

115TH CONGRESS  
2D SESSION

# S. 2501

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

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2018

Mr. GARDNER (for himself, Mr. BENNET, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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 which 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.—

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 streamlining pro-  
20 grams in the other covered units or  
21 the Region in which they are located  
22 that would improve the administration  
23 of the Forest Service Ski Area Pro-  
24 gram.

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, process,  
9 or services through the unit or the Region;

10           “(ii) any expenses that the Forest  
11 Service would have otherwise applied to ski  
12 area permittees through cost recovery pur-  
13 suant to part 251 of title 36, Code of Fed-  
14 eral Regulations (or successor regulations);

15           “(iii) training programs on processing  
16 ski area applications, administering ski  
17 area permits, or ski area process stream-  
18 lining in the covered unit or the Region in  
19 which the unit is located; and

20           “(iv) interpretation activities, visitor  
21 information, visitor services, and signage in  
22 the covered unit to enhance—

23           “(I) the ski area visitor experi-  
24 ence on National Forest System land;  
25 and

1                   “(II) avalanche information and  
2                   education activities carried out by the  
3                   Forest Service.

4                   “(B) OTHER USES.—If any amounts are  
5                   still available in the Account after all ski area  
6                   permit-related expenditures under subpara-  
7                   graph (A) are made, including amounts trans-  
8                   ferred to other covered units pursuant to para-  
9                   graph (4)(C), such remaining amounts in the  
10                  Account may be applied to permit administra-  
11                  tion for other (non-ski area) Forest Service  
12                  recreation special use permits at the discretion  
13                  of the Secretary. The Secretary shall first de-  
14                  termine that all ski area-related permit admin-  
15                  istration, processing and interpretation needs  
16                  have been met in all covered units and Regions  
17                  before applying any remaining amounts in the  
18                  Account to non-ski area uses.

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

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

23                         “(ii) the conduct of biological moni-  
24                         toring on National Forest System land  
25                         under the Endangered Species Act of 1973

1 (16 U.S.C. 1531 et seq.) for listed species  
2 or candidate species, except as required by  
3 law for environmental review of ski area  
4 projects;

5 “(iii) the acquisition of land for inclu-  
6 sion in the National Forest System; or

7 “(iv) Forest Service administrative  
8 sites.

9 “(6) SAVINGS PROVISIONS.—

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

15 “(B) REVENUE ALLOCATION PAYMENTS.—  
16 Rental charges deposited in the Account under  
17 paragraph (2) shall be considered to be  
18 amounts received from the National Forest Sys-  
19 tem for purposes of calculating amounts to be  
20 paid under—

21 “(i) the Secure Rural Schools and  
22 Community Self-Determination Act of  
23 2000 (16 U.S.C. 7101 et seq.);



1           “(ii) the sixth paragraph under the  
2           heading ‘forest service’ in the Act of May  
3           23, 1908 (35 Stat. 260; 16 U.S.C. 500);

4           “(iii) section 13 of the Act of March  
5           1, 1911 (36 Stat. 963; 16 U.S.C. 500);  
6           and

7           “(iv) chapter 69 of title 31, United  
8           States Code.

9           “(C) SUPPLEMENTAL FUNDING.—Rental  
10           charges retained and expended under this sub-  
11           section shall supplement (and not supplant) ap-  
12           propriated funding for the operation and main-  
13           tenance of each covered unit.”.

14           (b) EFFECTIVE DATE.—This section (including the  
15           amendments made by this section) shall take effect on the  
16           date that is 60 days after the date of enactment of this  
17           Act.

18           (c) IMPLEMENTATION.—The Secretary of Agriculture  
19           shall not be required to issue regulations or policy guid-  
20           ance to implement this section (including the amendments  
21           made by this section).

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