

(3) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 106-247, § 7, July 20, 2000, 114 Stat. 595.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 6107. Report to Congress

Not later than October 1, 2002, the Secretary shall submit to Congress a report 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.)

§ 6108. Neotropical Migratory Bird Conservation Account

(a) Establishment

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

(b) Deposits into the Account

The Secretary of the Treasury shall deposit into the Account—

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

(c) Use

(1) In general

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

(2) Administrative expenses

Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, 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 Account.

(Pub. L. 106-247, § 9, July 20, 2000, 114 Stat. 596.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6103 of this title.

§ 6109. Authorization of appropriations

There is authorized to be appropriated to the Account to carry out this chapter \$5,000,000 for

each of fiscal years 2001 through 2005, 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.

(Pub. L. 106-247, § 10, July 20, 2000, 114 Stat. 597.)

CHAPTER 81—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

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§ 6201. Findings

Congress finds that—

(1) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915; and

(2) the fact that current appraisal procedures have, in certain circumstances, been inconsistently applied in determining fair market values for residential lots demonstrates that problems exist in accurately reflecting market values.

(Pub. L. 106-291, title VI, § 602, Oct. 11, 2000, 114 Stat. 1014.)

SHORT TITLE

Pub. L. 106-291, title VI, § 601, Oct. 11, 2000, 114 Stat. 1014, provided that: “This title [enacting this chapter] may be cited as the ‘Cabin User Fee Fairness Act of 2000’.”

§ 6202. Purposes

The purposes of this chapter are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

(Pub. L. 106-291, title VI, § 603, Oct. 11, 2000, 114 Stat. 1014.)

§ 6203. Definitions

In this chapter:

(1) Agency

The term “agency” means the Forest Service.

(2) Authorization

The term “authorization” means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) Base cabin user fee

The term “base cabin user fee” means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 6205 and 6206 of this title.

(4) Cabin

The term “cabin” means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

(5) Cabin owner

The term “cabin owner” means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

(6) Cabin user fee

The term “cabin user fee” means a special use fee paid annually by a cabin owner to the Secretary in accordance with this chapter.

(7) Caretaker cabin

The term “caretaker cabin” means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

(8) Current cabin user fee

The term “current cabin user fee” means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 6207 of this title.

(9) Lot

The term “lot” means a parcel of land in the National Forest System—

(A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and

(B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.

(10) Natural, native state

The term “natural, native state” means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.

(11) Program

The term “program” means the recreation residence program established under the authority of section 497 of this title.

(12) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) Tract

The term “tract” means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

(14) Tract association

The term “tract association” means a cabin owner association in which all cabin owners within a tract are eligible for membership.

(15) Typical lot

The term “typical lot” means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

(Pub. L. 106-291, title VI, § 604, Oct. 11, 2000, 114 Stat. 1014.)

§ 6204. Administration of recreation residence program

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this chapter—

(1) the market value of a lot; and

(2) regional and local economic influences.

(Pub. L. 106-291, title VI, § 605, Oct. 11, 2000, 114 Stat. 1015.)

§ 6205. Appraisals

(a) Requirements for conducting appraisals

In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) complete an inventory of improvements that were paid for by—

(A) the agency;

(B) third parties; or

(C) cabin owners (or predecessors of cabin owners),