

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.

(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) **ANNUAL ADJUSTMENTS OF CABIN USER FEE.**—Once initial cabin user fees have been assessed, based on the tier assignments under subsection (b)(2), 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 5-year rolling average, to assess an annual adjustment to cabin user fees.

(d) **EFFECT OF DESTRUCTION, SUBSTANTIAL DAMAGE, OR LOSS OF ACCESS.**—

(1) **IN GENERAL.**—The Secretary shall reduce the cabin user fee to \$100 per year for a cabin if—

(A) the cabin is destroyed or suffers substantial damage in an amount that is greater than 50 percent of replacement cost of the cabin; or

(B) access to the cabin is significantly impaired, whether by catastrophic events, natural causes, or governmental actions.

(2) **TERM OF REDUCED FEE.**—The reduced fee under paragraph (1) shall be in effect until the later of—

(A) the last day of the year in which the destruction or impairment occurs; or

(B) the date on which the cabin may be lawfully reoccupied and normal access has been restored.

**SEC. 4. PAYMENT OF CABIN TRANSFER FEES.**

As a condition of the issuance by the Secretary of a new authorization for the use and occupancy of the cabin, the cabin owner transferring the cabin shall pay to the Secretary a cabin transfer fee in the amount of \$1,200.

**SEC. 5. RIGHT OF APPEAL AND JUDICIAL REVIEW.**

(a) **RIGHT OF APPEAL.**—

(1) **IN GENERAL.**—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 6, the Secretary shall by regulation grant to the cabin owner the right to an administrative appeal of the determination of a new cabin user fee, fee tier, or whether or not to reduce a cabin user fee under section 3(d).

(2) **APPLICABLE LAW.**—An appeal under paragraph (1) shall be pursuant to the appeal process provided under subpart C of part 251 of title 36, Code of Federal Regulations (or a successor regulation).

(b) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—A cabin owner that contests a final decision of the Secretary under this Act may bring a civil action in United States district court.

(2) **VENUE.**—The venue for an action brought before the United States district court under this subsection shall be in the Federal judicial district in which the cabin is located.

(3) **EFFECT ON MEDIATION.**—Nothing in this Act precludes a person from seeking mediation for an action under this Act.

**SEC. 6. 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.

(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. 7. REGULATIONS.**

Not later than December 31, 2013, the Secretary shall issue regulations to carry out this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. **HASTINGS**) and the gentleman from New Jersey (Mr. **HOLT**) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

**GENERAL LEAVE**

Mr. **HASTINGS** of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **HASTINGS** of Washington. I yield myself such time as I may consume.

Mr. Speaker, the Cabin Fee Act, which I have sponsored for several Congresses, sets a new fee schedule for the 14,000 privately owned cabins in our national forests. It creates a simple, straightforward, and predictable fee schedule that is fair to cabin owners, the Forest Service, and the American taxpayer.

H.R. 3397 would replace the current complex and unfair payment system by assigning cabin fees to tiers based on the cabin lot's appraised value. The fees would rise with inflation, but otherwise would be a fixed fee. This means that families would no longer face sudden, unexpected jumps to unaffordable levels, and the maximum fees are kept from going above \$5,000 a year.

As considered on the House floor today, the Cabin Fee Act is revenue neutral. The CBO score is zero.

Many of the private cabins on Forest Service land are simple, rustic structures hand-built by the grandparents of current owners early in the last century and passed down from generation to generation. The overwhelming majority of these 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, and not just millionaires, which is what would result if we do not make the change in the law.

The cabin owners affected by this bill are charged an annual fee for the use of their 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 limited use permit is not comparable to the rights acquired when somebody owns property in fee simple, it has proven impossible under current law to establish a fair basis for setting the fees charged to the cabin owners. The current system has resulted in unrealistic, arbitrary fee hikes that are completely unaffordable for average families.

For example, in the Northwest, the Seattle Times published a report that cabin owners in Lake Wenatchee, which is in my district, received notice that their fees would increase by more than 1,000 percent, from \$1,400 a year to \$17,000 a year. Skyrocketing fees also make these seasonal cabins unmarketable, leaving families who are unable to pay the high fees also unable to sell their cabins.

Unless Congress acts to bring about a course correction, thousands of cabin owners will be forced to abandon family heirloom cabins as the currently planned hike in fees goes into effect. This bill is strongly supported by the Forest Service because it preserves this cherished century-old program while greatly reducing and simplifying the Service's administrative burden.

The need to fix this problem has bipartisan support in the House and the Senate. So I urge support of the bill, and I reserve the balance of my time.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3397, THE CABIN FEE ACT OF 2012, WITH AN AMENDMENT, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 7, 2012

	By fiscal year, in millions of dollars—												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2012–2017	2012–2022
	Net Increase or Decrease (–) Deficit												
Statutory Pay-As-You-Go Impact <sup>a</sup>	0	2	–5	–3	–2	0	1	2	2	2	2	–8	0

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

a. H.R. 3397 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 transfer fee that would be assessed on owners who sell their cabins. Because H.R. 3397, as amended, would cap annual cabin fees at \$5,000 and prevent scheduled fee increases from being implemented as they would be under current law, CBO estimates that enacting the bill would, in general, lower annual offsetting receipts over the 2012–2022 period. However, CBO estimates that enacting the legislation would increase receipts over the 2014–2016 period because we expect that cabin fees would be increased more gradually under current law than under the bill over that period. On net, CBO estimates that implementing the legislation would increase offsetting receipts (a credit against direct spending) by \$8 million over the 2012–2017 period and would have no significant impact on direct spending over the 2012–2022 period.

Mr. **HOLT**. Mr. Speaker, I yield myself such time as I may consume.

(Mr. **HOLT** asked and was given permission to revise and extend his remarks.)

Mr. **HOLT**. Mr. Speaker, H.R. 3397, sponsored by our Chairman **HASTINGS**, authorizes the Secretary of Agriculture

to adjust the fees for private cabins on national forest lands.

We remain concerned about the impact this legislation may have on cabin owners of modest means, of which there are many. It appears that in order to reduce the fees for owners in the highest bracket, fees on the middle- and lower-value cabins would have to increase.

Many members of the committee do not object to the passage of this legislation at this time, although I wanted to bring up some personal concerns about the inequity of the new fee system. I'd like to work with the chairman and the cabin owners and the other body to achieve an equitable solution, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3397, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### BILLFISH CONSERVATION ACT OF 2012

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2706) to prohibit the sale of billfish, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2706

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Billfish Conservation Act of 2012".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States carefully regulates its domestic fisheries for billfish and participates in international fishery management bodies in the Atlantic and Pacific.

(2) Global billfish populations have declined significantly, however, because of overfishing primarily through retention of bycatch by non-United States commercial fishing fleets.

(3) Ending the importation of foreign-caught billfish for sale in the United States aligns with U.S. management measures of billfish and protects the significant economic benefits to the U.S. economy of recreational fishing and marine commerce and the traditional cultural fisheries.

#### SEC. 3. STATEMENT OF CONSTITUTIONAL AUTHORITY.

The Congress enacts this Act pursuant to clause 3 of section 8 of article I of the Constitution.

#### SEC. 4. PROHIBITION ON SALE OF BILLFISH.

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

#### (c) EXEMPTIONS FOR TRADITIONAL FISHERIES AND MARKETS.—

(1) Subsection (a) does not apply to billfish caught by US fishing vessels and landed in the State of Hawaii or Pacific Insular Areas as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)).

(2) Subsection (a) does not apply to billfish landed by foreign fishing vessels in the Pacific Insular Areas when the foreign caught billfish is exported to non-US markets or retained within Hawaii and the Pacific Insular Areas for local consumption.

(d) BILLFISH DEFINED.—In this section the term "billfish"—

(1) means any fish of the species—

(A) *Makaira nigricans* (blue marlin);  
(B) *Kajikia audax* (striped marlin);  
(C) *Istiompax indica* (black marlin);  
(D) *Istiophorus platypterus* (sailfish);  
(E) *Tetrapturus angustirostris* (shortbill spearfish);

(F) *Kajikia albida* (white marlin);  
(G) *Tetrapturus georgii* (roundscale spearfish);

(H) *Tetrapturus belone* (Mediterranean spearfish); and

(I) *Tetrapturus pfluegeri* (longbill spearfish); and

(2) does not include the species *Xiphias gladius* (swordfish).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2706, the Billfish Conservation Act, authored by our colleague from Florida (Mr. MILLER).

Under current law, it is illegal to import or sell Atlantic billfish. Despite this, the U.S. is one of the major importers of billfish in the world. While Pacific billfish populations in general are in better shape than Atlantic billfish, threats to both oceans' billfish from foreign fishing fleets remain.

As long as the U.S. allows a market for these fish, their population levels are likely to worsen. To add more protection for both the Atlantic and Pacific billfish, the legislation would make it illegal to sell specific billfish species or possess those billfish for sale, whether they are Atlantic or Pacific.

Now, I note, Mr. Speaker, that concern had been raised at the June hear-

ing that U.S. fishermen in Hawaii and the Pacific insular areas might be disadvantaged by these new rules and that the local consumption of billfish products might be made illegal. The bill was amended during committee consideration to address this concern; and the legislation, as amended, now protects these U.S. fishermen and the existing limited, traditional local consumption of billfish products while still providing additional and increased protection for billfish populations in the United States.

This is good legislation. I support it. And I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, H.R. 2706, the Billfish Conservation Act, seeks to ban imports of foreign-caught marlin, sailfish, and spearfish into the United States. Now, these fish, as we know from prized photographs of our friends and many of our past experiences, are highly valued as recreational game-fish and serve as the top predators in ocean ecosystems—the so-called lions and tigers of the sea.

While this bill is a small step forward and has the support of recreational fishing and commercial interests, we can and should do much more for the conservation of billfish. Specifically, developing and using more selective commercial fishing gear, cracking down on illegal, unregulated and unreported fishing, and passing legislation, such as the bill recently introduced by our colleague from Massachusetts (Mr. MARKEY), to combat seafood fraud would provide even more protections for these iconic species. However, I and most of my colleagues, I believe, support passage of H.R. 2706; and we hope that it is a precursor to further action on this important issue.

I reserve the balance of my time.

□ 1610

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. MILLER), the author of this legislation.

Mr. MILLER of Florida. Mr. Speaker, thank you for the recognition.

I thank the gentleman from Washington, the chairman of the committee, for his recognition and his leadership on this effort, as well as Dr. JOHN FLEMING, the subcommittee chairman, and all the members of the House Natural Resources Committee for their support of this particular piece of legislation.

I also have to thank members of the sportsmen's community, members of the Congressional Sportsmen's Caucus, and in particular, Congressmen DUNCAN from South Carolina and WITTMAN, BOREN, MICHAUD, and BONNER, and my counterparts in the Congressional Sportsmen's Caucus leadership—that would be Congressmen ROSS, LATTA,