

118TH CONGRESS
1ST SESSION

S. 254

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

FEBRUARY 2, 2023

Mr. BENNET (for himself, Mr. BARRASSO, Mr. WYDEN, Ms. LUMMIS, Mr. HICKENLOOPER, Mr. CRAPO, Mr. KELLY, Mr. DAINES, Mr. RISCH, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. HASSAN, and Ms. CORTEZ MASTO) 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 2023”.

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 the unit of the National Forest
 14 System that collects the ski area permit rental
 15 charge under this section.

16 “(C) SECRETARY.—The term ‘Secretary’
 17 means the Secretary of Agriculture.

18 “(2) ESTABLISHMENT.—The Secretary of the
 19 Treasury shall establish a special account in the
 20 Treasury, to be known as the ‘Ski Area Fee Reten-
 21 tion Account’.

22 “(3) DEPOSITS.—Subject to paragraphs (4)
 23 and (5), a ski area permit rental charge collected by
 24 the Secretary under this section shall—

25 “(A) be deposited in the Account;

1 “(B) be available to the Secretary for use,
2 without further appropriation; and

3 “(C) remain available for the period of 4
4 fiscal years beginning with the first fiscal year
5 after the fiscal year in which the ski area per-
6 mit rental charge is deposited in the Account
7 under subparagraph (A).

8 “(4) DISTRIBUTION OF AMOUNTS IN THE AC-
9 COUNT.—

10 “(A) LOCAL DISTRIBUTION OF FUNDS.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in subparagraph (C), the Secretary
13 shall expend 80 percent of the ski area
14 permit rental charges deposited in the Ac-
15 count from a covered unit at the covered
16 unit in accordance with clause (ii).

17 “(ii) DISTRIBUTION.—Of the amounts
18 made available for expenditure under
19 clause (i)—

20 “(I) 75 percent shall be used at
21 the covered unit for activities de-
22 scribed in paragraph (5)(A); and

23 “(II) 25 percent shall be used for
24 activities at the covered unit described
25 in paragraph (5)(B).

1 “(B) AGENCY-WIDE DISTRIBUTION OF
2 FUNDS.—The Secretary shall expend 20 percent
3 of the ski area permit rental charges deposited
4 in the Account from a covered unit at any unit
5 of the National Forest System for an activity
6 described in subparagraph (A) or (B) of para-
7 graph (5).

8 “(C) REDUCTION OF PERCENTAGE.—

9 “(i) REDUCTION.—The Secretary
10 shall reduce the percentage otherwise ap-
11 plicable under subparagraph (A)(i) to not
12 less than 60 percent if the Secretary deter-
13 mines that the amount otherwise made
14 available under that subparagraph exceeds
15 the reasonable needs of the covered unit
16 for which expenditures may be made in the
17 applicable fiscal year.

18 “(ii) DISTRIBUTION OF FUNDS.—The
19 balance of the ski area permit rental
20 charges that are collected at a covered
21 unit, deposited into the Account, and not
22 distributed in accordance with subpara-
23 graph (A) or (B) shall be available to the
24 Secretary for expenditure at any other unit

1 of the National Forest System in accord-
2 ance with the following:

3 “(I) 75 percent shall be used for
4 activities described in paragraph
5 (5)(A).

6 “(II) 25 percent shall be used for
7 activities described in paragraph
8 (5)(B).

9 “(5) EXPENDITURES.—Amounts available to
10 the Secretary for expenditure from the Account shall
11 be only used for—

12 “(A)(i) the administration of the Forest
13 Service ski area program, including—

14 “(I) the processing of an application
15 for a new ski area or a ski area improve-
16 ment project, including staffing and con-
17 tracting for the processing; and

18 “(II) administering a ski area permit
19 described in subsection (a);

20 “(ii) staff training for—

21 “(I) the processing of an application
22 for—

23 “(aa) a new ski area;

24 “(bb) a ski area improvement
25 project; or

1 “(cc) a special use permit; or

2 “(II) administering—

3 “(aa) a ski area permit described
4 in subsection (a); or

5 “(bb) a special use permit;

6 “(iii) an interpretation activity, National
7 Forest System visitor information, a visitor
8 service, or signage;

9 “(iv) direct costs associated with collecting
10 a ski area permit rental charge or other fee col-
11 lected by the Secretary related to recreation;

12 “(v) planning for, or coordinating to re-
13 spond to, a wildfire in or adjacent to a recre-
14 ation site, particularly a ski area; or

15 “(vi) reducing the likelihood of a wildfire
16 starting, or the risks posed by a wildfire, in or
17 adjacent to a recreation site, particularly a ski
18 area, except through hazardous fuels reduction
19 activities; or

20 “(B)(i) the repair, maintenance, or enhance-
21 ment of a Forest Service-owned facility, road, or
22 trail directly related to visitor enjoyment, visitor ac-
23 cess, or visitor health or safety;

24 “(ii) habitat restoration directly related to
25 recreation;

1 “(iii) law enforcement related to public use and
2 recreation;

3 “(iv) the construction or expansion of parking
4 areas;

5 “(v) the processing or administering of a recre-
6 ation special use permit;

7 “(vi) avalanche information and education ac-
8 tivities carried out by the Secretary or nonprofit
9 partners;

10 “(vii) search and rescue activities carried out by
11 the Secretary, a local government, or a nonprofit
12 partner; or

13 “(viii) the administration of leases under—

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

17 “(II) section 8623 of the Agriculture Im-
18 provement Act of 2018 (16 U.S.C. 580d note;
19 Public Law 115–334).

20 “(6) LIMITATION.—Amounts in the Account
21 may not be used for—

22 “(A) the conduct of wildfire suppression;
23 or

24 “(B) the acquisition of land for inclusion
25 in the National Forest System.

1 “(7) EFFECT.—

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

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

12 “(C) COST RECOVERY.—Nothing in this
13 subsection affects any cost recovery under any
14 provision of law (including regulations) for
15 processing an application for or monitoring
16 compliance with a ski area permit or other
17 recreation special use permit.”.

18 (b) EFFECTIVE DATE.—This section (including the
19 amendments made by this section) shall take effect on the
20 date that is 60 days after the date of enactment of this
21 Act.

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