

116TH CONGRESS
1ST SESSION

H. R. 2509

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 HOUSE OF REPRESENTATIVES

MAY 2, 2019

Mr. TIPTON (for himself, Mr. COOK, Mr. CARTWRIGHT, Mr. GOSAR, Ms. PINGREE, Mr. LAMBORN, Mr. AMODEI, Mr. SCHRADER, Mr. GARAMENDI, Mr. CURTIS, Mr. MCCLINTOCK, and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

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 national forest that collects a
14 rental charge under this section.

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

17 “(D) RENTAL CHARGE.—The term ‘rental
18 charge’ means a permit rental charge that is
19 charged under subsection (a).

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

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

1 “(A) in the case of a covered unit at which
2 not less than \$15,000,000 is collected by the
3 covered unit from rental charges in a fiscal
4 year, an amount equal to 50 percent of the
5 rental charges collected at the covered unit in
6 the fiscal year; or

7 “(B) in the case of any other covered unit,
8 an amount equal to 65 percent of the rental
9 charges collected at the covered unit in a fiscal
10 year.

11 “(3) AVAILABILITY.—Subject to paragraphs
12 (4), (5), and (6), any amounts deposited in the Ac-
13 count under paragraph (2) shall remain available for
14 expenditure, without further appropriation, until ex-
15 pended.

16 “(4) LOCAL DISTRIBUTION OF AMOUNTS IN
17 THE ACCOUNT.—

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

24 “(B) REDUCTION.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Secretary may reduce the percent-
3 age of amounts available to a covered unit
4 under subparagraph (A) if the Secretary
5 determines that the rental charges col-
6 lected at the covered unit exceed the rea-
7 sonable needs of the covered unit for that
8 fiscal year for authorized expenditures de-
9 scribed in paragraph (5)(A).

10 “(ii) LIMITATION.—The Secretary
11 may not reduce the percentage of amounts
12 available under clause (i)—

13 “(I) in the case of a covered unit
14 described in paragraph (2)(A), to less
15 than 35 percent of the amount of
16 rental charges deposited in the Ac-
17 count from the covered unit in a fiscal
18 year; or

19 “(II) in the case of any other
20 covered unit, to less than 50 percent
21 of the amount of rental charges de-
22 posited in the Account from the cov-
23 ered unit in a fiscal year.

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

1 “(i) DISTRIBUTION.—If the Secretary
2 determines that the percentage of amounts
3 otherwise available to a covered unit under
4 subparagraph (A) should be reduced under
5 subparagraph (B), the Secretary may
6 transfer to other covered units, for alloca-
7 tion in accordance with clause (ii), the per-
8 centage of the amounts withheld from the
9 covered unit under subparagraph (B), to
10 be expended by the other covered units in
11 accordance with paragraph (5).

12 “(ii) CRITERIA.—In determining the
13 allocation of amounts to be transferred
14 under clause (i) among other covered
15 units, the Secretary shall consider—

16 “(I) the number of proposals for
17 ski area improvements in the other
18 covered units;

19 “(II) any backlog in ski area per-
20 mit administration or the processing
21 of ski area proposals in the other cov-
22 ered units; and

23 “(III) any need for services,
24 training, staffing, or the streamlining
25 of programs in the other covered units

1 or the Region in which the covered
2 units are located that would improve
3 the administration of the Forest Serv-
4 ice Ski Area Program.

5 “(5) AUTHORIZED EXPENDITURES.—

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

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

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

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

1 “(I) the ski area visitor experi-
2 ence on National Forest System land;
3 and

4 “(II) avalanche information and
5 education activities carried out by the
6 Forest Service; and

7 “(iv) the costs of leasing administra-
8 tive sites under section 8623 of the Agri-
9 culture Improvement Act of 2018 (16
10 U.S.C. 580d note; Public Law 115–334)
11 for ski area-related purposes.

12 “(B) OTHER USES.—

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

21 “(I) the costs of administering
22 non-ski area Forest Service recreation
23 special use permits; and

24 “(II) the costs of leasing admin-
25 istrative sites under section 8623 of

1 the Agriculture Improvement Act of
2 2018 (16 U.S.C. 580d note; Public
3 Law 115–334) for purposes not re-
4 lated to a ski area.

5 “(ii) REQUIREMENT.—Before making
6 amounts available from the Account for a
7 use authorized under clause (i), the Sec-
8 retary shall make a determination that all
9 ski area-related permit administration,
10 processing, and interpretation needs have
11 been met in all covered units and Regions.

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

14 “(i) the conduct of wildfire suppres-
15 sion or preparedness activities;

16 “(ii) the conduct of biological moni-
17 toring on National Forest System land
18 under the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) for listed species
20 or candidate species, except as required by
21 law for environmental review of ski area
22 projects; or

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

25 “(6) SAVINGS PROVISIONS.—

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

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

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

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

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