

sions, inserted “adjusted gross revenue for the” before “1994–1995 base year” and substituted “this section” for “this Act”.

Subsec. (f). Pub. L. 106–176, §117(3), inserted “offered for commercial or other promotional purposes” after “complimentary lift tickets”.

Subsec. (i). Pub. L. 106–176, §117(4), substituted “this section” for “this Act”.

Statutory Notes and Related Subsidiaries

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.

§ 497d. Recreation residence fees

The Secretary of Agriculture shall on and after November 14, 1997, phase in, over a 3-year period in equal annual installments, that portion of the fee increase for a recreation residence special use permit holder which is more than 100 percent of the previous year’s fee: *Provided*, That no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees: *Provided further*, That no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

(Pub. L. 105–83, title III, §343, Nov. 14, 1997, 111 Stat. 1604.)

Statutory Notes and Related Subsidiaries

LIMITATION ON INCREASES IN RECREATION RESIDENCE FEES

Pub. L. 106–113, div. B, §1000(a)(3) [title III, §342], Nov. 29, 1999, 113 Stat. 1535, 1501A–202, provided that: “Notwithstanding section 343 of Public Law 105–83 [16 U.S.C. 497d], increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than \$2,000.”

LIMITATION ON RECREATION RESIDENCE FEE INCREASES ON SAWTOOTH NATIONAL FOREST

Pub. L. 105–277, div. A, §101(e) [title III, §345], Oct. 21, 1998, 112 Stat. 2681–231, 2681–298, provided that: “Notwithstanding section 343 of Public Law 105–83 [16 U.S.C. 497d], increases in recreation residence fees on the Sawtooth National Forest shall be implemented in fiscal year 1999 only to the extent that such fee increases do not exceed 25 percent.”

§ 497e. Enhancing Forest Service administration of rights-of-way and land uses

(a) Program required

For fiscal year 2014 and each fiscal year thereafter, the Secretary of Agriculture shall conduct a program for the purpose of enhancing Forest Service administration of rights-of-way and other land uses.

(b) Deposit of fees

Subject to subsections (a) and (f), each fiscal year, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for,

and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 185(l) of title 30, section 1764(g) of title 43, section 9701 of title 31, and section 306109 of title 54.

(c) Use of retained amounts

Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) Reporting requirement

In the budget justification documents submitted by the Secretary of Agriculture in support of the President’s budget for a fiscal year under section 1105 of title 31, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) Definition of authorization

For purposes of this section, the term “authorizations” means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) Implementation

This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

(Pub. L. 106–113, div. B, §1000(a)(3) [title III, §331], Nov. 29, 1999, 113 Stat. 1535, 1501A–196; Pub. L. 108–447, div. E, title III, §345, Dec. 8, 2004, 118 Stat. 3105; Pub. L. 109–54, title IV, §425, Aug. 2, 2005, 119 Stat. 555; Pub. L. 110–161, div. F, title IV, §416, Dec. 26, 2007, 121 Stat. 2148; Pub. L. 113–76, div. G, title IV, §425, Jan. 17, 2014, 128 Stat. 344.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 497 of this title.

In subsec. (b), “section 306109 of title 54” substituted for “section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h–2(g))” on authority of Pub. L. 113–287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–76, §425(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2012. Prior to the expiration of the authority for this pilot program, the Sec-

retary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications."

Subsec. (b). Pub. L. 113-76, § 425(2), substituted "each fiscal year" for "during fiscal years 2000 through 2012".

2007—Subsec. (a). Pub. L. 110-161, § 416(1), substituted "2012" for "2006".

Subsec. (b). Pub. L. 110-161, § 416(2), substituted "2012" for "2006".

2005—Subsec. (a). Pub. L. 109-54, § 425(1), substituted "2006" for "2005".

Subsec. (b). Pub. L. 109-54, § 425(2), substituted "2006" for "2005".

2004—Subsec. (a). Pub. L. 108-447, § 345(1), substituted "2005" for "2004".

Subsec. (b). Pub. L. 108-447, § 345(2), substituted "2005" for "2004".

§ 498. Cooperative work agreements; disposal of moneys received; refund of excess; payment from appropriation; conflict of interest

On or after June 30, 1914, all moneys received as contributions toward cooperative work in forest investigations, or the protection, management, and improvement of the National Forest System, shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, management, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, management, or improvements. Payment for work undertaken pursuant to this section may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this section would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.

(June 30, 1914, ch. 131, 38 Stat. 430; May 29, 1928, ch. 901, §1(99), 45 Stat. 993; Pub. L. 104-127, title III, §372, Apr. 4, 1996, 110 Stat. 1015.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-127 substituted "the protection, management, and improvement of the National Forest System" for "the protection and improvement of the national forests", inserted "management," after "protection," in two places, and inserted at end "Payment for work undertaken pursuant to this section may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this section would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements."

1928—Act May 29, 1928, struck out provision which required that annual reports be made to Congress of moneys received as contributions for cooperative work.

§ 499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits

All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under section 471(b)¹ of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270; Mar. 4, 1911, ch. 238, 36 Stat. 1253; Mar. 4, 1917, ch. 179, 39 Stat.

¹ See References in Text note below.