

113TH CONGRESS  
1ST SESSION

# S. 1341

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 SENATE OF THE UNITED STATES

JULY 23, 2013

Mr. TESTER (for himself, Mr. BAUCUS, Mr. BARRASSO, Mrs. FEINSTEIN, Mr. CRAPO, Mr. ENZI, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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  
5       2013”.

1 **SEC. 2. CABIN USER FEES.**

2 (a) IN GENERAL.—The Secretary of Agriculture (re-  
3 ferred to in this Act as the “Secretary”) shall establish  
4 a fee in accordance with this section for the issuance of  
5 a special use permit for the use and occupancy of National  
6 Forest System land for recreational residence purposes.

7 (b) COMPLETION OF CURRENT APPRAISAL CYCLE.—  
8 Not later than 2 years after the date of enactment of this  
9 Act, the Secretary shall complete the current appraisal  
10 cycle for recreational residences on National Forest Sys-  
11 tem land in accordance with the Cabin User Fees Fairness  
12 Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this  
13 Act as the “current appraisal cycle”).

14 (c) INTERIM FEE.—Until the date on which the cur-  
15 rent appraisal cycle is completed under subsection (b), the  
16 Secretary shall assess an interim annual fee for rec-  
17 reational residences on National Forest System land that  
18 is an amount equal to the lesser of—

19 (1) the fee determined under the Cabin User  
20 Fees Fairness Act (16 U.S.C. 6901 et seq.), subject  
21 to the requirement that any increase over the fee as-  
22 sessed during the previous year shall be limited to  
23 not more than 25 percent; or

24 (2) \$5,500.

25 (d) ADJUSTMENT.—

1           (1) IN GENERAL.—On the date of completion of  
2 the current appraisal cycle, and before assessing a  
3 fee under this Act, the Secretary shall make a 1-  
4 time adjustment to the value of each appraised lot  
5 on which a recreational residence is located to reflect  
6 any change in value occurring after the date of the  
7 most recent appraisal for the lot, in accordance with  
8 the 4th quarter of 2012 National Association of  
9 Homebuilders/Wells Fargo Housing Opportunity  
10 Index.

11           (2) SECOND APPRAISAL.—

12           (A) IN GENERAL.—Notwithstanding para-  
13 graph (1), a permittee may arrange for a sec-  
14 ond appraisal of a recreational residence lot.

15           (B) REQUIREMENTS.—Any appraisal con-  
16 ducted under subparagraph (A) shall be con-  
17 ducted in accordance with applicable Federal  
18 appraisal standards.

19           (C) VALUE.—If an appraisal conducted  
20 under subparagraph (A) is approved by the  
21 Secretary, the value established by the appraisal  
22 shall be the value assigned to the lot.

23           (e) ANNUAL FEE.—

24           (1) AMOUNT.—After the date on which ap-  
25 praised lot values have been adjusted in accordance

1 with subsection (d), the annual fee assessed by the  
 2 Secretary for recreational residences on National  
 3 Forest System land shall be as follows:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1 .....	Not to exceed 6 percent .....	\$500
Tier 2 .....	Not to exceed 16 percent .....	\$1,000
Tier 3 .....	Not to exceed 26 percent .....	\$1,500
Tier 4 .....	Not to exceed 22 percent .....	\$2,000
Tier 5 .....	At least 10 percent .....	\$2,500
Tier 6 .....	Not to exceed 5 percent .....	\$3,000
Tier 7 .....	Not to exceed 5 percent .....	\$3,500
Tier 8 .....	Not to exceed 3 percent .....	\$4,000
Tier 9 .....	Not to exceed 3 percent .....	\$4,500
Tier 10 .....	Not to exceed 3 percent .....	\$5,000
Tier 11 .....	Not to exceed 1 percent .....	\$5,500.

4 (2) ADJUSTMENTS.—The Secretary shall in-  
 5 crease or decrease the annual fees set forth in the  
 6 table under paragraph (1) to reflect changes in the  
 7 Implicit Price Deflator for the Gross Domestic Prod-  
 8 uct published by the Bureau of Economic Analysis  
 9 of the Department of Commerce, applied on a 5-year  
 10 rolling average.

11 (3) ACCESS AND OCCUPANCY.—

12 (A) IN GENERAL.—The Secretary may sus-  
 13 pend or reduce the applicable fee under para-  
 14 graph (1) if access to, or the occupancy of, the  
 15 recreational residence is significantly restricted.

16 (B) APPEAL.—A decision of the Secretary  
 17 to suspend or reduce the annual fee under sub-  
 18 paragraph (A) may be appealed.

1 (f) PERIODIC REVIEW.—

2 (1) IN GENERAL.—Beginning on the date that  
3 is 10 years after the date of enactment of this Act,  
4 the Secretary shall submit to the Committee on En-  
5 ergy and Natural Resources of the Senate and the  
6 Committee on Natural Resources of the House of  
7 Representatives a report that—

8 (A) analyzes the annual fees set forth in  
9 the table under subsection (e) to ensure that  
10 the fees reflect fair value for the use of the land  
11 for recreational residence purposes, taking into  
12 account all use limitations and restrictions (in-  
13 cluding any limitations and restrictions imposed  
14 by the Secretary); and

15 (B) includes any recommendations of the  
16 Secretary with respect to modifying the fee sys-  
17 tem.

18 (2) LIMITATION.—The use of appraisals shall  
19 not be required for any modifications to the fee sys-  
20 tem based on the recommendations under paragraph  
21 (1)(B).

22 **SEC. 3. CABIN TRANSFER FEES.**

23 (a) IN GENERAL.—The Secretary shall establish a fee  
24 in the amount of \$1,200 for the issuance of a new rec-

1 recreational residence permit due to a change of ownership  
2 of the recreational residence.

3 (b) ADJUSTMENTS.—The Secretary shall annually in-  
4 crease or decrease the transfer fee established under sub-  
5 section (a) to reflect changes in the Implicit Price Deflator  
6 for the Gross Domestic Product published by the Bureau  
7 of Economic Analysis of the Department of Commerce,  
8 applied on a 5-year rolling average.

9 **SEC. 4. EFFECT.**

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

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

18 **SEC. 5. RETENTION OF FEES.**

19 (a) IN GENERAL.—Beginning on October 1, 2023,  
20 the Secretary may retain, and expend, for the purposes  
21 described in subsection (b), any fees collected under this  
22 Act without further appropriation.

23 (b) USE.—Amounts made available under subsection  
24 (a) shall be used to administer the recreational residence

1 program and other recreation programs carried out on Na-  
2 tional Forest System land.

3 **SEC. 6. REPEAL OF CABIN USER FEES FAIRNESS ACT OF**  
4 **2000.**

5 Effective on the date of the assessment of annual per-  
6 mit fees in accordance with section 2(e) (as certified to  
7 Congress by the Secretary), the Cabin User Fees Fairness  
8 Act of 2000 (16 U.S.C. 6201 et seq.) is repealed.

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