

CABIN FEE ACT OF 2014

DECEMBER 22, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 5476]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resource, to whom was referred the bill (H.R. 5476) 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, 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.

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

SEC. 2. CABIN USER FEES.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this Act as the “Secretary”) shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

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

(1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent;

or

(2) \$5,600.

(c) **COMPLETION OF CURRENT APPRAISAL CYCLE.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on

National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this Act as the “current appraisal cycle”).

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

(1) was approved by the Secretary, the value established by the second appraisal shall be the base value assigned to the lot; or

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

(e) ADJUSTMENT.—On the date of completion of the current appraisal cycle, and before assessing a fee under subsection (f), the Secretary shall make a 1-time adjustment to the value of each appraised lot on which a recreational residence is located to reflect any change in value occurring after the date of the most recent appraisal for the lot, in accordance with the 4th quarter of 2012 National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

(f) ANNUAL FEE.—

(1) BASE.—After the date on which appraised lot values have been adjusted in accordance with subsection (e), the annual fee assessed prospectively by the Secretary for recreational residences on National Forest System land shall be in accordance with the following tiered fee structure:

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

(2) INFLATION ADJUSTMENT.—The Secretary shall increase or decrease the annual fees set forth in the table under paragraph (1) to reflect 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 5-year rolling average.

(3) ACCESS AND OCCUPANCY ADJUSTMENT.—

(A) IN GENERAL.—The Secretary shall by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.

(B) APPEAL.—The Secretary shall by regulation grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.

(g) PERIODIC REVIEW.—

(1) IN GENERAL.—Beginning on the date that is 10 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(A) analyzes the annual fees set forth in the table under subsection (f) to ensure that the fees reflect fair value for the use of the land for recreational residence purposes, taking into account all use limitations and restrictions (including any limitations and restrictions imposed by the Secretary); and

(B) includes any recommendations of the Secretary with respect to modifying the fee system.

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

SEC. 3. CABIN TRANSFER FEES.

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

(b) **ADJUSTMENTS.**—The Secretary shall annually increase or decrease the transfer fee established under subsection (a) to reflect 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 5-year rolling average.

SEC. 4. EFFECT.

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

(b) **ALASKA.**—The Secretary shall not establish or impose a fee or condition under this Act for permits in the State of Alaska that is inconsistent with section 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

SEC. 5. RETENTION OF FEES.

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

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

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

Effective on the date of the assessment of annual permit fees in accordance with section 2(f) (as certified to Congress by the Secretary), the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is repealed.

PURPOSE OF THE BILL

The purpose of H.R. 5476 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The Cabin Fee Act of 2014 would establish a simple, predictable fee-setting system under which owners of private recreational cabins on U.S. Forest Service-owned lots are assigned a place on a six-tiered fee structure based on a current appraisal of the occupied land. Future fee increases would be tied to inflation, eliminating the Forest Service's costly administrative burden of constant appraisals and appeals.

H.R. 5476 is similar to cabin fee legislation previously reported by the Natural Resources Committee but includes a new fee schedule that is needed to achieve a revenue neutral score. Earlier versions gave stability and predictability to cabin owners but their Congressional Budget Office (CBO) scores prevented the bills from advancing. The fee schedule in H.R. 5476 is designed to make the bill revenue neutral over the 1, 5 and 10 year budget windows.

Fourteen thousand American families own cabins on land in our National Forests but 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 required fee hikes go into effect. This bill provides a legislative solution that can head off that impending tragedy. The bill seeks to be balanced and fair to both the cabin owners and the Treasury, and the fees are intended to result in a revenue neutral CBO score.

Many 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. The overwhelming majority of the cabins are modest family retreats. The purpose of this bill is to keep the fees affordable for American families. 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 recently 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. Skyrocketing fees also make these part-time homes unmarketable, leaving families who are unable to pay the high fee, also unable to sell their cabins. Unless Congress acts to establish a realistic pricing structure, families across the 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 of 2014 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 Service's costly administrative burden of constant appraisals and appeals.

COMMITTEE ACTION

H.R. 5476 was introduced on September 16, 2014, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources and on September 18, 2014, the Committee met to consider the bill. Congressman Hastings offered an amendment designated .045 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 5476—Cabin Fee Act of 2014

Summary: H.R. 5476 would establish a new schedule for the fees paid to the federal government by individuals who own cabins located on Forest Service lands. The bill also would establish a fee that would be assessed on individuals who transfer ownership of their cabins. Based on information provided by the Forest Service, CBO estimates that enacting the legislation would reduce net direct spending by \$1 million over the 2015–2024 period; therefore, pay-as-you-go procedures apply. Enacting H.R. 5476 would not affect revenues.

H.R. 5476 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 5476 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—											
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015–2019	2015–2024
CHANGES IN DIRECT SPENDING												
Reduction in Cabin Fees:												
Estimated Budget Authority ^a	6	2	-1	*	*	*	*	*	-1	-1	7	4
Estimated Outlays	6	2	-1	*	*	*	*	*	-1	-1	7	4
Cabin Transfer Fee:												
Estimated Budget Authority	*	*	*	-1	-1	-1	-1	-1	-1	-1	-2	-5
Estimated Outlays	*	*	*	-1	-1	-1	-1	-1	-1	-1	-2	-5
Total Changes:												
Estimated Budget Authority	6	2	-1	-1	-1	-1	-1	-1	-1	-1	4	-1
Estimated Outlays	6	2	-1	-1	-1	-1	-1	-1	-1	-1	4	-1

Notes: Amounts may not sum to totals because of rounding; between -\$500,000 and \$500,000.

a. Because the fees already paid by some cabin owners for 2014 would exceed the amounts that would be owed in that year under the bill, CBO expects that the Forest Service would provide refunds to those cabin owners in 2015.

Basis of Estimate: For this estimate, CBO assumes that the legislation will be enacted at the end of 2014.

CBO estimates that enacting H.R. 5476 would reduce net direct spending by \$1 million over the 2015–2024 period. Over that period, fees collected from cabin owners by the Forest Service would total \$4 million less than what would be collected under current law (such losses would be reflected in the budget as an increase in direct spending). In addition, proceeds from the cabin transfer fee required under H.R. 5476 would increase receipts (thus reducing direct spending) by \$5 million over that period.

Reduction in cabin fees

H.R. 5476 would establish a new schedule for fees assessed on cabins located on Forest Service lands. Under current law, owners of the roughly 14,000 affected cabins pay an annual fee to the fed-

eral government equal to 5 percent of the appraised value of the occupied land. Fee collections from those cabins totaled roughly \$30 million in 2014 and CBO estimates that those collections will increase, under current law, to about \$35 million by 2024. Collections will increase over that period as the agency completes appraisals of the affected Forest Service lands, implements new fees based on those appraisals, and annually adjusts fees on all cabins to account for inflation.

Because H.R. 5476 would cap annual cabin fees at \$5,650 and prevent scheduled increases from being implemented as they would be under current law, CBO estimates that enacting the bill would lower annual receipts by an average of about \$90 per cabin over the 2015–2024 period. However, because of the reduction in fees CBO expects that fewer cabins would be abandoned under the bill than under current law, partially offsetting the reduction in the fee paid per cabin. On net, we estimate that enacting the new cabin fees required under H.R. 5476 would reduce offsetting receipts (and thus increase direct spending) by \$4 million over the 2015–2024 period.

Cabin transfer fees

H.R. 5476 would require the Forest Service to collect a fee of \$1,200 from cabin owners who transfer ownership of their cabins. That fee would be adjusted annually to account for inflation. CBO estimates that enacting this provision would increase offsetting receipts, which are treated as reductions in direct spending, by \$5 million over the 2015–2024 period, based on information provided by the Forest Service indicating that about 400 permits will be issued to new owners each year.

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. 5476 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON SEPTEMBER 19, 2014

	By fiscal year, in millions of dollars—													2015– 2019	2015– 2024
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024					
NET INCREASE OR DECREASE (–) IN THE DEFICIT															
Statutory Pay-As-You-Go Impact	6	2	–1	–1	–1	–1	–1	–1	–1	–1	–1	–1	4	–1	

Intergovernmental and private-sector impact: H.R. 5476 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimates: On April 5, 2013, CBO transmitted a cost estimate for H.R. 1159, the Cabin Fee Act of 2013, as ordered reported by the House Committee on Natural Resources on March 20, 2013. H.R. 5476 would establish a higher cap on fees paid by each cabin owner, cap the amount that cabin fees could be increased each year through 2016, adjust the cabin transfer fee for

inflation, and make the cabin transfer fee apply in all cases where ownership of a cabin is transferred.

On March 5, 2014, CBO transmitted a cost estimate for S. 1341, the Cabin Fee Act of 2013, as ordered reported by the Senate Committee on Energy and Natural Resources on December 19, 2013. H.R. 5476 would establish a higher cap on fees paid by each cabin owner and cap the amount that cabin fees could be increased each year through 2016.

On September 12, 2014, CBO transmitted a cost estimate for H.R. 4873, the Cabin Fee Act of 2014, as ordered reported by the House Committee on Natural Resources on June 19, 2014. H.R. 5476 would establish a higher cap on fees paid by each cabin owner.

Those differences are reflected in the cost estimates for H.R. 5476 and the three earlier bills.

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

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

2. Section 308(a) of 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, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that enacting the legislation would reduce net direct spending by \$1 million over the 2015–2024 period.

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 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman estimates that this bill directs the Secretary of Agriculture to conduct two rulemakings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pur-

suant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets):

CABIN USER FEE FAIRNESS ACT OF 2000

[TITLE VI—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

[SEC. 601. SHORT TITLE.

【This title may be cited as the “Cabin User Fee Fairness Act of 2000”.

[SEC. 602. 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.

[SEC. 603. PURPOSES.

【The purposes of this title 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.

[SEC. 604. DEFINITIONS.

【In this title:

【(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 606 and 607.

[(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 title.

[(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 608.

[(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 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).

[(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.

[SEC. 605. 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 title—

[(1) the market value of a lot; and

[(2) regional and local economic influences.

[SEC. 606. 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),

during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

[(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A);

[(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b), subject to public comment and congressional review;

[(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

[(5) provide the appraiser with appraisal guidelines developed in accordance with this title;

[(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

[(7) require that the appraiser perform the appraisal in compliance with—

[(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

[(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

[(C) the specific appraisal guidelines developed in accordance with this title;

[(8) require that the appraisal report—

[(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

[(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

[(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

[(b) SPECIFIC APPRAISAL GUIDELINES.—In the development of specific appraisal guidelines in accordance with subsection (a)(3), the instructions to an appraiser shall require, at a minimum, the following:

[(1) APPRAISAL OF A TYPICAL LOT.—

[(A) IN GENERAL.—In conducting an appraisal under this section, the appraiser—

[(i) shall not appraise each individual lot;

[(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

[(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

[(B) ESTIMATE OF MARKET VALUE OF TYPICAL LOT.—

[(i) IN GENERAL.—The appraiser shall estimate the market value of a typical lot in accordance with this title.

[(ii) EQUIVALENCE TO LEGALLY SUBDIVIDED LOT.—In selecting a comparable sale under this title, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

[(2) EXCEPTION FOR CERTAIN SALES OF LAND.—In conducting an appraisal under this title, the appraiser—

[(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

[(B) should not, in most circumstances, select a sale of comparable land that includes land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

[(3) ADJUSTMENTS FOR TYPICAL VALUE INFLUENCES.—

[(A) IN GENERAL.—The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

[(B) VALUE INFLUENCES.—The typical value influences referred to in subparagraph (A) include—

[(i) differences in the locations of the parcels;

[(ii) accessibility, including limitations on access attributable to—

[(I) weather;

[(II) the condition of roads or trails;

[(III) restrictions imposed by the agency; or

[(IV) other factors;

[(iii) the presence of marketable timber;

[(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

[(v) the condition and regulatory compliance of any site improvements; and

[(vi) any other typical value influences described in standard appraisal literature.

[(4) ADJUSTMENTS TO SALES OF COMPARABLE PARCELS.—**[(A) UTILITIES, ACCESS, OR FACILITIES.—**

[(i) AGENCY.—Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

[(ii) CABIN OWNERS.—Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

[(iii) THIRD PARTIES.—Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1), the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

[(iv) WITHDRAWAL OF UTILITY OR ACCESS BY AGENCY.—If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

[(I) the provision or maintenance of any utility or access; or

[(II) a qualitative feature of the lot or immediate surroundings,

the cabin owner shall have the right to request, and, at the discretion of the Secretary, obtain a new determination of the base cabin user fee at the expense of the agency.

[(B) ADJUSTMENT FOR EXCLUSION.—In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

[(C) ADJUSTMENT PROCESS.—

[(i) IN GENERAL.—The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

[(I)(aa) are present at, or add value to, the comparable parcel; but

[(bb) are not present at the lot being appraised; or

[(II) are not included in the appraisal as described in subparagraph (A).

[(ii) ADJUSTMENTS.—

[(I) IN GENERAL.—In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

[(II) COST INFORMATION.—If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

[(iii) ANALYSIS OF COST INFORMATION.—An analysis of cost information under clause (ii)(I) should include allowances, as appropriate, if the allowances are consistent with—

[(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

[(II) the Uniform Appraisal Standards for Federal Land Acquisition.

[(D) REAPPRAISAL FOR AND RECALCULATION OF BASE CABIN USER FEE.—Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

[SEC. 607. CABIN USER FEES.

[(a) IN GENERAL.—The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the market value of the lot, as determined in accordance with section 606, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

[(1) the limited term of the authorization;

[(2) the absence of significant property rights normally attached to fee simple ownership; and

[(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

[(b) FEE FOR CARETAKER CABIN.—The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

[(c) ANNUAL CABIN USER FEE IN THE EVENT OF DETERMINATION NOT TO REISSUE AUTHORIZATION.—If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

[(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

[(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

[(A) $\frac{1}{10}$ of the new base cabin user fee; by

[(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

[(d) ANNUAL CABIN USER FEE IN EVENT OF CHANGED CONDITIONS.—If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

[(e) TERMINATION OF FEE OBLIGATION IN LOSS RESULTING FROM ACTS OF GOD OR CATASTROPHIC EVENTS.—On a determination by the agency that, because of an act of God or a catastrophic event, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin

owner shall terminate effective on the date of the occurrence of the act or event.

[(SEC. 608. ANNUAL ADJUSTMENT OF CABIN USER FEE.]

[(a) IN GENERAL.]—The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

[(b) INITIAL INDEX.]—

[(1) IN GENERAL.]—For the period of 10 years beginning on the date of enactment of this title, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d).

[(2) STATEWIDE CHANGES.]—In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the criteria described in section 606(b)(2), the Secretary shall use average statewide changes in the State in which the lot is located.

[(c) NEW INDEX.]—

[(1) IN GENERAL.]—Not later than 10 years after the date of enactment of this title, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

[(2) SELECTION PROCESS.]—Before selecting a new index, the Secretary shall—

[(A)] solicit and consider comments from the public; and

[(B)] not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—

[(i)] the Committee on Resources of the House of Representatives; and

[(ii)] the Committee on Agriculture, Nutrition, and Forestry of the Senate.

[(d) LIMITATION.]—In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section (b), the Secretary shall—

[(1)] limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and

[(2)] apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

[(SEC. 609. PAYMENT OF CABIN USER FEES.)]

[(a) DUE DATE FOR PAYMENT OF FEES.]—A cabin user fee shall be prepaid annually by the cabin owner.

[(b) PAYMENT OF EQUAL OR LESSER FEE.]—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the cur-

rent base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a).

[(c) PAYMENT OF GREATER FEE.—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

[(1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or

[(2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

[SEC. 610. RIGHT OF SECOND APPRAISAL.

[(a) RIGHT OF SECOND APPRAISAL.—On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

[(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

[(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

[(b) CONDUCT OF SECOND APPRAISAL.—In conducting a second appraisal, the appraiser selected by the cabin owner shall—

[(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 606(a)(4);

[(2) use the appraisal guidelines used in the initial appraisal in accordance with section 606(a)(5);

[(3) consider all relevant factors in accordance with this title (including guidelines developed under section 606(a)(3)); and

[(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

[(c) REQUEST FOR RECONSIDERATION OF BASE CABIN USER FEE.—A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal.

[(d) RECONSIDERATION OF BASE CABIN USER FEE.—On receipt of a request from the cabin owner under subsection (c) for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

[(1) review the initial appraisal of the agency;

[(2) review the results and commentary from the second appraisal;

[(3) determine a new base cabin user fee in an amount that is—

[(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

- [(B) within the range of values, if any, between the initial and second appraisals; and
- [(4) notify the cabin owner of the amount of the new base cabin user fee.

[SEC. 611. RIGHT OF APPEAL AND JUDICIAL REVIEW.

[(a) RIGHT OF APPEAL.—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 610, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee.

[(b) JUDICIAL REVIEW.—A cabin owner that is adversely affected by a final decision of the Secretary under this title may bring a civil action in United States district court.

[SEC. 612. CONSISTENCY WITH OTHER LAW AND RIGHTS.

[(a) CONSISTENCY WITH RIGHTS OF THE UNITED STATES.—Nothing in this title 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. 613. REGULATIONS.

[Not later than 2 years after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this title.

[SEC. 614. TRANSITION PROVISIONS.

[(a) ASSESSMENT OF ANNUAL FEES.—For the period of time determined under subsection (b), the Secretary shall charge each cabin owner an annual fee as follows:

[(1) LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.—For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

[(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

[(B) APPRAISALS RESULTING IN BASE FEE INCREASE.—

[(i) IN GENERAL.—Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than \$3,000, the annual fee shall be equal to the sum of \$3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

[(ii) FEES PAID AFTER REQUEST OF NEW APPRAISAL OR PEER REVIEW.—If—

[(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c); and

[(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995, the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 609, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 609, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

[(b) TERM.—

[(1) LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.—For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) until—

[(A) a base cabin user fee is determined in accordance with—

[(i) this title; or

[(ii) regulations and policies in effect on the date of enactment of this title; and

[(B) the right of the cabin owner to a second appraisal under section 610 is exhausted.

[(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge fees under subsection (a)(2) until—

[(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c); or

[(B) in the absence of a request for a peer review or a new appraisal under subsection (c), the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this title.

[(c) REQUEST FOR NEW APPRAISAL UNDER NEW LAW.—

[(1) IN GENERAL.—Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 606(a)(5), cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 613, may request, in accordance with paragraph (2), that the Secretary—

[(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this title; or

[(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

[(2) APPRAISAL GROUPINGS BY TYPICAL LOT.—A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

[(3) CONDUCT OF NEW APPRAISAL.—On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this title.

[(4) PEER REVIEW OF EXISTING APPRAISALS.—

[(A) IN GENERAL.—On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

[(B) INCONSISTENCY.—If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this title, the Secretary shall, as appropriate and in accordance with this title—

[(i) revise an existing base cabin user fee; or

[(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

[(5) PAYMENT OF COSTS.—Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

[(d) ASSUMPTION OF NEW BASE CABIN USER FEE.—In the absence of a request under subsection (c) for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 613, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 613 to be the base cabin user fee that complies with this section.]