

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 1964**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ski Hill Resources for  
5 Economic Development Act of 2021”.

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  
10 1996 (16 U.S.C. 497c) is amended by adding at the end  
11 the following:

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

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

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

6 “(B) COVERED UNIT.—The term ‘covered  
7 unit’ means the unit of the National Forest  
8 System that collects the ski area permit rental  
9 charge under this section.

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

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

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

19 “(A) be deposited in the Account;

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

22 “(C) remain available for the period of 4  
23 fiscal years beginning with the first fiscal year  
24 after the fiscal year in which the ski area per-

1 mit rental charge is deposited in the Account  
2 under subparagraph (A).

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

5 “(A) LOCAL DISTRIBUTION OF FUNDS.—

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

12 “(ii) DISTRIBUTION.—Of the amounts  
13 made available for expenditure under  
14 clause (i)—

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

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

21 “(B) AGENCY-WIDE DISTRIBUTION OF  
22 FUNDS.—The Secretary shall expend 20 percent  
23 of the ski area permit rental charges deposited  
24 in the Account from a covered unit at any unit  
25 of the National Forest System for an activity

1 described in subparagraph (A) or (B) of para-  
2 graph (5).

3 “(C) REDUCTION OF PERCENTAGE.—

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

13 “(ii) DISTRIBUTION OF FUNDS.—The  
14 balance of the ski area permit rental  
15 charges that are collected at a covered  
16 unit, deposited into the Account, and not  
17 distributed in accordance with subpara-  
18 graph (A) or (B) shall be available to the  
19 Secretary for expenditure at any other unit  
20 of the National Forest System in accord-  
21 ance with the following:

22 “(I) 75 percent shall be used for  
23 activities described in paragraph  
24 (5)(A).

1                   “(II) 25 percent shall be used for  
2                   activities described in paragraph  
3                   (5)(B).

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

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

9                   “(I) the processing of an application  
10                  for a new ski area or a ski area improve-  
11                  ment project, including staffing and con-  
12                  tracting for the processing; and

13                  “(II) administering a ski area permit  
14                  described in subsection (a);

15                  “(ii) staff training for—

16                  “(I) the processing of an application  
17                  for—

18                         “(aa) a new ski area;

19                         “(bb) a ski area improvement  
20                         project; or

21                         “(cc) a special use permit; or

22                  “(II) administering—

23                         “(aa) a ski area permit described  
24                         in subsection (a); or

25                         “(bb) a special use permit;

1           “(iii) an interpretation activity, National  
2           Forest System visitor information, a visitor  
3           service, or signage;

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

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

10           “(vi) reducing the likelihood of a wildfire  
11           starting, or the risks posed by a wildfire, in or  
12           adjacent to a recreation site, particularly a ski  
13           area, except through hazardous fuels reduction  
14           activities; or

15           “(B)(i) the repair, maintenance, or enhance-  
16           ment of a Forest Service-owned facility, road, or  
17           trail directly related to visitor enjoyment, visitor ac-  
18           cess, or visitor health or safety;

19           “(ii) habitat restoration directly related to  
20           recreation;

21           “(iii) law enforcement related to public use and  
22           recreation;

23           “(iv) the construction or expansion of parking  
24           areas;

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

3           “(vi) avalanche information and education ac-  
4           tivities carried out by the Secretary or nonprofit  
5           partners;

6           “(vii) search and rescue activities carried out by  
7           the Secretary, a local government, or a nonprofit  
8           partner; or

9           “(viii) the administration of leases under—

10           “(I) the Forest Service Facility Realign-  
11           ment and Enhancement Act of 2005 (16 U.S.C.  
12           580d note; Public Law 109–54); and

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

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

18           “(A) the conduct of wildfire suppression;  
19           or

20           “(B) the acquisition of land for inclusion  
21           in the National Forest System.

22           “(7) EFFECT.—

23           “(A) IN GENERAL.—Nothing in this sub-  
24           section affects the applicability of section 7 of  
25           the Act of April 24, 1950 (commonly known as

1 the ‘Granger-Thye Act’) (16 U.S.C. 580d), to  
2 ski areas on National Forest System land.

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

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

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.