

## Union Calendar No. 538

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5476

[Report No. 113-707]

To modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2014

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 22, 2014

Additional sponsor: Mr. COOK

DECEMBER 22, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 16, 2014]

# **A BILL**

To modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, 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.**

4 *This Act may be cited as the “Cabin Fee Act of 2014”.*

5 **SEC. 2. CABIN USER FEES.**

6 *(a) IN GENERAL.—The Secretary of Agriculture (re-*  
7 *ferred to in this Act as the “Secretary”) shall establish a*  
8 *fee in accordance with this section for the issuance of a spe-*  
9 *cial use permit for the use and occupancy of National For-*  
10 *est System land for recreational residence purposes.*

11 *(b) INTERIM FEE.—During the period beginning on*  
12 *January 1, 2014, and ending on the last day of the calendar*  
13 *year during which the current appraisal cycle is completed*  
14 *under subsection (c), the Secretary shall assess an interim*  
15 *annual fee for recreational residences on National Forest*  
16 *System land that is an amount equal to the lesser of—*

17 *(1) the fee determined under the Cabin User Fee*  
18 *Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject*  
19 *to the requirement that any increase over the fee as-*  
20 *essed during the previous year shall be limited to not*  
21 *more than 25 percent; or*

22 *(2) \$5,600.*

23 *(c) COMPLETION OF CURRENT APPRAISAL CYCLE.—*  
24 *Not later than 1 year after the date of the enactment of*  
25 *this Act, the Secretary shall complete the current appraisal*

1 cycle, including receipt of timely second appraisals, for rec-  
2 reational residences on National Forest System land in ac-  
3 cordance with the Cabin User Fee Fairness Act of 2000 (16  
4 U.S.C. 6201 et seq.) (referred to in this Act as the “current  
5 appraisal cycle”).

6 (d) *LOT VALUE.*—Only appraisals conducted and ap-  
7 proved by the Secretary in accordance with the Cabin User  
8 Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) during  
9 the current appraisal cycle shall be used to establish the  
10 base value assigned to the lot, subject to the adjustment in  
11 subsection (e). If a second appraisal—

12 (1) was approved by the Secretary, the value es-  
13 tablished by the second appraisal shall be the base  
14 value assigned to the lot; or

15 (2) was not approved by the Secretary, the value  
16 established by the initial appraisal shall be the base  
17 value assigned to the lot.

18 (e) *ADJUSTMENT.*—On the date of completion of the  
19 current appraisal cycle, and before assessing a fee under  
20 subsection (f), the Secretary shall make a 1-time adjustment  
21 to the value of each appraised lot on which a recreational  
22 residence is located to reflect any change in value occurring  
23 after the date of the most recent appraisal for the lot, in  
24 accordance with the 4th quarter of 2012 National Associa-

1 *tion of Homebuilders/Wells Fargo Housing Opportunity*  
 2 *Index.*

3 *(f) ANNUAL FEE.—*

4 *(1) BASE.—After the date on which appraised*  
 5 *lot values have been adjusted in accordance with sub-*  
 6 *section (e), the annual fee assessed prospectively by*  
 7 *the Secretary for recreational residences on National*  
 8 *Forest System land shall be in accordance with the*  
 9 *following tiered fee structure:*

<i>Fee Tier</i>	<i>Approximate Percent of Permits Nationally</i>	<i>Fee Amount</i>
<i>Tier 1</i> .....	<i>6 percent</i> .....	<i>\$650</i>
<i>Tier 2</i> .....	<i>16 percent</i> .....	<i>\$1,150</i>
<i>Tier 3</i> .....	<i>26 percent</i> .....	<i>\$1,650</i>
<i>Tier 4</i> .....	<i>22 percent</i> .....	<i>\$2,150</i>
<i>Tier 5</i> .....	<i>10 percent</i> .....	<i>\$2,650</i>
<i>Tier 6</i> .....	<i>5 percent</i> .....	<i>\$3,150</i>
<i>Tier 7</i> .....	<i>5 percent</i> .....	<i>\$3,650</i>
<i>Tier 8</i> .....	<i>3 percent</i> .....	<i>\$4,150</i>
<i>Tier 9</i> .....	<i>3 percent</i> .....	<i>\$4,650</i>
<i>Tier 10</i> .....	<i>3 percent</i> .....	<i>\$5,150</i>
<i>Tier 11</i> .....	<i>1 percent</i> .....	<i>\$5,650.</i>

10 *(2) INFLATION ADJUSTMENT.—The Secretary*  
 11 *shall increase or decrease the annual fees set forth in*  
 12 *the table under paragraph (1) to reflect changes in the*  
 13 *Implicit Price Deflator for the Gross Domestic Prod-*  
 14 *uct published by the Bureau of Economic Analysis of*  
 15 *the Department of Commerce, applied on a 5-year*  
 16 *rolling average.*

17 *(3) ACCESS AND OCCUPANCY ADJUSTMENT.—*

1           (A) *IN GENERAL.*—*The Secretary shall by*  
2           *regulation establish criteria pursuant to which*  
3           *the annual fee determined in accordance with*  
4           *this section may be suspended or reduced tempo-*  
5           *rarily if access to, or the occupancy of, the rec-*  
6           *reational residence is significantly restricted.*

7           (B) *APPEAL.*—*The Secretary shall by regu-*  
8           *lation grant the cabin owner the right of an ad-*  
9           *ministrative appeal of the determination made*  
10           *in accordance with subparagraph (A) whether to*  
11           *suspend or reduce temporarily the annual fee.*

12       (g) *PERIODIC REVIEW.*—

13           (1) *IN GENERAL.*—*Beginning on the date that is*  
14           *10 years after the date of the enactment of this Act,*  
15           *the Secretary shall submit to the Committee on En-*  
16           *ergy and Natural Resources of the Senate and the*  
17           *Committee on Natural Resources of the House of Rep-*  
18           *resentatives a report that—*

19           (A) *analyzes the annual fees set forth in the*  
20           *table under subsection (f) to ensure that the fees*  
21           *reflect fair value for the use of the land for rec-*  
22           *reational residence purposes, taking into account*  
23           *all use limitations and restrictions (including*  
24           *any limitations and restrictions imposed by the*  
25           *Secretary); and*

1           (B) includes any recommendations of the  
2           Secretary with respect to modifying the fee sys-  
3           tem.

4           (2) *LIMITATION.*—The use of appraisals shall not  
5           be required for any modifications to the fee system  
6           based on the recommendations under paragraph  
7           (1)(B).

8   **SEC. 3. CABIN TRANSFER FEES.**

9           (a) *IN GENERAL.*—The Secretary shall establish a fee  
10          in the amount of \$1,200 for the issuance of a new rec-  
11          reational residence permit due to a change of ownership of  
12          the recreational residence.

13          (b) *ADJUSTMENTS.*—The Secretary shall annually in-  
14          crease or decrease the transfer fee established under sub-  
15          section (a) to reflect changes in the Implicit Price Deflator  
16          for the Gross Domestic Product published by the Bureau  
17          of Economic Analysis of the Department of Commerce, ap-  
18          plied on a 5-year rolling average.

19   **SEC. 4. EFFECT.**

20          (a) *IN GENERAL.*—Nothing in this Act limits or re-  
21          stricts any right, title, or interest of the United States in  
22          or to any land or resource in the National Forest System.

23          (b) *ALASKA.*—The Secretary shall not establish or im-  
24          pose a fee or condition under this Act for permits in the  
25          State of Alaska that is inconsistent with section 1303(d)

1 *of the Alaska National Interest Lands Conservation Act (16*  
2 *U.S.C. 3193(d)).*

3 **SEC. 5. RETENTION OF FEES.**

4 (a) *IN GENERAL.*—Beginning 10 years after the date  
5 of the enactment of this Act, the Secretary may retain, and  
6 expend, for the purposes described in subsection (b), any  
7 fees collected under this Act without further appropriation.

8 (b) *USE.*—Amounts made available under subsection  
9 (a) shall be used to administer the recreational residence  
10 program and other recreation programs carried out on Na-  
11 tional Forest System land.

12 **SEC. 6. REPEAL OF CABIN USER FEE FAIRNESS ACT OF 2000.**

13 *Effective on the date of the assessment of annual per-*  
14 *mit fees in accordance with section 2(f) (as certified to Con-*  
15 *gress by the Secretary), the Cabin User Fee Fairness Act*  
16 *of 2000 (16 U.S.C. 6201 et seq.) is repealed.*





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