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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

Mr. Gardner (for himself, Mr. Bennet, Mr. Barrasso, Ms. Hassan, Mr. Crapo, and Mr. Wyden) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ski Area Fee Retention Act”.

SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION ACCOUNT.

(a) In general.—Section 701 of division I of the Omnibus Parks and Public Lands Management Act of...
1996 (16 U.S.C. 497c) is amended by adding at the end the following:

“(k) Ski Area Fee Retention Account.—

“(1) DEFINITIONS.—In this subsection:

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

“(B) COVERED UNIT.—The term ‘covered unit’ means a national forest that collects a rental charge under this section.

“(C) REGION.—The term ‘Region’ means a Forest Service region.

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

“(E) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

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

“(A) in the case of a covered unit at which not less than $15,000,000 is collected by the covered unit from rental charges in a fiscal year, an amount equal to 50 percent of the
rental charges collected at the covered unit in
the fiscal year; or

“(B) in the case of any other covered unit,
an amount equal to 65 percent of the rental
charges collected at the covered unit in a fiscal
year.

“(3) Availability.—Subject to paragraphs
(4), (5), and (6), any amounts deposited in the Ac-
count under paragraph (2) shall remain available for
expenditure, without further appropriation, until ex-
pended.

“(4) Local Distribution of Amounts in
the Account.—

“(A) In general.—Except as provided in
subparagraph (B), 100 percent of the amounts
deposited in the Account from a specific covered
unit shall remain available for expenditure at
the covered unit at which the rental charges
were collected.

“(B) Reduction.—

“(i) In general.—Subject to clause
(ii), the Secretary may reduce the percent-
age of amounts available to a covered unit
under subparagraph (A) if the Secretary
determines that the rental charges col-
lected at the covered unit exceed the rea-
sonable needs of the covered unit for that
fiscal year for authorized expenditures de-
scribed in paragraph (5)(A).

“(ii) Limitation.—The Secretary
may not reduce the percentage of amounts
available under clause (i)—

“(I) in the case of a covered unit
described in paragraph (2)(A), to less
than 35 percent of the amount of
rental charges deposited in the Ac-
count from the covered unit in a fiscal
year; or

“(II) in the case of any other
covered unit, to less than 50 percent
of the amount of rental charges de-
posited in the Account from the cov-
ered unit in a fiscal year.

“(C) Transfer to Other Covered
Units and Use for Non-Ski Area Permits.—

“(i) Distribution.—If the Secretary
determines that the percentage of amounts
otherwise available to a covered unit under
subparagraph (A) should be reduced under
subparagraph (B), the Secretary may
transfer to other covered units, for allocation in accordance with clause (ii), the percentage of the amounts withheld from the covered unit under subparagraph (B), to be expended by the other covered units in accordance with paragraph (5).

“(ii) CRITERIA.—In determining the allocation of amounts to be transferred under clause (i) among other covered units, the Secretary shall consider—

“(I) the number of proposals for ski area improvements in the other covered units;

“(II) any backlog in ski area permit administration or the processing of ski area proposals in the other covered units; and

“(III) any need for services, training, staffing, or the streamlining of programs in the other covered units or the Region in which the covered units are located that would improve the administration of the Forest Service Ski Area Program.

“(5) AUTHORIZED EXPENDITURES.—
“(A) IN GENERAL.—Amounts distributed from the Account to a covered unit under this subsection may be used for—

“(i) ski area special use permit administration and processing of proposals for ski area improvement projects in the covered unit, including staffing and contracting for such administration or processing or related services in the covered unit or the applicable Region;

“(ii) training programs on processing ski area applications, administering ski area permits, or ski area process streamlining in the covered unit or the Region in which the covered unit is located;

“(iii) interpretation activities, visitor information, visitor services, and signage in the covered unit to enhance—

“(I) the ski area visitor experience on National Forest System land;

and

“(II) avalanche information and education activities carried out by the Forest Service; and
“(iv) the costs of leasing administrative sites under section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115–334) for ski area-related purposes.

“(B) OTHER USES.—

“(i) AUTHORIZED USES.—Subject to clause (ii), if any remaining amounts are available in the Account after all ski area permit-related expenditures have been made under subparagraph (A), including amounts transferred to other covered units under paragraph (4)(C), the Secretary may use any remaining amounts for—

“(I) the costs of administering non-ski area Forest Service recreation special use permits; and

“(II) the costs of leasing administrative sites under section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115–334) for purposes not related to a ski area.

“(ii) REQUIREMENT.—Before making amounts available from the Account for a
use authorized under clause (i), the Sec-
retary shall make a determination that all
ski area-related permit administration,
processing, and interpretation needs have
been met in all covered units and Regions.

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

“(i) the conduct of wildfire suppres-
sion or preparedness activities;

“(ii) the conduct of biological moni-
toring on National Forest System land
under the Endangered Species Act of 1973
(16 U.S.C. 1531 et seq.) for listed species
or candidate species, except as required by
law for environmental review of ski area
projects; or

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

“(6) SAVINGS PROVISIONS.—

“(A) IN GENERAL.—Nothing in this sub-
section affects the applicability of section 7 of
the Act of April 24, 1950 (commonly known as
the ‘Granger-Thye Act’) (16 U.S.C. 580d), to
ski areas on National Forest System land.
“(B) Supplemental funding.—Rental charges retained and expended under this sub-
section shall supplement (and not supplant) appropriated funding for the operation and main-
tenance of each covered unit.”.

(b) Effective Date.—This section (including the amendments made by this section) shall take effect on the date that is 60 days after the date of enactment of this Act.

(c) Implementation.—The Secretary of Agriculture shall not be required to issue regulations or policy guidance to implement this section (including the amendments made by this section).