

106TH CONGRESS
1ST SESSION

H. R. 266

To require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish a President's Advisory Council on Recreational Camps, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. SHAYS (for himself, Mr. LIPINSKI, and Mr. MARTINEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish a President's Advisory Council on Recreational Camps, 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 “Recreational Camp
5 Safety Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) CAMPER.—The term “camper” means an
4 individual who is attending a recreational camp
5 and—

6 (A) is less than 18 years of age; or

7 (B) is an individual with special needs.

8 (2) COUNCIL.—The term “Council” means the
9 President’s Advisory Council on Recreational Camps
10 established by section 201.

11 (3) DAY CAMP.—The term “day camp” means
12 a camp that is operated on a permanent campsite
13 for less than 24 hours a day and for at least 5 days
14 during a 2-week period, but does not include—

15 (A) a swimming facility operated by a pub-
16 lic agency or a private organization on a mem-
17 bership basis, to the extent that the facility is
18 not used as part of a recreational camp;

19 (B) a day care center, to the extent that
20 the center is not used as part of a recreational
21 camp; or

22 (C) a playground or other recreational fa-
23 cility provided for neighborhood use by a local
24 public agency.

25 (4) INDIVIDUAL WITH SPECIAL NEEDS.—The
26 term “individual with special needs” means an indi-

vidual who has a physical or mental impairment that substantially limits 1 or more of the individual's major life activities.

(5) MEDICAL INCIDENT.—The term “medical incident” means—

(A) a death of a camper, staff member, recreational camp operator, or recreational camp director; or

(B) an injury or illness of such an individual that—

(i) is treated by a physician or nurse;

and

(ii) results in the affected individual—

(I) returning to the individual's permanent residence from a residential camp;

(II) being admitted to a hospital;

or

(III) having a laboratory analysis or X-ray performed that results in a positive diagnosis.

(6) NONPROFIT.—The term “nonprofit”, when used with respect to a person, means a person—

1 (A) described in section 501(c)(3) of the
2 Internal Revenue Code of 1986 (26 U.S.C.
3 501(c)); and

4 (B) exempt from taxation under section
5 501(a) of such Code (26 U.S.C. 501(a)).

6 (7) PERMANENT CAMPSITE.—The term “per-
7 manent campsite” means a premises that is continu-
8 ously or periodically used for camping purposes by
9 a recreational camp operator.

10 (8) RECREATIONAL CAMP.—The term “rec-
11 reational camp” means a day camp, residential
12 camp, travel camp, or trip camp located on private
13 or public land that—

14 (A) is conducted for 10 or more campers;

15 (B) offers recreational camp activities that
16 are conducted under the auspices of a rec-
17 reational camp operator or recreational camp
18 director; and

19 (C) is owned or operated by a recreational
20 camp operator.

21 (9) RECREATIONAL CAMP ACTIVITIES.—The
22 term “recreational camp activities” includes swim-
23 ming, diving, boating, lifesaving, canoeing, sailing,
24 skindiving, archery, riflery, horseback riding, hiking,

1 tennis, mountain climbing, other sports and athlet-
2 ics, campcraft, and nature study activities.

3 (10) RECREATIONAL CAMP DIRECTOR.—The
4 term “recreational camp director” means the indi-
5 vidual on the premises of a recreational camp who
6 has the primary responsibility for the administration
7 of program operations and support services for the
8 camp and for the supervision of the staff members
9 of the camp.

10 (11) RECREATIONAL CAMP OPERATOR.—The
11 term “recreational camp operator” means a person
12 or governmental agency who owns or operates a rec-
13 reational camp, regardless of whether the camp is
14 nonprofit.

15 (12) RESIDENTIAL CAMP.—The term “residen-
16 tial camp” means a camp that is operated on a per-
17 manent campsite 24 hours a day for 4 or more days.

18 (13) SECRETARY.—The term “Secretary”
19 means the Secretary of Health and Human Services.

20 (14) SEXUAL ABUSE.—The term “sexual
21 abuse” has the meaning given such term in section
22 226(c) of the Crime Control Act of 1990 (42 U.S.C.
23 13031).

24 (15) STAFF MEMBER.—The term “staff mem-
25 ber” means an individual who is employed by a rec-

1 reational camp operator to supervise, direct, or con-
2 trol recreational camp activities, regardless of wheth-
3 er the individual is compensated for the individual's
4 services.

5 (16) STATE.—The term “State” means any of
6 the several States, the District of Columbia, the Vir-
7 gin Islands, the Commonwealth of Puerto Rico,
8 Guam, and American Samoa.

9 (17) TRAVEL CAMP.—The term “travel camp”
10 means a camp that is operated 24 hours a day over
11 a period of 2 or more days and that uses motorized
12 transportation to move campers as a group from 1
13 site to another.

14 (18) TRIP CAMP.—The term “trip camp”
15 means a camp that is operated 24 hours a day over
16 a period of 2 or more days and that moves campers
17 under their own power or by a transportation mode
18 permitting individual guidance of a vehicle or animal
19 from 1 site to another.

1 **TITLE I—RECREATIONAL CAMP**
2 **REPORTING REQUIREMENTS**
3 **AND DATA BASE**

4 **SEC. 101. RECREATIONAL CAMP REPORTING REQUIRE-**
5 **MENTS.**

6 (a) IN GENERAL.—A recreational camp in a State
7 shall report to the Secretary of Health and Human
8 Services—

9 (1) each medical incident that occurs at the
10 camp; and

11 (2) each incident of sexual abuse that—

12 (A) is alleged to have occurred at the
13 camp;

14 (B) is alleged to involve a camper or staff
15 member as a victim; and

16 (C) has previously been reported to an-
17 other governmental agency.

18 (b) REPORTING OFFICIALS.—The recreational camp
19 director or recreational camp operator of the camp in-
20 volved shall make the report required under subsection
21 (a).

22 (c) TIMING.—

23 (1) REPORT OF MEDICAL INCIDENT.—A medi-
24 cal incident shall be reported to the Secretary within
25 the 7-day period beginning on the date of the occur-

1 rence of an event described in subparagraph (A), or
 2 subclause (I), (II), or (III) of subparagraph (B)(ii),
 3 of section 2(5).

4 (2) REPORT OF SEXUAL ABUSE ALLEGATION.—

5 An allegation of sexual abuse shall be reported to
 6 the Secretary within the 7-day period beginning on
 7 the 1st date that the allegation is reported to a gov-
 8 ernmental agency.

9 (d) METHODS OF REPORTING.—

10 (1) OBLIGATIONS OF CAMP.—The report re-
 11 quired in subsection (a) shall be made by—

12 (A) verbally reporting to the Secretary,
 13 through a toll-free, long-distance telephone line
 14 provided by the Secretary, the information con-
 15 cerning the incident that the Secretary may re-
 16 quest; or

17 (B) mailing to the Secretary a written re-
 18 port concerning the incident on a form pre-
 19 scribed by the Secretary.

20 (2) OBLIGATIONS OF SECRETARY.—The Sec-
 21 retary shall—

22 (A) establish the telephone line referred to
 23 in paragraph (1)(A) and publish information on
 24 access to the line in a manner that, to the ex-

1 tent practicable, will notify recreational camp
2 operators of its availability;

3 (B) consult with State agencies that have
4 legal responsibility for public health under State
5 law in developing the form referred to in para-
6 graph (1)(B); and

7 (C) prescribe the form referred to in para-
8 graph (1)(B) and publish information on the
9 form in a manner that, to the extent prac-
10 ticable, will notify recreational camp operators
11 of its availability.

12 **SEC. 102. RECREATIONAL CAMP DATA BASE.**

13 (a) IN GENERAL.—The Secretary shall collect in a
14 central data system the information reported under sec-
15 tion 101. The Secretary shall collect the information in
16 a manner that will enable the Secretary to compile sepa-
17 rate statistics concerning incidents that involve—

18 (1) campers; and
19 (2) staff members, recreational camp operators,
20 and recreational camp directors.

21 (b) ANNUAL REPORT.—Not later than December 31
22 of each year that occurs more than 2 years after the date
23 of the enactment of this Act, the Secretary shall submit
24 to the President, the Congress, the National Association
25 of Governors, and the National Association of State Legis-

1 latures, a report setting forth a comprehensive analysis of
2 the information reported under section 101 during the
3 year.

4 (c) ADVISORIES.—The Secretary shall evaluate on an
5 ongoing basis whether the incidents reported under section
6 101 could have been prevented through increased over-
7 sight or regulation of recreational camps or increased en-
8 forcement of laws applicable to recreational camps. At the
9 discretion of the Secretary, the Secretary may issue
10 advisories to States that will assist them in the prevention
11 of deaths, injuries, and illnesses at recreational camps.

12 **SEC. 103. RECREATIONAL CAMP MEDICAL LOG.**

13 (a) IN GENERAL.—

14 (1) INCIDENTS RECORDED.—A recreational
15 camp shall record in a medical log information
16 concerning—

17 (A) an incident that is required to be re-
18 ported under section 101; and

19 (B) other illnesses and injuries that occur
20 at the camp that the Secretary may prescribe
21 by regulation.

22 (2) INFORMATION RECORDED.—A medical log
23 required under paragraph (1) shall specify—

24 (A) whether a death, illness, injury, or alle-
25 gation of sexual abuse involves a camper, staff

1 member, recreational camp operator, or rec-
2 reational camp director;

3 (B) the cause and nature of the death, ill-
4 ness, injury, or allegation of sexual abuse, to
5 the greatest extent practicable; and

6 (C) any other information that the Sec-
7 retary may prescribe by regulation.

8 (b) RECORDING OFFICERS.—The recreational camp
9 operator of the camp involved or such person's delegate
10 shall record the information referred to in subsection (a).

11 (c) TIMING OF RECORDING.—The recording of the
12 information referred to in subsection (a) shall take place
13 pursuant to deadlines that the Secretary shall prescribe
14 by regulation.

15 (d) MAINTENANCE AT CAMP.—A medical log re-
16 quired in subsection (a) shall remain at a recreational
17 camp during the hours of operation of the camp, except
18 the log may be removed for purposes of—

19 (1) transporting it to a physician, nurse, or
20 medical facility in the event of an emergency; or

21 (2) examination by the Secretary.

22 (e) RETENTION OF ENTRIES.—A recreational camp
23 may dispose of a portion of a medical log required in sub-
24 section (a) that contains only entries made in the log more
25 than 2 years before the date of disposal.

1 (f) ACCESS.—The Secretary shall have access, for the
2 purpose of examination, to a medical log required in sub-
3 section (a). A State agency that has legal responsibility
4 for public health under the law of the State in which a
5 recreational camp is located shall also have access, for the
6 purpose of examination, to the medical log of the camp.

7 **SEC. 104. ENFORCEMENT OF REPORTING AND RECORDING**
8 **REQUIREMENTS.**

9 (a) IN GENERAL.—If a recreational camp in a State
10 fails to comply with a requirement imposed on it by this
11 title, the Secretary shall advise of such failure—

12 (1) each State agency that has legal responsibil-
13 ity for public health under the law of the State; and

14 (2) each State agency that issues a license to
15 the camp.

16 (b) OTHER ENFORCEMENT MECHANISMS.—Not later
17 than the expiration of the 3-year period beginning on the
18 date of the enactment of this Act, the Secretary shall sub-
19 mit to the Congress recommendations concerning any ad-
20 ditional enforcement mechanisms the Secretary deter-
21 mines are necessary to enforce the provisions of this title,
22 including civil money penalties.

1 **SEC. 105. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), the provisions of this title shall take effect 1 year after
4 the date of the enactment of this Act.

5 (b) PROVISIONS EFFECTIVE IMMEDIATELY.—Sec-
6 tions 101(d)(2), 102(b), and 104(b) shall take effect on
7 the enactment of this Act.

8 **TITLE II—PRESIDENT’S ADVI-**
9 **SORY COUNCIL ON REC-**
10 **REATIONAL CAMPS**

11 **SEC. 201. ESTABLISHMENT.**

12 There is established a council to be known as the
13 President’s Advisory Council on Recreational Camps.

14 **SEC. 202. DUTIES.**

15 (a) IN GENERAL.—The Council shall develop model
16 safety guidelines for recreational camps.

17 (b) SPECIFIC ISSUES.—In fulfilling the duty de-
18 scribed in subsection (a), the Council shall consider—

19 (1) qualifications for recreational camp direc-
20 tors, staff members, and health personnel;

21 (2) appropriate ratios of campers to staff mem-
22 bers;

23 (3) fire and lightening safety;

24 (4) housing and plumbing construction;

25 (5) waterfront safety;

26 (6) written fire and safety plans;

1 (7) special supervision and equipment for high-
2 risk activities such as aquatics, riflery, archery, and
3 horseback riding; and

4 (8) special requirements for individuals with
5 special needs.

6 (c) STATE LAWS.—The Council shall study the laws
7 and guidelines of States concerning camp safety.

8 (d) NEED FOR FEDERAL LAW.—The Council shall
9 consider whether and by what means States could be en-
10 couraged to adopt the model safety guidelines developed
11 by the Council, including consideration of financial incen-
12 tives. The Council shall formulate a recommendation con-
13 cerning whether the guidelines should be incorporated in
14 Federal law.

15 **SEC. 203. MEMBERSHIP.**

16 (a) NUMBER AND APPOINTMENT.—The Council shall
17 be composed of 9 members appointed by the President.
18 The Council shall consist of the following members:

19 (1) 1 individual from the general public who
20 has a special interest in recreational camps.

21 (2) 1 individual from a private nonprofit orga-
22 nization that operates a recreational camp for indi-
23 viduals with special needs.

24 (3) 1 individual from an organization that has
25 a special interest in safety.

1 (4) 2 recreational camp operators from non-
2 profit recreational camps.

3 (5) 2 recreational camp operators from rec-
4 reational camps that are not nonprofit.

5 (6) 2 State officials who exercise responsibility
6 for recreational camp safety in their respective
7 States.

8 (b) CONTINUATION OF MEMBERSHIP.—Any individ-
9 ual appointed under subsection (a) who ceases to fulfill
10 the requirements contained in the paragraph under which
11 such individual was appointed because of a change in such
12 individual's status may continue as a member of the Coun-
13 cil for not longer than the 30-day period beginning on the
14 date of such change in status.

15 (c) TERMS.—Each member shall be appointed for the
16 life of the Council.

17 (d) VACANCIES.—A vacancy in the Council shall be
18 filled not later than 30 days after the date of the creation
19 of the vacancy in the manner in which the original ap-
20 pointment was made.

21 (e) COMPENSATION.—

22 (1) RATES OF PAY.—Except as provided in
23 paragraph (2), members of the Council shall serve
24 without pay.

1 (2) TRAVEL EXPENSES.—Each member of the
2 Council shall receive travel expenses, including per
3 diem in lieu of subsistence, in accordance with sec-
4 tions 5702 and 5703 of title 5, United States Code.

5 (f) QUORUM.—5 members of the Council shall con-
6 stitute a quorum, but a lesser number may hold hearings,
7 take testimony, or receive evidence.

8 (g) CHAIRPERSON.—The chairperson of the Council
9 shall be elected by a majority vote of the members of the
10 Council.

11 (h) MEETINGS.—The Council shall meet at the call
12 of a majority of the members of the Council.

13 **SEC. 204. STAFF AND SUPPORT SERVICES.**

14 (a) DIRECTOR.—The Council shall have a director
15 appointed by the Council and paid at a rate not to exceed
16 the minimum rate of basic pay payable for GS-13 of the
17 General Schedule.

18 (b) STAFF.—The Council may appoint and fix the
19 pay of additional personnel as it considers appropriate, ex-
20 cept that an individual so appointed may not receive pay
21 in excess of the maximum rate of basic pay payable for
22 GS-11 of the General Schedule.

23 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
24 LAWS.—The director and staff of the Council may be ap-
25 pointed without regard to the provisions of title 5, United

1 States Code, governing appointments in the competitive
2 service, and may be paid without regard to the provisions
3 of chapter 51 and subchapter III of chapter 53 of that
4 title relating to classification and General Schedule pay
5 rates, except as provided in subsections (a) and (b).

6 (d) STAFF OF FEDERAL AGENCIES.—Upon request
7 of the Council, the head of any Federal agency may detail,
8 on a nonreimbursable basis, any of the personnel of the
9 agency to the Council to assist it in carrying out its duties
10 under this title.

11 (e) EXPERTS AND CONSULTANTS.—The Council may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, but at rates for
14 individuals not to exceed the daily equivalent of the mini-
15 mum annual rate of basic pay payable for GS–13 of the
16 General Schedule.

17 (f) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
18 ministrator of General Services shall provide to the Coun-
19 cil on a reimbursable basis such administrative support
20 services necessary for the Council to carry out its respon-
21 sibilities under this title.

22 **SEC. 205. POWERS.**

23 (a) HEARINGS AND SESSIONS.—The Council may, for
24 the purpose of carrying out this title, hold hearings, sit
25 and act at times and places, take testimony, and receive

1 evidence as the Council considers appropriate. The Council
2 may administer oaths or affirmations to witnesses appear-
3 ing before it.

4 (b) DELEGATION OF AUTHORITY.—Any member or
5 agent of the Council may, if authorized by the Council,
6 take any action that the Council is authorized to take by
7 this section.

8 (c) INFORMATION.—

9 (1) IN GENERAL.—The Council may secure di-
10 rectly from any Federal agency information nec-
11 essary to enable it to carry out this title. Upon re-
12 quest of the Council, the head of the Federal agency
13 shall furnish the information to the Council.

14 (2) EXCEPTION.—Paragraph (1) shall not
15 apply to any information that the Council is prohib-
16 ited to secure or request by another law.

17 (d) MAILS.—The Council may use the United States
18 mails in the same manner and under the same conditions
19 as other Federal agencies.

20 (e) CONTRACT AUTHORITY.—The Council may con-
21 tract with and compensate government and private agen-
22 cies or persons for supplies or services without regard to
23 section 3709 of the Revised Statutes (41 U.S.C. 5).

1 **SEC. 206. REPORT.**

2 Not later than the expiration of the 1-year period be-
3 ginning on the date of the appointment of the last member
4 of the Council to be appointed under section 203(a), the
5 Council shall submit to the President, the Congress, the
6 National Association of Governors, and the National Asso-
7 ciation of State Legislatures a final report containing the
8 model safety guidelines developed by the Council and the
9 other findings, conclusions, and recommendations of the
10 Council.

11 **SEC. 207. TERMINATION.**

12 The Council shall terminate not later than the expira-
13 tion of the 60-day period beginning on the date on which
14 the Commission submits its final report under section 206.

15 **SEC. 208. BUDGET COMPLIANCE.**

16 Any spending authority (as defined in subparagraphs
17 (A) and (C) of section 401(c)(2) of the Congressional
18 Budget Act of 1974 (2 U.S.C. 651(c)(2)(A))) authorized
19 by this title shall be effective only to such extent or in
20 such amounts as are provided in appropriation Acts.

○