

Calendar No. 575118TH CONGRESS
2^D 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, Ms. CORTEZ MASTO, Mr. LUJÁN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ski Hill Resources for
3 Economic Development Act of 2023”.

4 **SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION AC-**
5 **COUNT.**

6 (a) IN GENERAL.—Section 701 of division I of the
7 Omnibus Parks and Public Lands Management Act of
8 1996 (16 U.S.C. 497c) is amended by adding at the end
9 the following:

10 “(k) SKI AREA FEE RETENTION ACCOUNT.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) ACCOUNT.—The term ‘Account’
13 means the Ski Area Fee Retention Account es-
14 tablished under paragraph (2).

15 “(B) COVERED UNIT.—The term ‘covered
16 unit’ means the unit of the National Forest
17 System that collects the ski area permit rental
18 charge under this section.

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

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

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

4 “(A) be deposited in the Account;

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

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

12 “(4) DISTRIBUTION OF AMOUNTS IN THE AC-
13 COUNT.—

14 “(A) LOCAL DISTRIBUTION OF FUNDS.—

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

21 “(ii) DISTRIBUTION.—Of the amounts
22 made available for expenditure under
23 clause (i)—

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

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

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

14 “(C) REDUCTION OF PERCENTAGE.—

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

24 “(ii) DISTRIBUTION OF FUNDS.—The
25 balance of the ski area permit rental

1 charges that are collected at a covered
2 unit, deposited into the Account, and not
3 distributed in accordance with subpara-
4 graph (A) or (B) shall be available to the
5 Secretary for expenditure at any other unit
6 of the National Forest System in accord-
7 ance with the following:

8 “(I) 75 percent shall be used for
9 activities described in paragraph
10 (5)(A).

11 “(II) 25 percent shall be used for
12 activities described in paragraph
13 (5)(B).

14 “(5) EXPENDITURES.—Amounts available to
15 the Secretary for expenditure from the Account shall
16 be only used for—

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

19 “(I) the processing of an application
20 for a new ski area or a ski area improve-
21 ment project, including staffing and con-
22 tracting for the processing; and

23 “(II) administering a ski area permit
24 described in subsection (a);

25 “(ii) staff training for—

1 “(I) the processing of an application
2 for—

3 “(aa) a new ski area;

4 “(bb) a ski area improvement
5 project; or

6 “(cc) a special use permit; or

7 “(II) administering—

8 “(aa) a ski area permit described
9 in subsection (a); or

10 “(bb) a special use permit;

11 “(iii) an interpretation activity, National
12 Forest System visitor information, a visitor
13 service, or signage;

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

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

20 “(vi) reducing the likelihood of a wildfire
21 starting, or the risks posed by a wildfire, in or
22 adjacent to a recreation site, particularly a ski
23 area, except through hazardous fuels reduction
24 activities; or

1 “(B)(i) the repair, maintenance, or enhance-
2 ment of a Forest Service-owned facility, road, or
3 trail directly related to visitor enjoyment, visitor ac-
4 cess, or visitor health or safety;

5 “(ii) habitat restoration directly related to
6 recreation;

7 “(iii) law enforcement related to public use and
8 recreation;

9 “(iv) the construction or expansion of parking
10 areas;

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

13 “(vi) avalanche information and education ac-
14 tivities carried out by the Secretary or nonprofit
15 partners;

16 “(vii) search and rescue activities carried out by
17 the Secretary, a local government, or a nonprofit
18 partner; or

19 “(viii) the administration of leases under—

20 “(I) the Forest Service Facility Realign-
21 ment and Enhancement Act of 2005 (16 U.S.C.
22 580d note; Public Law 109–54); and

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

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

3 “(A) the conduct of wildfire suppression;
4 or

5 “(B) the acquisition of land for inclusion
6 in the National Forest System.

7 “(7) EFFECT.—

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

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

18 “(C) COST RECOVERY.—Nothing in this
19 subsection affects any cost recovery under any
20 provision of law (including regulations) for
21 processing an application for or monitoring
22 compliance with a ski area permit or other
23 recreation special use permit.”.

24 (b) EFFECTIVE DATE.—This section (including the
25 amendments made by this section) shall take effect on the

1 date that is 60 days after the date of enactment of this
2 Act.

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