

RETENTION AND USE OF FOREST SERVICE MARINA PER-
MIT FEES FROM NATIONAL FOREST SYSTEM UNITS DE-
RIVED FROM THE PUBLIC DOMAIN

JUNE 7, 2006.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4084]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4084) to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4084 is to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4084 would amend the Act of March 4, 1915 (16 U.S.C. 497). This Act authorizes most U.S. Forest Service long-term permits for hotels, resorts, stores, marinas and facilities for industrial, commercial, education or public purposes. Generally speaking, such permits are 20 years or more in duration. The bill would allow permit fees associated with marinas to be retained by the local Forest Service and used for the maintenance and management of those fa-

cilities. This long-standing Forest Service authority was inadvertently repealed by the 108th Congress. H.R. 4084 would reinstate it.

COMMITTEE ACTION

H.R. 4084 was introduced on October 19, 2005, by Congressman Wally Herger (R-CA). The bill was primarily referred to the Committee on Agriculture, and additionally referred to the Committee on Resources. Within the Resources Committee, the bill was referred to the Subcommittee on Forests and Forest Health. On October 27, 2005, the Subcommittee held a hearing on the bill. On March 29, 2006, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was 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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

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

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enacting H.R. 4084 would increase direct spending by about \$1 million per year.

3. **General Performance Goals and Objectives.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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

H.R. 4084—A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain

H.R. 4084 would authorize the Secretary of Agriculture to spend without further appropriation any special-use fees collected from marinas operated in national forests. Based on information provided by the Forest Service, CBO estimates that enacting H.R. 4084 would increase direct spending by about \$1 million annually beginning in fiscal year 2007.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on state, local, or tribal governments.

H.R. 4084 would direct that offsetting receipts collected from special-use fees imposed on marina operators be deposited into an existing Forest Service special account for recreation management. The receipts would be used primarily for visitor and recreational activities. Under existing law, such offsetting receipts—about \$1.3 million annually—are deposited into the National Forest Fund, and 25 percent of the amounts deposited each year are paid without further appropriation to states with national forest land. Based on information provided by the Forest Service, we assume that, under H.R. 4084, the agency would no longer make those payments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 4, 1915

CHAP. 144. AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and sixteen.

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FOREST SERVICE

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[The Secretary of Agriculture]

(A) PERMITS FOR USE AND OCCUPANCY OF NATIONAL FOREST SYSTEM LANDS.—The Secretary of Agriculture is authorized, under

such regulations as he may make and upon such terms and conditions as he may deem proper, (a) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety; (b) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding five acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining summer homes and stores; (c) to permit the use and occupancy of suitable areas of land within the national forest, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes whenever such use is related to or consistent with other uses on the national forests; (d) to permit any State or political subdivision thereof, or any public or nonprofit agency, to use and occupy suitable areas of land within the national forests not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining any buildings, structures, or facilities necessary or desirable for education or for any public use or in connection with any public activity. [The authority]

(B) *LIMITATION ON USE OF PERMITS.*—The authority provided by this paragraph shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.

(C) *SPECIAL RULES REGARDING MARINA PERMITS.*—Amounts collected in connection with the issuance of a special use permit under this paragraph for a marina at a unit of the National Forest System derived from the public domain shall be deposited in an existing special account in the Treasury established for the Secretary of Agriculture for recreation management purposes. Amounts so deposited shall be available to the Secretary of Agriculture, until expended and without further appropriation, for repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, for interpretation, visitor information, visitor service, visitor needs assessments, and signs, for habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography, for law enforcement related to public use and recreation, and for direct operating or capital costs associated with the issuance of such special use permits, including any fee management agreement or reservation service used in the issuance of such permits. The Secretary may not use such amounts for biological monitoring for listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Not less than 80 percent of the permit fees collected at a specific unit of the National Forest System shall be expended for that unit, but the Secretary may transfer up to 20 percent of such fees to appropriations available to enhance recreation opportunities at other units of the National Forest System.

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