

CABIN FEE ACT OF 2010

SEPTEMBER 16, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4888]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4888) to revise the Forest Service Recreation Residence Program as it 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Cabin Fee Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Cabin user fees.
- Sec. 4. Cabin transfer fees.
- Sec. 5. Allocation of cabin user fee and cabin transfer fee revenue.
- Sec. 6. Right of appeal and judicial review.
- Sec. 7. Consistency with other law and rights.
- Sec. 8. Regulations.

SEC. 2. DEFINITIONS.

In this Act:

89-006

(1) **AUTHORIZATION.**—The terms “authorized” and “authorization” refer to the issuance of a special use permit for the use and occupancy of National Forest System land derived from the public domain by a cabin owner under the Recreation Residence Program.

(2) **CABIN.**—The term “cabin” means a privately built and owned recreation residence and related improvements on National Forest System land derived from the public domain that is authorized for private use and occupancy and may be sold or transferred between private parties.

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

(A) a person authorized by the Secretary to use and to occupy a cabin on National Forest System land derived from the public domain; and

(B) a trust or an heir or assigns of such a person.

(4) **CABIN TRANSFER FEE.**—The term “cabin transfer fee” means a fee paid to the United States upon the transfer of a cabin between private parties for money or other consideration that also includes issuance of a new permit.

(5) **CABIN USER FEE.**—The term “cabin user fee” means an annual fee paid to the United States by a cabin owner pursuant to an authorization for the use and occupancy of a cabin on National Forest System land derived from the public domain.

(6) **CURRENT CABIN USER FEE.**—The term “current cabin user fee” means the most recent cabin user fee, which results from an annual adjustment to the prior cabin user fee under section 3(d).

(7) **LOT.**—The term “lot” means a parcel of National Forest System land derived from the public domain on which a person is authorized to build, use, occupy, and maintain a cabin.

(8) **NATIONAL FOREST SYSTEM LAND.**—The term “National Forest System land” is limited to National Forest System land derived from the public domain.

(9) **RECREATION RESIDENCE PROGRAM.**—The term “Recreation Residence Program” means the Recreation Residence Program established pursuant to the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497).

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

(11) **TYPICAL LOT.**—The term “typical lot” means a cabin lot, or 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.

SEC. 3. CABIN USER FEES.

(a) **PAYMENT OF CABIN USER FEES.**—

(1) **ANNUAL PAYMENT.**—A cabin user fee shall be paid annually by the cabin owner.

(2) **INSTALLMENTS.**—Payment of the cabin user fee for a year may be made in two installments.

(b) **INITIAL CABIN USER FEES.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish initial cabin user fees in the manner required by this subsection.

(2) **ASSIGNMENT TO VALUE TIERS.**—Upon completion of the current appraisal cycle, as required by paragraph (4), the Secretary shall assign each permitted lot on National Forest System land to one of five tiers based on the following:

(A) All appraised lot values shall be adjusted, or normalized, for price changes from its date of value according to the national NAHB/Wells Fargo Housing Opportunity Index prior to tier assignment.

(B) The tiers shall be established according to relative lot value, using all fully completed appraisal data with lots having the lowest adjusted appraised value assigned to Tier 1 and lots having the highest adjusted appraised value assigned to Tier 5.

(C) The number of lots (by percentage) assigned to each tier is specified in the table contained in paragraph (3).

(D) Data from incomplete appraisals may not be used to establish the fee tiers.

(E) Until assigned to a tier, permitted cabin lots, including lots with incomplete appraisals, are assigned an interim fee of \$4000 or their current annual fee, indexed in accordance with subsection (d), whichever is less.

(3) **TABLE OF INITIAL CABIN USER FEES.**—The initial cabin user fees, based on the assignments made by the Secretary under paragraph (2) are as follows:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	10%	\$500
Tier 2	35%	\$1,000
Tier 3	40%	\$2,000
Tier 4	10%	\$3,000
Tier 5	5%	\$4,000.

(4) **DEADLINE FOR COMPLETION OF CURRENT APPRAISAL CYCLE.**—The Secretary shall complete the current appraisal cycle within three years after the date of the enactment of this Act.

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

(c) **OVERPAYMENTS OR UNDERPAYMENTS.**—If, upon assignment to a tier under subsection (b), the Secretary determines that the fee charged to a cabin owner during the preceding three years resulted in an overpayment or underpayment totaling more than \$500, the fee for the next three years shall be adjusted, if such a fee adjustment is requested by the Secretary or by the affected cabin owner, as necessary to correct the overpayment or underpayment.

(d) **ANNUAL ADJUSTMENTS OF CABIN USER FEE.**—The Secretary shall use changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five-year rolling average, to determine and apply an annual adjustment to cabin user fees.

(e) **EFFECT OF DESTRUCTION, SUBSTANTIAL DAMAGE, OR LOSS OF ACCESS.**—If a cabin is destroyed or suffers substantial damage amounting to greater than 50 percent of replacement cost, or if access to a cabin is significantly impaired, whether by catastrophic events, natural causes or governmental actions, such that the cabin is rendered unsafe or unable to be occupied as a result, the Secretary shall reduce the cabin user fee for the affected lot to \$100 per year. This fee shall be in effect for the remainder of the year in which the destruction occurs and until such time as the cabin may be lawfully reoccupied and normal access has been restored.

SEC. 4. CABIN TRANSFER FEES.

(a) **PAYMENT OF CABIN TRANSFER FEES.**—In conjunction with the transfer of ownership of any cabin and the issuance of a new permit, the transferor shall file with the Secretary a sworn statement declaring the amount of money or other value received, if any, for the transfer of the cabin. As a condition of the issuance by the Secretary of a new authorization for the use and occupancy of the cabin, the transferor shall pay, or cause to be paid, to the Secretary a cabin transfer fee in an amount determined as follows:

Consideration Received by Transfer	Transfer Fee Amount
\$0 to \$250,000	\$1,000
\$250,000.01 to \$500,000.00	\$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000
\$500,000.01 and above	\$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000 plus 10% of consideration in excess of \$500,000.

(b) **INDEX.**—The Secretary shall use changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five-year rolling average, to determine and apply an annual adjustment to the cabin transfer fee threshold amounts (\$250,000.01 and \$500,000.01) set forth in the table contained in subsection (a).

SEC. 5. ALLOCATION OF CABIN USER FEE AND CABIN TRANSFER FEE REVENUE.

(a) **RETAINED FEES TO COVER COSTS.**—Subject to subsection (b), the Secretary shall retain the amount of revenue from cabin user fees and cabin transfer fees necessary to fully cover the costs incurred by the Forest Service to administer the Recreation Residence Program. Revenue collected in excess of that amount shall be deposited in the Treasury.

(b) **LIMITATION.**—The total retained by the Secretary under subsection (a) for a fiscal year may not exceed \$500 per cabin. The Secretary shall use changes in the

Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five-year rolling average, to determine and apply an annual adjustment to this limitation. Revenue collected from cabin user fees and cabin transfer fees in excess of this limitation shall be deposited in the Treasury.

SEC. 6. RIGHT OF APPEAL AND JUDICIAL REVIEW.

(a) **RIGHT OF APPEAL.**—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 7, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new cabin user fee, fee tier, transfer fee, or whether or not to reduce a cabin user fee under section 3(e). Such appeal shall be pursuant to the appeal process provided under subpart C (Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands) of part 251 of title 36, Code of Federal Regulations (section 251.80 et seq.).

(b) **JUDICIAL REVIEW.**—A cabin owner that contests a final decision of the Secretary under this Act may bring a civil action in United States district court. The venue for actions brought before the United States District Court shall be in the United States Judicial District where the cabin is located or the permit holder resides. Nothing in this Act precludes the parties from seeking mediation.

SEC. 7. CONSISTENCY WITH OTHER LAW AND RIGHTS.

(a) **CONSISTENCY WITH RIGHTS OF THE UNITED STATES.**—Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource.

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

SEC. 8. REGULATIONS.

The Secretary shall promulgate regulations to carry out this Act not later than the December 31, 2012.

PURPOSE OF THE BILL

The purpose of H.R. 4888 is to revise the Forest Service Recreation Residence Program as it 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.

BACKGROUND AND NEED FOR LEGISLATION

In 1915, Congress granted the Forest Service the authority to set aside small parcels of land for the construction of summer cabins with multi-year occupancy permits. The program, known as the Recreation Residence Program, was designed to foster opportunities for the public to build a greater relationship with the country's national forests. Families were responsible for building their own cabins, and they paid the Forest Service a permit fee to occupy the land. By the mid-1960s, the Chief of the Forest Service halted the issuance of new permits. However, at the peak of the program, nearly 20,000 cabins existed. Today, approximately 14,000 cabins remain.

Congress has repeatedly addressed administrative problems with the Recreation Residence Program. In 1969, Congressional concern prompted the Forest Service to begin issuing 20-year Special Use Permits. A system was also established for appraising the value of each cabin lot, considering the specific development and use restrictions, and cabin owners were required to pay 5% of the appraised value as an annual permit fee. In 1994, the Forest Service clarified the process by formally publishing the Recreation Residence Policy in the Federal Register.

Cabin owners expressed their concerns to Congress about increases in fees and the appraisal process. As a result, Congress enacted a specific appraisal policy with the Cabin User Fee Fairness Act of 2000 (CUFFA). The law required the Forest Service to use the Uniform Standards of Professional Appraisal Practice and to use certified appraisers to determine the value for the cabins involved in the program. The permit fees continued to be based on 5% of the appraised value.

As the Forest Service implements CUFFA, there is a wide range in new cabin user fees. According to the Forest Service, 75% of owners' annual fees are \$4,000 or less. However, approximately 5% of owners' annual fees are expected to exceed \$10,000 per year. These higher fees have triggered a new round of concerns from cabin owners who claim they are unable to pay the fees and cannot sell their cabins due to the high fees. Currently, the Forest Service has used the CUFFA process to determine the value of approximately half of all existing cabins, and they expect to complete all the appraisals in the next three years.

H.R. 4888 would establish a new system for determining annual cabin user fees that would replace the system put in place by CUFFA. Under the new system, the Secretary of Agriculture would assign each permit issued to a cabin user to one of five tiers, based on the appraisal of the cabin on the date of enactment of this Act. The Forest Service estimates that if CUFFA were fully implemented, the fees generated would reach approximately \$45 million, but the agency estimates that H.R. 4888 would generate approximately \$20 million less.

COMMITTEE ACTION

H.R. 4888 was introduced on March 19, 2010 by Natural Resources Committee Ranking Member Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 22, 2010, the Subcommittee held a hearing on the bill at which the Department of Agriculture welcomed the opportunity to work with the Committee on the legislation and noted several concerns they would like to see addressed. Specifically, the Administration would like to see the same fee system applied to both National Forest System lands reserved from the public domain and lands acquired from other ownerships, the fees more accurately reflect market value, and no new additional transfer fee.

On July 22, 2010, the Subcommittee was discharged from further consideration of H.R. 4888 and the full Natural Resources Committee met to consider the bill. Ranking Member Hastings offered an amendment in the nature of a substitute to clarify several of the definitions, allow the Forest Service to complete the current appraisal process, and detail cabin owners' right of appeal and judicial review. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Cabin Fee Act of 2010”.

Section 2. Definitions

Section 2 defines the term “cabin transfer fee” as the fee paid to the United States when a cabin is transferred between private parties for money and includes the Forest Service issuing a new permit. It also defines the “cabin user fee” as an annual fee paid by a cabin owner for the use and occupancy of a cabin on National Forest System land derived from the public domain.

Section 3. Cabin user fees

Section 3(a) describes the payment of cabin user fees, which shall be paid annually by the cabin owner and may be made in two installments.

Section 3(b) outlines the establishment of the initial cabin user fees. First the Secretary of Agriculture (Secretary) must complete the current appraisal cycle as defined by the Cabin User Fee Fairness Act of 2000, which paragraph (4) of this subsection provides shall be completed within three years of the date of enactment of this Act. Next, the Secretary shall assign each cabin to one of five tiers based on several factors. All appraisals shall be adjusted from the date of value according to the National Association of Home Builders/Wells Fargo Housing Opportunity Index. Then, tiers will be established with lots having the lowest adjusted appraised value assigned to Tier 1 and lots having the highest adjusted appraised value assigned to Tier 5. The percentage of lots per tier is outlined in the following chart:

Fee tier	Approximate percentage of permits nationally	Fee amount
Tier 1	10	\$500
Tier 2	35	1,000
Tier 3	40	2,000
Tier 4	10	3,000
Tier 5	5	4,000

Until assigned to a tier, cabin owners will pay an interim fee of either \$4000 or their current annual fee adjusted based on the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five year rolling average, whichever is less.

Section 3(c) provides that if the Secretary determines that the fee charged to a cabin owner during the preceding three years resulted in an overpayment or underpayment totaling more than \$500, the fee for the next three years shall be adjusted, if such a fee adjustment is requested by the Secretary or the cabin owner.

Section 3(d) provides that the Secretary shall use changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five-year rolling average, to determine annual adjustments to cabin user fees.

Section 3(e) provides that if a cabin is destroyed or suffers substantial damage, the Secretary shall reduce the cabin user fee for the affected lot to \$100 per year.

Section 4. Cabin transfer fees

Section 4(a) provides that with the transfer of ownership of any cabin and the issuance of a new permit, the transferor shall file with the Secretary a statement of the value received. Based on the value, the transferor will pay or cause to be paid a transfer fee that is \$1,000 where the consideration is \$0 to \$250,000, \$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000, or \$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000 plus 10% of consideration in excess of \$500,000.

Section 4(b) identifies the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a five-year rolling average as the index the Secretary shall use to apply an annual adjustment to the cabin transfer fee.

Section 5. Allocation of cabin user fee and cabin transfer fee revenue

Section 5(a) allows the Secretary to retain the amount of revenue from cabin user fees and cabin transfer fees necessary to cover the costs incurred by the Forest Service to administer the Recreation Residence Program. The excess revenue is to be deposited in the Treasury.

Section 5(b) limits the amount the Secretary can retain per fiscal year from cabin user fees and cabin transfer fees to \$500 per cabin. This amount shall be adjusted based on the Implicit Price Deflator for the Gross Domestic Product.

Section 6. Right of appeal and judicial review

Section 6(a) provides that the Secretary shall grant the cabin owner the right to an administrative appeal of a new cabin user fee, fee tier, transfer fee, and interim fee.

Section 6(b) provides a cabin owner that contests a final decision of the Secretary under this Act the option of bringing a civil action in United States district court. The venue for the judicial review shall be in the United States Judicial District where the cabin is located or the permit holder resides.

Section 7. Consistency with other law and rights

Section 7(a) provides that nothing in this Act limits any right of the United States to any land or resource.

Section 7(b) specifically references cabins located in the State of Alaska, providing that nothing in this Act shall establish cabin user fees that are inconsistent with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

Section 8. Regulations

Section 8 requires the Secretary to promulgate regulations no later than December 31, 2012.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to revise the Forest Service Recreation Residence Program as it 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.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4888—Cabin Fee Act of 2010

Summary: H.R. 4888 would establish a new schedule for the fees paid to the federal government by individuals who own cabins on certain Forest Service lands. The bill also would authorize the Forest Service to assess a transfer fee when affected cabins are sold. Finally, the bill would allow the agency to retain and spend, without further appropriation, amounts collected from such fees to cover certain administrative costs.

Based on information from the Forest Service, CBO estimates that implementing the legislation would increase direct spending by \$145 million over the 2011–2020 period; therefore, pay-as-you-go procedures apply. CBO also estimates that implementing the legislation would reduce discretionary spending by about \$70 million over that period, assuming appropriation actions consistent with the bill's allowed use of fees to cover administrative costs. Enacting the legislation would not affect revenues.

H.R. 4888 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4888 is shown in the following table. The costs

of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
	CHANGES IN DIRECT SPENDING											
Estimated Budget Authority	7	7	12	13	15	17	18	18	19	19	54	145
Estimated Outlays	7	7	12	13	15	17	18	18	19	19	54	145
	CHANGES IN SPENDING SUBJECT TO APPROPRIATION											
Estimated Budget Authority	-7	-7	-7	-7	-7	-7	-7	-7	-7	-7	-35	-70
Estimated Outlays	-7	-7	-7	-7	-7	-7	-7	-7	-7	-7	-35	-70

Note: Amounts may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2010.

CBO estimates that implementing H.R. 4888 would increase net direct spending by \$145 million over the 2011–2020 period. Fees collected from cabin owners by the Forest Service would be about \$75 million less than would be collected under current law (such losses are shown as an increase in direct spending). In addition, the agency would be allowed to spend some of the fees collected on administrative expenses, thus increasing direct spending by an additional \$70 million over the next 10 years. CBO also estimates that implementing the legislation could reduce discretionary spending by \$70 million because the Forest Service would no longer use appropriated funds to cover such administrative costs.

Direct spending

Section 3 would establish a new schedule for fees assessed on cabins that occupy certain Forest Service lands (specifically, those lands not acquired by the federal government from private landowners). Under current law, cabin owners pay an annual fee to the government equal to 5 percent of the appraised value of the occupied Forest Service land. In 2010, fees for roughly 12,500 affected cabins ranged from \$30 to \$11,100 per cabin. Based on information from the agency, CBO estimates that fee collections from those cabins will total about \$21 million in 2011 and that fee collections will increase to \$36 million a year by 2020 as new appraisals of the value of Forest Service land, which are expected to significantly increase fees on about 40 percent of the cabins, are completed.

Under the bill, cabin owners would pay specified annual fees ranging from \$500 to \$4,000 per cabin, depending on the appraised value of the occupied land. Those fees would go into effect after the Forest Service completes its current appraisal cycle, which CBO expects would occur in 2012; therefore, fees under the bill would be the same as those under current law over the 2011–2012 period. CBO estimates that fee collections under the bill from the affected cabins would total about \$21 million in 2013 and would reach \$24 million a year by 2020. Because fee collections from those cabins would be lower under the bill than the fees expected to be paid under current law, CBO estimates that enacting this provision would reduce offsetting receipts (that is, increase direct spending) by about \$80 million over the 2013–2020 period.

Section 4 would require the Forest Service to collect a new transfer fee from cabin owners who sell their cabins. The amount of the fee would be based on the sales price. CBO estimates that implementing this provision would increase offsetting receipts (a credit against direct spending) by about \$5 million over the 2011–2020 period, based on information from the Forest Service regarding the number of cabins sold annually.

Section 5 would authorize the Forest Service to retain and spend, without further appropriation, amounts collected from cabin fees to cover the cost of administering its cabin program. Based on information from the agency regarding the historical costs of administering the cabin-fee program, CBO estimates that enacting this provision would increase direct spending by about \$70 million over the 2011–2020 period.

Spending subject to appropriation

H.R. 4888 would authorize the Forest Service to retain and spend, without further appropriation, amounts collected from cabin fees to cover certain administrative costs. Under current law, the Forest Service spends about \$7 million annually from discretionary appropriations to carry out those activities. If appropriations were reduced by a similar amount in future years, CBO estimates that implementing the legislation would reduce discretionary spending by about \$70 million over the 2011–2020 period.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4888 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON DATE JULY 22, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
Statutory Pay-As-You-Go Impact												54	145
NET INCREASE OR DECREASE (–) IN THE DEFICIT	0	7	7	12	13	15	17	18	18	19	19	54	145

Intergovernmental and private-sector impact: H.R. 4888 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4888 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS OF DOC HASTINGS

The Cabin Fee Act, H.R. 4888 is critically important to the 14,000 American families who own cabins on land in our National Forests. Unless Congress acts to bring about a course correction, many thousands of these people will be forced to abandon family heirloom cabins as the currently planned fee hikes go into effect. This bill provides a legislative solution that can head off that impending tragedy.

In drafting this bill, the goal was to create new fee schedule that will be balanced and fair to both the cabin owners and the Treasury. Work continues with the Congressional Budget Office to determine what adjustments may be needed to ensure that the bill is revenue neutral without imposing fees that are far beyond the reach of our constituents.

Many of the private cabins on Forest Service land are simple, rustic structures hand-built by the grandparents of the current owners early in the last century and passed down from generation to generation. And although there may be a few that are large and showy, the overwhelming majority of the cabins are modest family retreats. The purpose of this bill is to keep the fees affordable for people such as teachers, factory workers and retirees, not just millionaires—which is just what will happen if we don't address the problem.

The cabin owners affected by this bill are charged an annual fee for use of the land on which their cabin sits. They do not get any ownership rights to the land. They have only a temporary and highly restricted use permit for, basically, the footprint of their cabin.

Because a temporary, limited use-permit is not comparable to the rights acquired when someone owns property in fee simple, it has proven impossible under current law to establish a fair process for setting the fees charged the cabin owners.

The current system has resulted in unrealistic, arbitrary fee hikes that are completely unaffordable for average families. For example, the Seattle Times reported last year that cabin owners in Lake Wenatchee received notice that their fees will increase more than one thousand percent, from \$1,400 to more than \$17,000 by 2011.

Skyrocketing fees also make these part-time homes unmarketable, leaving families who are unable to pay the high fees also unable to sell their cabins. Unless we act to establish a realistic pricing structure, families across our nation may be forced to tear down their cabins because they can neither afford the fees themselves nor find a buyer for their cabin.

The Cabin Fee Act will establish a simple, predictable fee-setting system based on a tiered structure. And because future fee increases will be tied to inflation, it will eliminate the Forest Serv-

ice's costly administrative burden of constant appraisals and appeals.

These family-owned cabins encourage wholesome outdoor recreation which is a very important use of our vast system of public land. Providing access to public lands is an important part of the mission of the Forest Service, and action is needed to make certain that recreational cabins aren't priced out of existence. By encouraging a broad and diverse range of activities in our National Forests, we foster the kind of sound stewardship that allows us more fully to obtain the many benefits these lands can contribute.

This legislation will provide a sensible, long-term solution that will keep these cabins affordable and accessible to Americans, while still providing fair compensation to the federal Treasury for the use of the land.

DOC HASTINGS.

