

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5316

To establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 2002

Mr. KOLBE introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, 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 “National Forest Orga-  
5        nizational Camp Fee Improvement Act of 2002”.

1 **SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Organizational camps, such as those admin-  
4 istered by the Boy Scouts, Girl Scouts, and faith-  
5 based and community-based organizations, provide a  
6 valuable service to young people, individuals with a  
7 disability, and their families by promoting physical,  
8 mental, and spiritual health through activities con-  
9 ducted in a natural environment.

10 (2) The 192,000,0000 acres of national forests  
11 and grasslands of the National Forest System man-  
12 aged for multiple uses by the Forest Service provides  
13 an ideal setting for such organizational camps.

14 (3) The Federal Government should charge  
15 land use fees for the occupancy and use of National  
16 Forest System lands by such organizational camps  
17 that, while based on the fair market value of the  
18 land in use, also recognize the benefits provided to  
19 society by such organizational camps, do not pre-  
20 clude the ability of such organizational camps from  
21 utilizing these lands, and permit capital investment  
22 in, and maintenance of, camp facilities by such orga-  
23 nizational camps or their sponsoring organizations.

24 (4) Organizational camps should—

1 (A) ensure that their facilities meet appli-  
2 cable building and safety codes, including fire  
3 and health codes;

4 (B) have annual inspections as required by  
5 local law, including at a minimum inspections  
6 for fire and food safety; and

7 (C) have in place safety plans that address  
8 fire and medical emergencies and encounters  
9 with wildlife.

10 (b) PURPOSE.—It is the purpose of this Act to estab-  
11 lish a land use fee system that provides for an equitable  
12 return to the Federal Government for the occupancy and  
13 use of National Forest System lands by organizational  
14 camps that serve young people or individuals with a dis-  
15 ability.

16 (c) DEFINITIONS.—In this Act:

17 (1) The term “organizational camp” means a  
18 public or semipublic camp that—

19 (A) is developed on National Forest Sys-  
20 tem lands by a nonprofit organization or gov-  
21 ernmental entity;

22 (B) provides a valuable service to the pub-  
23 lic by using such lands as a setting to introduce  
24 young people or individuals with a disability to  
25 activities that they may not otherwise experi-

1           ence and to educate them on natural resource  
2           issues; and

3           (C) does not have as its primary purpose  
4           raising revenue through commercial activities.

5           (2) The term “Secretary” means the Secretary  
6           of Agriculture, acting through the Chief of the For-  
7           est Service.

8           (3) The term “individual with a disability” has  
9           the meaning given the term in section 7(20) of the  
10          Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

11          (4) The term “children at risk” means children  
12          who are raised in poverty or in single-parent homes  
13          or are subject to such circumstances as parental  
14          drug abuse, homelessness, or child abuse.

15          (5) The term “change in control” means—

16                (A) for a corporation, the sale or transfer  
17                of a controlling interest in the corporation;

18                (B) for a partnership or limited liability  
19                company, the sale or transfer of a controlling  
20                interest in the partnership or limited liability  
21                company; and

22                (C) for an individual, the sale or transfer  
23                or an organizational camp subject to this Act to  
24                another party.

1 **SEC. 3. FEES FOR OCCUPANCY AND USE OF NATIONAL FOR-**  
2 **EST SYSTEM LANDS AND FACILITIES BY OR-**  
3 **GANIZATIONAL CAMPS.**

4 (a) LAND USE FEE.—

5 (1) PERCENTAGE OF LAND VALUE.—The Sec-  
6 retary shall charge an annual land use fee for each  
7 organizational camp for its occupancy and use of  
8 National Forest System lands equal to five percent  
9 of the product of the following:

10 (A) The total number of acres of National  
11 Forest System lands authorized for the organi-  
12 zational camp.

13 (B) The estimated per-acre market value  
14 of land and buildings in the county where the  
15 camp is located, as reported in the most recent  
16 Census of Agriculture conducted by the Na-  
17 tional Agricultural Statistics Service.

18 (2) ANNUAL ADJUSTMENT.—The land use fee  
19 determined under paragraph (1) for an organiza-  
20 tional camp shall be adjusted annually by the annual  
21 compounded rate of change between the two most  
22 recent Censuses of Agriculture.

23 (3) REDUCTION IN FEES.—

24 (A) TYPE OF PARTICIPANTS.—The Sec-  
25 retary shall reduce the land use fee determined  
26 under paragraph (1) proportionate to the num-

1           ber of individuals with a disability and children  
2           at risk who annually attend the organizational  
3           camp.

4           (B) TYPE OF PROGRAMS.—After making  
5           the reduction required by subparagraph (A),  
6           the Secretary shall reduce the remaining land  
7           use fee amount by up to 60 percent, propor-  
8           tionate to the number of persons who annually  
9           attend the organizational camp who participate  
10          in youth programs through organized and su-  
11          pervised social, citizenship, character-building,  
12          or faith-based activities oriented to outdoor-  
13          recreation experiences.

14          (C) RELATION TO MINIMUM FEE.—The re-  
15          ductions made under this paragraph may not  
16          reduce the land use fee for an organizational  
17          camp below the minimum land use fee required  
18          to be charged under paragraph (4).

19          (D) SPECIAL CONSIDERATIONS.—For pur-  
20          poses of determining the amount of the land  
21          use fee reduction required under subparagraph  
22          (A) or (B), the Secretary may not take into  
23          consideration the existence of sponsorships or  
24          scholarships to assist persons in attending the  
25          organizational camp.

1           (4) MINIMUM LAND USE FEE.—The Secretary  
2 shall charge a minimum land use fee under para-  
3 graph (1) that represents, on average, the Sec-  
4 retary's cost annually to administer an organiza-  
5 tional camp special use authorization in the National  
6 Forest Region in which the organizational camp is  
7 located. Notwithstanding paragraph (3) or sub-  
8 section (d), the minimum land use fee shall not be  
9 subject to a reduction or waiver.

10 (b) FACILITY USE FEE.—

11           (1) PERCENTAGE OF FACILITIES VALUE.—If an  
12 organizational camp uses a Government-owned facil-  
13 ity on National Forest System lands pursuant to  
14 section 7 of the Act of April 24, 1950 (commonly  
15 known as the Granger-Thye Act; 16 U.S.C. 580d),  
16 the Secretary shall charge, in addition to the land  
17 use fee imposed under subsection (a), a facility use  
18 fee equal to five percent of the value of the author-  
19 ized facilities, as determined by the Secretary.

20           (2) REDUCTION IN FEES PROHIBITED.—Not-  
21 withstanding subsection (d), the facility use fees de-  
22 termined under paragraph (1) shall not be subject to  
23 a reduction or waiver.

24           (c) FEE RELATED TO RECEIPT OF OTHER REVE-  
25 NUES.—If an organizational camp derives revenue from

1 the use of National Forest System lands or authorized fa-  
2 cilities described in subsection (b) for purposes other than  
3 to introduce young people or individuals with a disability  
4 to activities that they may not otherwise experience and  
5 to educate them on natural resource issues, the Secretary  
6 shall charge, in addition to the land use fee imposed under  
7 subsection (a) and the facility use fee imposed under sub-  
8 section (b), an additional fee equal to five percent of that  
9 revenue.

10 (d) WORK-IN-LIEU PROGRAM.—Subject to sub-  
11 sections (a)(4) and (b)(2), section 3 of the Federal Timber  
12 Contract Payment Modification Act (16 U.S.C. 539f) shall  
13 apply to the use fees imposed under this section.

14 **SEC. 4. IMPLEMENTATION.**

15 (a) PROMPT IMPLEMENTATION.—The Secretary shall  
16 issue direction regarding implementation of this Act by in-  
17 terim directive within 180 days after the date of the enact-  
18 ment of this Act. The Secretary shall implement this Act  
19 beginning with the first billing cycle for organizational  
20 camp special use authorizations occurring more than 180  
21 days after the date of the enactment of this Act.

22 (b) PHASE-IN OF USE FEE INCREASES.—In issuing  
23 any direction regarding implementation of this Act under  
24 subsection (a), the Secretary shall consider whether to



1 phase-in any significant increases in annual land or facil-  
2 ity use fees for organizational camps.

3 **SEC. 5. RELATIONSHIP TO OTHER LAWS.**

4 Except as specifically provided by this Act, nothing  
5 in this Act supersedes or otherwise affects any provision  
6 of law, regulation, or policy regarding the issuance or ad-  
7 ministration of authorizations for organizational camps re-  
8 garding the occupancy and use of National Forest System  
9 lands.

10 **SEC. 6. DEPOSIT AND EXPENDITURE OF USE FEES.**

11 (a) DEPOSIT AND AVAILABILITY.—Unless subject to  
12 section 7 of the Act of April 24, 1950 (commonly known  
13 as the Granger-Thye Act; 16 U.S.C. 580d), use fees col-  
14 lected by the Secretary under this Act shall be deposited  
15 in a special account in the Treasury and shall remain  
16 available to the Secretary for expenditure, without further  
17 appropriation until expended, for the purposes described  
18 in subsection (c).

19 (b) TRANSFER.—Upon request of the Secretary, the  
20 Secretary of the Treasury shall transfer to the Secretary  
21 from the special account such amounts as the Secretary  
22 may request. The Secretary shall accept and use such  
23 amounts in accordance with subsection (c).

24 (c) USE.—Use fees deposited pursuant to subsection  
25 (a) and transferred to the Secretary under subsection (b)

1 shall be expended for monitoring of Forest Service special  
2 use authorizations, administration of the Forest Service's  
3 special program, interpretive programs, environmental  
4 analysis, environmental restoration, and similar purposes.

5 **SEC. 7. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHOR-**  
6 **IZATION.**

7 (a) NEPA EXCEPTION.—The ministerial issuance or  
8 amendment of an organizational camp special use author-  
9 ization shall not be subject to the National Environmental  
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (b) RULE OF CONSTRUCTION.—For purposes of sub-  
12 section (a), the ministerial issuance or amendment of an  
13 authorization occurs only when the issuance or amend-  
14 ment of the authorization would not change the physical  
15 environment or the activities, facilities, or program of the  
16 operations governed by the authorization, and at least one  
17 of the following apply:

18 (1) The authorization is issued upon a change  
19 in control of the holder of an existing authorization.

20 (2) The holder, upon expiration of an author-  
21 ization, is issued a new authorization.

22 (3) The authorization is amended—

23 (A) to effectuate administrative changes,  
24 such as modification of the land use fee or con-

1 version to a new special use authorization form;

2 or

3 (B) to include nondiscretionary environ-

4 mental standards or to conform with current

5 law.

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