

115TH CONGRESS
2D SESSION

H. R. 5171

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

MARCH 6, 2018

Mr. TIPTON (for himself 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 which 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.—

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 streamlining pro-
25 grams in the other covered units or

1 the Region in which they are located
2 that would improve the administration
3 of the Forest Service Ski Area Pro-
4 gram.

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

15 “(ii) any expenses that the Forest
16 Service would have otherwise applied to ski
17 area permittees through cost recovery pur-
18 suant to part 251 of title 36, Code of Fed-
19 eral Regulations;

20 “(iii) training programs on processing
21 ski area applications, administering ski
22 area permits, or ski area process stream-
23 lining in the covered unit or the Region in
24 which the unit is located; and

1 “(iv) interpretation activities, visitor
2 information, visitor services, and signage in
3 the covered unit to enhance—

4 “(I) the ski area visitor experi-
5 ence on National Forest System land;
6 and

7 “(II) avalanche information and
8 education activities carried out by the
9 Forest Service.

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

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

3 “(i) the conduct of wildfire suppres-
4 sion or preparedness activities;

5 “(ii) the conduct of biological moni-
6 toring on National Forest System land
7 under the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.) for listed species
9 or candidate species, except as required by
10 law for environmental review of ski area
11 projects;

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

14 “(iv) Forest Service administrative
15 sites.

16 “(6) 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) REVENUE ALLOCATION PAYMENTS.—
23 Rental charges deposited in the Account under
24 paragraph (2) shall be considered to be
25 amounts received from the National Forest Sys-

1 tem for purposes of calculating amounts to be
2 paid under—

3 “(i) the Secure Rural Schools and
4 Community Self-Determination Act of
5 2000 (16 U.S.C. 7101 et seq.);

6 “(ii) the sixth paragraph under the
7 heading ‘forest service’ in the Act of May
8 23, 1908 (35 Stat. 260; 16 U.S.C. 500);

9 “(iii) section 13 of the Act of March
10 1, 1911 (36 Stat. 963; 16 U.S.C. 500);
11 and

12 “(iv) chapter 69 of title 31, United
13 States Code.

14 “(C) SUPPLEMENTAL FUNDING.—Rental
15 charges retained and expended under this sub-
16 section shall supplement (and not supplant) ap-
17 propriated funding for the operation and main-
18 tenance of each covered unit.”.

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

23 (c) IMPLEMENTATION.—The Secretary of Agriculture
24 shall not be required to issue regulations or policy guid-

- 1 ance to implement this section (including the amendments
- 2 made by this section).

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