

117TH CONGRESS
1ST SESSION

S. _____

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.

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 “Recreation, Adminis-
5 tration, Recovery, and Essential Services 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
4 Omnibus Parks and Public Lands Management Act of
5 1996 (16 U.S.C. 497c) is amended by adding at the end
6 the following:

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

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

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

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

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

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

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

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

24 “(2) ESTABLISHMENT.—The Secretary of the
25 Treasury shall establish in the Treasury a special

1 account, to be known as the ‘Ski Area Fee Retention
2 Account’, into which there shall be deposited—

3 “(A) in the case of a covered unit at which
4 \$15,000,000 or more is collected by the covered
5 unit from rental charges in a fiscal year, an
6 amount equal to 60 percent of the rental
7 charges collected at the covered unit in the fis-
8 cal year; or

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

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

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

21 “(A) DISTRIBUTION OF PERCENTAGE
22 AMOUNTS.—Except as provided in subpara-
23 graphs (B), (C), (D), (F), and (G), 75 percent
24 of the amounts deposited in the Account from
25 a covered unit at which the rental charges were

1 collected in the preceding fiscal year shall be
2 available for expenditure in accordance with
3 subparagraph (E) at that covered unit.

4 “(B) REDUCTION OF PERCENTAGE
5 AMOUNT.—Subject to subparagraph (C), the
6 Secretary may reduce the percentage of
7 amounts available to a covered unit under sub-
8 paragraph (A) if the Secretary determines that
9 the amounts will exceed the reasonable needs of
10 the covered unit for the purposes described in
11 subparagraph (E) in the fiscal year.

12 “(C) LIMITATION.—The Secretary may not
13 reduce, pursuant to subparagraph (B), the per-
14 centage of amounts available under subpara-
15 graph (A)—

16 “(i) in the case of a covered unit de-
17 scribed in paragraph (2)(A), to less than
18 25 percent of the amount of rental charges
19 deposited in the Account from the covered
20 unit in a fiscal year; or

21 “(ii) in the case of any other covered
22 unit, to less than 40 percent of the amount
23 of rental charges deposited in the Account
24 from the covered unit in a fiscal year.

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

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

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

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

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

23 “(iii) Any need for wildfire prepared-
24 ness, planning, and coordination in and
25 around ski areas.

1 in the covered unit or in the applicable re-
2 gion.

3 “(F) EXPENDITURE FOR OTHER PUR-
4 POSES.—If any amounts remain in the Account
5 after all necessary Program expenditures have
6 been made the distribution under subparagraph
7 (D), the Secretary may use the amounts for
8 other purposes in accordance with subpara-
9 graph (G).

10 “(G) OTHER RECREATION PERMIT ADMIN-
11 STRATION, VISITOR SERVICES, AND OTHER
12 PURPOSES.—In addition to any amounts re-
13 maining in the Account described in subpara-
14 graph (F), 25 percent of the amounts deposited
15 in the Account from a covered unit in which the
16 rental charges were collected shall remain avail-
17 able for expenditure at that covered unit or the
18 region in which the covered unit is located for—

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

21 “(ii) avalanche information and edu-
22 cation activities carried out by the Sec-
23 retary or nonprofit partners;

24 “(iii) recreation management, mainte-
25 nance, and services; and

1 “(iv) administration of leases under—
2 “(I) the Forest Service Facility
3 Realignment and Enhancement Act of
4 2005 (16 U.S.C. 580d note; Public
5 Law 109–54); and

6 “(II) section 8623 of the Agri-
7 culture Improvement Act of 2018 (16
8 U.S.C. 580d note; Public Law 115–
9 334).

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

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

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

16 “(5) SAVINGS PROVISIONS.—

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

22 “(B) SUPPLEMENTAL FUNDING.—Rental
23 charges retained and expended under this sub-
24 section shall supplement (and not supplant) ap-

1 appropriated funding for the operation and main-
2 tenance of each covered unit.

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

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

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