANSFER FEES.*—*In con-*
 11 *junction with the transfer of ownership of any cabin and*
 12 *the issuance of a new permit, the cabin owner transferring*
 13 *the cabin shall file with the Secretary a sworn statement*
 14 *declaring the amount of money or other value received, if*
 15 *any, for the transfer of the cabin.*

16 (b) *AMOUNT.*—*As a condition of the issuance by the*
 17 *Secretary of a new authorization for the use and occupancy*
 18 *of the cabin, the cabin owner transferring the cabin shall*
 19 *pay to the Secretary a cabin transfer fee in an amount de-*
 20 *termined as follows:*

<i>Consideration Received by Transfer</i>	<i>Transfer Fee Amount</i>
<i>\$0 to \$250,000</i>	<i>\$1,000</i>
<i>\$250,000.01 to \$500,000.00</i>	<i>\$1,000 plus 5 percent of consideration in excess of \$250,000 up to \$500,000</i>

<i>Consideration Received by Transfer</i>	<i>Transfer Fee Amount</i>
\$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.

1 (c) *INDEX.*—The Secretary shall use changes in the
2 *Implicit Price Deflator for the Gross Domestic Product* pub-
3 *lished by the Bureau of Economic Analysis of the Depart-*
4 *ment of Commerce, applied on a 5-year rolling average, to*
5 *determine and apply an annual adjustment to the cabin*
6 *transfer fee threshold amounts set forth in the table con-*
7 *tained in subsection (b).*

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

9 (a) *RIGHT OF APPEAL.*—

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

17 (2) *APPLICABLE LAW.*—An appeal under para-
18 *graph (1) shall be pursuant to the appeal process pro-*
19 *vided under subpart C of part 251 of title 36, Code*
20 *of Federal Regulations (or a successor regulation).*

21 (b) *JUDICIAL REVIEW.*—

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

4 (2) *VENUE.*—The venue for an action brought be-
 5 fore the United States district court under this sub-
 6 section shall be in the Federal judicial district in
 7 which the cabin is located or the permit holder re-
 8 sides.

9 (3) *EFFECT ON MEDIATION.*—Nothing in this
 10 title precludes a person from seeking mediation for an
 11 action under this title.

12 **SEC. 305. EFFECT.**

13 (a) *IN GENERAL.*—Nothing in this title limits or re-
 14 stricts any right, title, or interest of the United States in
 15 or to any land or resource.

16 (b) *SPECIAL RULE FOR ALASKA.*—In determining a
 17 cabin user fee in the State of Alaska, the Secretary shall
 18 not establish or impose a cabin user fee or a condition af-
 19 fecting a cabin user fee that is inconsistent with 1303(d)
 20 of the Alaska National Interest Lands Conservation Act (16
 21 U.S.C. 3193(d)).

22 **SEC. 306. REGULATIONS.**

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

Union Calendar No. 539

112TH CONGRESS
2D Session

H. R. 4019

[Report No. 112-737, Part I]

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.

DECEMBER 31, 2012

Reported from the Committee on Natural Resources with
an amendment

DECEMBER 31, 2012

The Committee on Agriculture discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed