

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

(b) Purpose

It is the purpose of this chapter to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) Definitions

In this chapter:

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

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

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

(2) The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term “individual with a disability” has the meaning given the term in section 705(20) of title 29.

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

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

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

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

(C) for an individual, the sale or transfer or an organizational camp subject to this chapter to another party.

(Pub. L. 108-7, div. F, title V, § 502, Feb. 20, 2003, 117 Stat. 294.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this Act”, which was translated as reading “this title”, meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

SHORT TITLE

Pub. L. 108-7, div. F, title V, § 501, Feb. 20, 2003, 117 Stat. 294, provided that: “This title [enacting this chapter] may be cited as the ‘National Forest Organizational Camp Fee Improvement Act of 2003’.”

§ 6232. Fees for occupancy and use of National Forest System lands and facilities by organizational camps

(a) Land use fee

(1) Percentage of land value

The Secretary shall charge an annual land use fee for each organizational camp for its oc-

cupancy and use of National Forest System lands equal to 5 percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

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

(2) Annual adjustment

The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) Reduction in fees

(A) Type of participants

The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) Type of programs

After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) Relation to minimum fee

The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) Special considerations

For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) Minimum land use fee

The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary’s cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) Facility use fee

(1) Percentage of facilities value

If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 580d of this title, the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to 5 percent of the

value of the authorized facilities, as determined by the Secretary.

(2) Reduction in fees prohibited

Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) Fee related to receipt of other revenues

If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to 5 percent of that revenue.

(d) Work-in-lieu program

Subject to subsections (a)(4) and (b)(2), section 539f of this title shall apply to the use fees imposed under this section.

(Pub. L. 108-7, div. F, title V, §503, Feb. 20, 2003, 117 Stat. 295.)

§ 6233. Implementation

(a) Prompt implementation

The Secretary shall issue direction regarding implementation of this chapter by interim directive within 180 days after February 20, 2003. The Secretary shall implement this chapter beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after February 20, 2003.

(b) Phase-in of use fee increases

In issuing any direction regarding implementation of this chapter under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

(Pub. L. 108-7, div. F, title V, §504, Feb. 20, 2003, 117 Stat. 296.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, which was translated as reading “this title”, meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

§ 6234. Relationship to other laws

Except as specifically provided by this chapter, nothing in this chapter supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

(Pub. L. 108-7, div. F, title V, §505, Feb. 20, 2003, 117 Stat. 297.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, which was translated as reading “this title”, meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Im-

provement Act of 2003, to reflect the probable intent of Congress.

§ 6235. Deposit and expenditure of use fees

(a) Deposit and availability

Unless subject to section 580d of this title, use fees collected by the Secretary under this chapter shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) Transfer

Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) Use

Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service’s special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

(Pub. L. 108-7, div. F, title V, §506, Feb. 20, 2003, 117 Stat. 297.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, which was translated as reading “this title”, meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

§ 6236. Ministerial issuance, or amendment authorization

(a) NEPA exception

The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Rule of construction

For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

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

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

(Pub. L. 108-7, div. F, title V, §507, Feb. 20, 2003, 117 Stat. 297.)