

Calendar No. 253

117TH CONGRESS
2D SESSION**S. 1964****[Report No. 117-56]**

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2021

Mr. BENNET (for himself, Mr. BARRASSO, Ms. ROSEN, Ms. CORTEZ MASTO, Mr. HICKENLOOPER, Mr. RISCH, Mr. CRAPO, Mr. WYDEN, Mrs. SHAHEEN, Ms. HASSAN, Mr. KELLY, Ms. LUMMIS, Mr. DAINES, Ms. CANTWELL, Mr. HEINRICH, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JANUARY 19 (legislative day, JANUARY 18), 2022

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ski Hill Resources for
3 Economic Development Act of 2021”.

4 **SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION AC-**
5 **COUNT.**

6 (a) IN GENERAL.—Section 701 of division I of the
7 Omnibus Parks and Public Lands Management Act of
8 1996 (16 U.S.C. 497e) is amended by adding at the end
9 the following:

10 “(k) SKI AREA FEE RETENTION ACCOUNT.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) ACCOUNT.—The term ‘Account’
13 means the Ski Area Fee Retention Account es-
14 tablished under paragraph (2).

15 “(B) COVERED UNIT.—The term ‘covered
16 unit’ means a unit of the National Forest Sys-
17 tem that collects a rental charge.

18 “(C) PROGRAM.—The term ‘Program’
19 means the Forest Service Ski Area Program.

20 “(D) REGION.—The term ‘region’ means a
21 region of the Forest Service.

22 “(E) RENTAL CHARGE.—The term ‘rental
23 charge’ means a permit rental charge that is
24 charged under subsection (a).

25 “(F) SECRETARY.—The term ‘Secretary’
26 means the Secretary of Agriculture.

1 “(2) ESTABLISHMENT.—The Secretary of the
 2 Treasury shall establish in the Treasury a special
 3 account, to be known as the ‘Ski Area Fee Retention
 4 Account’, into which there shall be deposited—

5 “(A) in the case of a covered unit at which
 6 \$15,000,000 or more is collected by the covered
 7 unit from rental charges in a fiscal year, an
 8 amount equal to 60 percent of the rental
 9 charges collected at the covered unit in the fis-
 10 cal year; or

11 “(B) in the case of any other covered unit,
 12 an amount equal to 75 percent of the rental
 13 charges collected at the covered unit in a fiscal
 14 year.

15 “(3) AVAILABILITY.—Subject to paragraph (5),
 16 any amounts deposited in the Account under para-
 17 graph (2) shall be available to the Secretary for use
 18 in accordance with paragraph (4), without further
 19 appropriation, and shall remain available until ex-
 20 pended.

21 “(4) USE AND DISTRIBUTION OF AMOUNTS IN
 22 THE ACCOUNT.—

23 “(A) DISTRIBUTION OF PERCENTAGE
 24 AMOUNTS.—Except as provided in subpara-
 25 graphs (B), (C), (D), (F), and (G), 75 percent

of the amounts deposited in the Account from a covered unit at which the rental charges were collected in the preceding fiscal year shall be available for expenditure in accordance with subparagraph (E) at that covered unit.

“(B) REDUCTION OF PERCENTAGE AMOUNT.—Subject to subparagraph (C), the Secretary may reduce the percentage of amounts available to a covered unit under subparagraph (A) if the Secretary determines that the amounts will exceed the reasonable needs of the covered unit for the purposes described in subparagraph (E) in the fiscal year.

“(C) LIMITATION.—The Secretary may not reduce, pursuant to subparagraph (B), the percentage of amounts available under subparagraph (A)—

“(i) in the case of a covered unit described in paragraph (2)(A), to less than 25 percent of the amount of rental charges deposited in the Account from the covered unit in a fiscal year; or

“(ii) in the case of any other covered unit, to less than 40 percent of the amount

1 of rental charges deposited in the Account
 2 from the covered unit in a fiscal year.

3 “(D) DISTRIBUTION OF REDUCTION
 4 AMOUNTS.—The Secretary may make any
 5 amounts in the Account remaining as a result
 6 of any reduction in the percentage of amounts
 7 under subparagraph (B) available to other cov-
 8 ered units or the regions in which the covered
 9 units are located for the purposes described in
 10 subparagraph (E); taking into consideration the
 11 following factors:

12 “(i) Any backlog in ski area permit
 13 and Program administration in the covered
 14 units, including—

15 “(I) the number of proposals for
 16 ski area improvement projects; and

17 “(II) the processing of proposals
 18 for ski area improvement projects.

19 “(ii) Any need for services, training,
 20 staffing, or the streamlining of programs
 21 in the other covered units or the region in
 22 which the covered units are located that
 23 would improve the administration of the
 24 Program.

1 “(iii) Any need for wildfire prepared-
 2 ness, planning, and coordination in and
 3 around ski areas.

4 “(E) AUTHORIZED EXPENDITURES.—
 5 Amounts distributed from the Account to a cov-
 6 ered unit under this subsection may be used
 7 for—

8 “(i) ski area special use permit and
 9 Program administration in the covered
 10 unit, including—

11 “(I) the processing of proposals
 12 for ski area improvement projects;
 13 and

14 “(II) staffing and contracting for
 15 that processing and related services in
 16 the covered unit or in the applicable
 17 region;

18 “(ii) staff training for processing of
 19 ski area applications and administering ski
 20 area permits in the covered unit or the re-
 21 gion in which the covered unit is located;

22 “(iii) interpretation activities, visitor
 23 information, visitor services, and signage in
 24 the covered unit to enhance the ski area

visitor experience on National Forest System land; and

~~“(iv) wildfire preparedness, planning, and coordination in and around ski areas in the covered unit or in the applicable region.~~

~~“(F) EXPENDITURE FOR OTHER PURPOSES.—If any amounts remain in the Account after all necessary Program expenditures have been made under subparagraph (D), the Secretary may use the amounts for other purposes in accordance with subparagraph (G).~~

~~“(G) OTHER RECREATION PERMIT ADMINISTRATION, VISITOR SERVICES, AND OTHER PURPOSES.—In addition to any amounts remaining in the Account described in subparagraph (F), 25 percent of the amounts deposited in the Account from a covered unit in which the rental charges were collected shall remain available for expenditure at that covered unit or the region in which the covered unit is located for—~~

~~“(i) administering non-ski area Forest Service recreation special use permits;~~

1 “(ii) avalanche information and edu-
 2 cation activities carried out by the Sec-
 3 retary or nonprofit partners;

4 “(iii) recreation management, mainte-
 5 nance, and services; and

6 “(iv) administration of leases under—

7 “(I) the Forest Service Facility
 8 Realignment and Enhancement Act of
 9 2005 (16 U.S.C. 580d note; Public
 10 Law 109–54); and

11 “(II) section 8623 of the Agri-
 12 culture Improvement Act of 2018 (16
 13 U.S.C. 580d note; Public Law 115–
 14 334).

15 “(H) LIMITATION.—Amounts in the Ac-
 16 count may not be used for—

17 “(i) the conduct of wildfire suppres-
 18 sion outside ski area permit boundaries; or

19 “(ii) the acquisition of land for inclu-
 20 sion in the National Forest System.

21 “(5) SAVINGS PROVISIONS.—

22 “(A) IN GENERAL.—Nothing in this sub-
 23 section affects the applicability of section 7 of
 24 the Act of April 24, 1950 (commonly known as

1 the ‘Granger-Thye Act’) (16 U.S.C. 580d), to
 2 ski areas on National Forest System land.

3 “(B) SUPPLEMENTAL FUNDING.—Rental
 4 charges retained and expended under this sub-
 5 section shall supplement (and not supplant) ap-
 6 propriated funding for the operation and main-
 7 tenance of each covered unit.

8 “(C) COST RECOVERY.—Nothing in this
 9 subsection affects any cost recovery under any
 10 other provision of law for processing applica-
 11 tions for or monitoring compliance with ski area
 12 permits or other recreation special use per-
 13 mits.”.

14 (b) EFFECTIVE DATE.—This section (including the
 15 amendments made by this section) shall take effect on the
 16 date that is 60 days after the date of enactment of this
 17 Act.

18 (c) IMPLEMENTATION.—The Secretary of Agriculture
 19 shall not be required to issue regulations or policy guid-
 20 ance to implement this section (including the amendments
 21 made by this section).

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Ski Hill Resources for*
 24 *Economic Development Act of 2021”.*

1 **SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION AC-**
 2 **COUNT.**

3 (a) *IN GENERAL.*—Section 701 of division I of the Om-
 4 nibus Parks and Public Lands Management Act of 1996
 5 (16 U.S.C. 497c) is amended by adding at the end the fol-
 6 lowing:

7 “(k) *SKI AREA FEE RETENTION ACCOUNT.*—

8 “(1) *DEFINITIONS.*—In this subsection:

9 “(A) *ACCOUNT.*—The term ‘Account’ means
 10 the Ski Area Fee Retention Account established
 11 under paragraph (2).

12 “(B) *COVERED UNIT.*—The term ‘covered
 13 unit’ means the unit of the National Forest Sys-
 14 tem that collects the ski area permit rental
 15 charge under this section.

16 “(C) *SECRETARY.*—The term ‘Secretary’
 17 means the Secretary of Agriculture.

18 “(2) *ESTABLISHMENT.*—The Secretary of the
 19 Treasury shall establish a special account in the
 20 Treasury, to be known as the ‘Ski Area Fee Retention
 21 Account’.

22 “(3) *DEPOSITS.*—Subject to paragraphs (4) and
 23 (5), a ski area permit rental charge collected by the
 24 Secretary under this section shall—

25 “(A) be deposited in the Account;

1 “(B) be available to the Secretary for use,
2 without further appropriation; and

3 “(C) remain available for the period of 4
4 fiscal years beginning with the first fiscal year
5 after the fiscal year in which the ski area permit
6 rental charge is deposited in the Account under
7 subparagraph (A).

8 “(4) DISTRIBUTION OF AMOUNTS IN THE AC-
9 COUNT.—

10 “(A) LOCAL DISTRIBUTION OF FUNDS.—

11 “(i) IN GENERAL.—Except as provided
12 in subparagraph (C), the Secretary shall ex-
13 pend 80 percent of the ski area permit rent-
14 al charges deposited in the Account from a
15 covered unit at the covered unit in accord-
16 ance with clause (ii).

17 “(ii) DISTRIBUTION.—Of the amounts
18 made available for expenditure under clause
19 (i)—

20 “(I) 75 percent shall be used at
21 the covered unit for activities described
22 in paragraph (5)(A); and

23 “(II) 25 percent shall be used for
24 activities at the covered unit described
25 in paragraph (5)(B).

1 “(B) *AGENCY-WIDE DISTRIBUTION OF*
 2 *FUNDS.—The Secretary shall expend 20 percent*
 3 *of the ski area permit rental charges deposited in*
 4 *the Account from a covered unit at any unit of*
 5 *the National Forest System for an activity de-*
 6 *scribed in subparagraph (A) or (B) of paragraph*
 7 *(5).*

8 “(C) *REDUCTION OF PERCENTAGE.—*

9 “(i) *REDUCTION.—The Secretary shall*
 10 *reduce the percentage otherwise applicable*
 11 *under subparagraph (A)(i) to not less than*
 12 *60 percent if the Secretary determines that*
 13 *the amount otherwise made available under*
 14 *that subparagraph exceeds the reasonable*
 15 *needs of the covered unit for which expendi-*
 16 *tures may be made in the applicable fiscal*
 17 *year.*

18 “(ii) *DISTRIBUTION OF FUNDS.—The*
 19 *balance of the ski area permit rental*
 20 *charges that are collected at a covered unit,*
 21 *deposited into the Account, and not distrib-*
 22 *uted in accordance with subparagraph (A)*
 23 *or (B) shall be available to the Secretary for*
 24 *expenditure at any other unit of the Na-*

1 *tional Forest System in accordance with the*
 2 *following:*

3 *“(I) 75 percent shall be used for*
 4 *activities described in paragraph*
 5 *(5)(A).*

6 *“(II) 25 percent shall be used for*
 7 *activities described in paragraph*
 8 *(5)(B).*

9 *“(5) EXPENDITURES.—Amounts available to the*
 10 *Secretary for expenditure from the Account shall be*
 11 *only used for—*

12 *“(A)(i) the administration of the Forest*
 13 *Service ski area program, including—*

14 *“(I) the processing of an application*
 15 *for a new ski area or a ski area improve-*
 16 *ment project, including staffing and con-*
 17 *tracting for the processing; and*

18 *“(II) administering a ski area permit*
 19 *described in subsection (a);*

20 *“(ii) staff training for—*

21 *“(I) the processing of an application*
 22 *for—*

23 *“(aa) a new ski area;*

24 *“(bb) a ski area improvement*
 25 *project; or*

1 “(cc) a special use permit; or

2 “(II) administering—

3 “(aa) a ski area permit described
4 in subsection (a); or

5 “(bb) a special use permit;

6 “(iii) an interpretation activity, National
7 Forest System visitor information, a visitor serv-
8 ice, or signage;

9 “(iv) direct costs associated with collecting
10 a ski area permit rental charge or other fee col-
11 lected by the Secretary related to recreation;

12 “(v) planning for, or coordinating to re-
13 spond to, a wildfire in or adjacent to a recre-
14 ation site, particularly a ski area; or

15 “(vi) reducing the likelihood of a wildfire
16 starting, or the risks posed by a wildfire, in or
17 adjacent to a recreation site, particularly a ski
18 area, except through hazardous fuels reduction
19 activities; or

20 “(B)(i) the repair, maintenance, or enhancement
21 of a Forest Service-owned facility, road, or trail di-
22 rectly related to visitor enjoyment, visitor access, or
23 visitor health or safety;

24 “(ii) habitat restoration directly related to recre-
25 ation;

1 “(iii) *law enforcement related to public use and*
2 *recreation;*

3 “(iv) *the construction or expansion of parking*
4 *areas;*

5 “(v) *the processing or administering of a recre-*
6 *ation special use permit;*

7 “(vi) *avalanche information and education ac-*
8 *tivities carried out by the Secretary or nonprofit*
9 *partners;*

10 “(vii) *search and rescue activities carried out by*
11 *the Secretary, a local government, or a nonprofit*
12 *partner; or*

13 “(viii) *the administration of leases under—*

14 “(I) *the Forest Service Facility Realign-*
15 *ment and Enhancement Act of 2005 (16 U.S.C.*
16 *580d note; Public Law 109–54); and*

17 “(II) *section 8623 of the Agriculture Im-*
18 *provement Act of 2018 (16 U.S.C. 580d note;*
19 *Public Law 115–334).*

20 “(6) *LIMITATION.—Amounts in the Account may*
21 *not be used for—*

22 “(A) *the conduct of wildfire suppression; or*

23 “(B) *the acquisition of land for inclusion in*
24 *the National Forest System.*

25 “(7) *EFFECT.—*

1 “(A) *IN GENERAL.*—*Nothing in this sub-*
 2 *section affects the applicability of section 7 of the*
 3 *Act of April 24, 1950 (commonly known as the*
 4 *‘Granger-Thye Act’)* (16 U.S.C. 580d), *to ski*
 5 *areas on National Forest System land.*

6 “(B) *SUPPLEMENTAL FUNDING.*—*Rental*
 7 *charges retained and expended under this sub-*
 8 *section shall supplement (and not supplant) ap-*
 9 *propriated funding for the operation and main-*
 10 *tenance of each covered unit.*

11 “(C) *COST RECOVERY.*—*Nothing in this*
 12 *subsection affects any cost recovery under any*
 13 *provision of law (including regulations) for proc-*
 14 *essing an application for or monitoring compli-*
 15 *ance with a ski area permit or other recreation*
 16 *special use permit.”.*

17 (b) *EFFECTIVE DATE.*—*This section (including the*
 18 *amendments made by this section) shall take effect on the*
 19 *date that is 60 days after the date of enactment of this Act.*

Calendar No. 253

117TH CONGRESS
2D Session

S. 1964

[Report No. 117-56]

A BILL

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

JANUARY 19 (legislative day, JANUARY 18), 2022

Reported with an amendment