

116TH CONGRESS
1ST SESSION

S. 1723

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.

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 “Ski Area Fee Reten-
5 tion Act”.

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

8 (a) IN GENERAL.—Section 701 of division I of the
9 Omnibus Parks and Public Lands Management Act of

1 1996 (16 U.S.C. 497c) is amended by adding at the end
2 the following:

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

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

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

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

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

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

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

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

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

1 rental charges collected at the covered unit in
2 the fiscal year; or

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

7 “(3) AVAILABILITY.—Subject to paragraphs
8 (4), (5), and (6), any amounts deposited in the Ac-
9 count under paragraph (2) shall remain available for
10 expenditure, without further appropriation, until ex-
11 pended.

12 “(4) LOCAL DISTRIBUTION OF AMOUNTS IN
13 THE ACCOUNT.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), 100 percent of the amounts
16 deposited in the Account from a specific covered
17 unit shall remain available for expenditure at
18 the covered unit at which the rental charges
19 were collected.

20 “(B) REDUCTION.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), the Secretary may reduce the percent-
23 age of amounts available to a covered unit
24 under subparagraph (A) if the Secretary
25 determines that the rental charges col-

1 lected at the covered unit exceed the rea-
 2 sonable needs of the covered unit for that
 3 fiscal year for authorized expenditures de-
 4 scribed in paragraph (5)(A).

5 “(ii) LIMITATION.—The Secretary
 6 may not reduce the percentage of amounts
 7 available under clause (i)—

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

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

19 “(C) TRANSFER TO OTHER COVERED
 20 UNITS AND USE FOR NON-SKI AREA PERMITS.—

21 “(i) DISTRIBUTION.—If the Secretary
 22 determines that the percentage of amounts
 23 otherwise available to a covered unit under
 24 subparagraph (A) should be reduced under
 25 subparagraph (B), the Secretary may

1 transfer to other covered units, for alloca-
2 tion in accordance with clause (ii), the per-
3 centage of the amounts withheld from the
4 covered unit under subparagraph (B), to
5 be expended by the other covered units in
6 accordance with paragraph (5).

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

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

14 “(II) any backlog in ski area per-
15 mit administration or the processing
16 of ski area proposals in the other cov-
17 ered units; and

18 “(III) any need for services,
19 training, staffing, or the streamlining
20 of programs in the other covered units
21 or the Region in which the covered
22 units are located that would improve
23 the administration of the Forest Serv-
24 ice Ski Area Program.

25 “(5) AUTHORIZED EXPENDITURES.—

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

4 “(i) ski area special use permit ad-
5 ministration and processing of proposals
6 for ski area improvement projects in the
7 covered unit, including staffing and con-
8 tracting for such administration or proc-
9 essing or related services in the covered
10 unit or the applicable Region;

11 “(ii) training programs on processing
12 ski area applications, administering ski
13 area permits, or ski area process stream-
14 lining in the covered unit or the Region in
15 which the covered unit is located;

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

19 “(I) the ski area visitor experi-
20 ence on National Forest System land;
21 and

22 “(II) avalanche information and
23 education activities carried out by the
24 Forest Service; and

1 “(iv) the costs of leasing administra-
2 tive sites under section 8623 of the Agri-
3 culture Improvement Act of 2018 (16
4 U.S.C. 580d note; Public Law 115–334)
5 for ski area-related purposes.

6 “(B) OTHER USES.—

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

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

18 “(II) the costs of leasing admin-
19 istrative sites under section 8623 of
20 the Agriculture Improvement Act of
21 2018 (16 U.S.C. 580d note; Public
22 Law 115–334) for purposes not re-
23 lated to a ski area.

24 “(ii) REQUIREMENT.—Before making
25 amounts available from the Account for a

1 use authorized under clause (i), the Sec-
2 retary shall make a determination that all
3 ski area-related permit administration,
4 processing, and interpretation needs have
5 been met in all covered units and Regions.

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

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

10 “(ii) the conduct of biological moni-
11 toring on National Forest System land
12 under the Endangered Species Act of 1973
13 (16 U.S.C. 1531 et seq.) for listed species
14 or candidate species, except as required by
15 law for environmental review of ski area
16 projects; or

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

19 “(6) SAVINGS PROVISIONS.—

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

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

6 (b) EFFECTIVE DATE.—This section (including the
7 amendments made by this section) shall take effect on the
8 date that is 60 days after the date of enactment of this
9 Act.

10 (c) IMPLEMENTATION.—The Secretary of Agriculture
11 shall not be required to issue regulations or policy guid-
12 ance to implement this section (including the amendments
13 made by this section).

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