

117TH CONGRESS
1ST SESSION

S. 1964

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, and Mr. CRAPO) 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, 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 “Ski Hill Resources for
5 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
 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

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.

1 “(E) AUTHORIZED EXPENDITURES.—

2 Amounts distributed from the Account to a cov-
3 ered unit under this subsection may be used
4 for—

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

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

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

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

19 “(iii) interpretation activities, visitor
20 information, visitor services, and signage in
21 the covered unit to enhance the ski area
22 visitor experience on National Forest Sys-
23 tem land; and

24 “(iv) wildfire preparedness, planning,
25 and coordination in and 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 under subparagraph (D), the Sec-
 7 retary may use the amounts for other purposes
 8 in accordance with subparagraph (G).

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

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

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

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

25 “(iv) administration of leases under—

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

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

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

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

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

15 “(5) SAVINGS PROVISIONS.—

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

21 “(B) SUPPLEMENTAL FUNDING.—Rental
 22 charges retained and expended under this sub-
 23 section shall supplement (and not supplant) ap-
 24 propriated funding for the operation and main-
 25 tenance of each covered unit.

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

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

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

○