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No. 120

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:
We give You thanks, O God, for giving us another day.

As the Members of the people's House return to the Capitol, call them as well with Your gentling voice of collegiality.

When a sense of alienation shadows all of our souls, we find our differences difficult to bear; we move away from each other. Insofar as the spirit of alienation has descended upon this House, help each Member to overcome unnecessary divisions that hamper productive work on behalf of our Nation.

Bring them to a deeper level of awareness of Your Spirit, and make us one Nation. Give the Members listening hearts, willing to give to each other time and attention and ready to respond to Your spirit living in each one.

And may all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
August 15, 2012.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the House, effective midnight tonight, August 15th.

It has been a tremendous honor to represent my friends and neighbors from California's Central Valley, both in Congress and the California State Assembly. I look back with pride on what we have accomplished. The real honor of serving in Congress is not working in historic buildings, but in laboring with so many unbelievably talented and dedicated individuals who serve our Nation daily.

Sincerely,

DENNIS CARDOZA.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
August 15, 2012.

Hon. EDMUND G. BROWN,
Governor of California,
Sacramento, CA.

DEAR GOVERNOR BROWN: I write to inform you that I will resign my House seat, effective midnight tonight, August 15th.

It has been a tremendous honor to represent my friends and neighbors from California's Central Valley, both in Congress and the California State Assembly. I look back with pride on what we have accomplished. The real honor of serving in Congress is not working in historic buildings, but in laboring with so many unbelievably talented and dedicated individuals who serve our Nation daily.

Sincerely,

DENNIS CARDOZA.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from California (Mr. CARDOZA), the whole number of the House is 430.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE ROBERT A. BRADY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ilene Jenofsky, District Director, the Honorable ROBERT A. BRADY, Member of Congress:

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
August 15, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Philadelphia Municipal Court, Criminal Division, in connection with a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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criminal prosecution currently pending before that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

ILENE JENOFKY,
District Director.

COMMUNICATION FROM CON-
STITUENT SERVICES REP-
RESENTATIVE, THE HONORABLE
ROBERT A. BRADY, MEMBER OF
CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Warren Raines, Constituent Services Representative, the Honorable ROBERT A. BRADY, Member of Congress:

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.
August 15, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for testimony issued by the Philadelphia Municipal Court, Criminal Division, in connection with a criminal prosecution currently pending before that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WARREN RAINES,
Constituent Services Representative.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CABIN FEE ACT OF 2012

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3397) to modify

the Forest Service Recreation Residence Program by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Cabin Fee Act of 2012”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Cabin user fees.
- Sec. 4. Payment of cabin transfer fees.
- Sec. 5. Right of appeal and judicial review.
- Sec. 6. Effect.
- Sec. 7. Regulations.

SEC. 2. DEFINITIONS.

In this Act:

(1) **AUTHORIZATION; AUTHORIZE.**—The terms “authorization” and “authorize” mean the issuance of a special use permit for the use and occupancy of National Forest System land 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 that—

(A) is authorized for private use and occupancy; and

(B) 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; and

(B) a trust, heir, or assign of a person described in subparagraph (A).

(4) **CABIN TRANSFER FEE.**—The term “cabin transfer fee” means a fee that is paid to the United States on the transfer of a cabin between private parties for money or other consideration that results in the 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 in accordance with an authorization for the use and occupancy of a cabin.

(6) **CURRENT APPRAISAL CYCLE.**—The term “current appraisal cycle” means the completion of Forest Service review and acceptance of—

(A) initial typical lot appraisals; and

(B) second appraisals, if ordered by cabin owners and approved by the Forest Service.

(7) **CURRENT CABIN USER FEE.**—The term “current cabin user fee” means the most recent cabin user fee, as adjusted under section 3(c).

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

(9) **NATIONAL FOREST SYSTEM.**—The term “National Forest System” has the meaning given that term in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609).

(10) **RECREATION RESIDENCE PROGRAM.**—The term “Recreation Residence Program” means the Recreation Residence Program established under the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1915 (16 U.S.C. 497).

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

(12) **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.**—Cabin owners shall pay an annual cabin user fee established by the Secretary in accordance with this section.

(b) **INITIAL CABIN USER FEES.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish initial cabin user fees in accordance with this subsection.

(2) **ASSIGNMENT TO VALUE TIERS.**—On completion of the current appraisal cycle, as required by paragraph (4), the Secretary shall assign each permitted lot on National Forest System land to 1 of 10 tiers based on the following considerations:

(A) Before assigning the lots to tiers, all appraised lot values shall be adjusted, or normalized, for price changes occurring after the appraisal, in accordance with the National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

(B) Second appraisal values shall supersede initial lot appraisal values for the normalization and ranking process under subparagraph (A).

(C) The tiers shall be established, on a national basis, according to relative lot value, with lots having the lowest adjusted appraised value assigned to tier 1 and lots having the highest adjusted appraised value assigned to tier 10.

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

(E) Data from incomplete appraisals may not be used to establish the fee tiers under this subsection.

(F) Until assigned to a tier under this subsection, the Secretary shall assess (and may adjust annually subject to clause (ii)) an interim fee for permitted cabin lots (including lots with incomplete appraisals) in an amount equal to the lesser of—

(i) \$5,000; or

(ii) the amount of the current cabin user fee, as determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), which amount the Secretary may increase annually by not more than 25 percent, except that the increased fee shall not exceed the otherwise scheduled fee determined under the Cabin User Fee Fairness Act of 2000.

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

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	5 percent	\$500
Tier 2	12 percent	\$1,000
Tier 3	22 percent	\$1,500
Tier 4	22 percent	\$2,000
Tier 5	10 percent	\$2,500
Tier 6	9 percent	\$3,000
Tier 7	7 percent	\$3,500
Tier 8	5 percent	\$4,000
Tier 9	5 percent	\$4,500
Tier 10	3 percent	\$5,000

(4) **DEADLINE FOR COMPLETION OF CURRENT APPRAISAL CYCLE.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete the current appraisal cycle.