117th Congress
1st Session

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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

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on ____________________

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.

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 “Recreation, Administration, Recovery, and Essential Services Act of 2021”.

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 unit of the National Forest System that collects a rental charge.

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

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

“(E) Rental charge.—The term ‘rental charge’ means a permit rental charge that is charged under subsection (a).

“(F) 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 $15,000,000 or more is collected by the covered unit from rental charges in a fiscal year, an amount equal to 60 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 75 percent of the rental charges collected at the covered unit in a fiscal year.

“(3) AVAILABILITY.—Subject to paragraph (5), any amounts deposited in the Account under paragraph (2) shall be available to the Secretary for use in accordance with paragraph (4), without further appropriation, and shall remain available until expended.

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

“(A) DISTRIBUTION OF PERCENTAGE AMOUNTS.—Except as provided in subparagraphs (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 of rental charges deposited in the Account from the covered unit in a fiscal year.
“(D) Distribution of Reduction Amounts.—The Secretary may make any amounts in the Account remaining as a result of any reduction in the percentage of amounts under subparagraph (B) available to other covered units or the regions in which the covered units are located for the purposes described in subparagraph (E), taking into consideration the following factors:

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

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

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

“(ii) 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 Program.

“(iii) Any need for wildfire preparedness, planning, and coordination in and around ski areas.
“(E) AUTHORIZED EXPENDITURES.—

Amounts distributed from the Account to a covered unit under this subsection may be used for—

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

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

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

“(ii) staff training for processing of ski area applications and administering ski area permits 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 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 the distribution 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;

“(ii) avalanche information and education activities carried out by the Secretary or nonprofit partners;

“(iii) recreation management, maintenance, and services; and
“(iv) administration of leases under—

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

“(II) section 8623 of the Agriculture Improvement Act of 2018 (16
U.S.C. 580d note; Public Law 115–
334).

“(H) LIMITATION.—Amounts in the Account may not be used for—

“(i) the conduct of wildfire suppression outside ski area permit boundaries; or

“(ii) the acquisition of land for inclusion in the National Forest System.

“(5) SAVINGS PROVISIONS.—

“(A) IN GENERAL.—Nothing in this subsection 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 subsection shall supplement (and not supplant) ap-
appropriated funding for the operation and maintenance of each covered unit.

“(C) COST RECOVERY.—Nothing in this subsection affects any cost recovery under any other provision of law for processing applications for or monitoring compliance with ski area permits or other recreation special use permits.”.

(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).