

## SKI AREA FEE RETENTION ACT

OCTOBER 23, 2018.—Ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 5171]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 5171 is to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account.

#### BACKGROUND AND NEED FOR LEGISLATION

Americans enjoy the outdoors, and few outdoor activities have a more devoted user base than downhill skiing and snowboarding. Each year U.S. ski resorts receive 50 million visits, with roughly 30 million visits to ski areas on public lands.<sup>1</sup> Currently, there are 481 ski areas in operation in the United States, of which 122 operate on approximately 180,000 acres of National Forest System lands.<sup>2</sup> While ski areas occupy less than one percent of all National Forest System lands, they receive about one-fifth of all recreation in our national forests. In fact, downhill skiing is the second-most

<sup>1</sup>“Kottke National End of Season Survey 2016/2017.” RRC Associates. Accessed July 12, 2018. <http://www.nsaa.org/media/303945/visits.pdf>.

<sup>2</sup>“US Forest Service Finalizes Policy to Promote Year-round Recreation on Ski Areas.” U.S. Forest Service. April 15, 2014. Accessed July 12, 2018. <https://www.fs.fed.us/news/releases/us-forest-service-finalizes-policy-promote-year-round-recreation-ski-areas>.

prevalent activity occurring on national forests, behind walking and hiking.<sup>3</sup>

The growth and evolution of public lands ski areas over the past century has been dramatic, from small lodges and rope tows to large resorts that now offer multi-season activities. Much of this success can be attributed to the partnership between U.S. Forest Service (USFS) and privately-owned resorts. Public lands ski areas are significant contributors to the outdoor recreation economy and each year these resorts pay roughly \$37 million in rental fees to the U.S. Treasury.<sup>4</sup> In addition, the recreational opportunities provided at public lands ski areas help benefit rural economies, improve the health and fitness of millions of Americans, provide youth and families enjoyable outdoor experiences, and promote appreciation for the natural environment.

The growth of four-season visitation at ski areas is spurring demand for expanded and updated facilities and amenities from recreational users. This demand is creating a hyper-competitive market that can present challenges for ski resorts, but ultimately benefits recreators. Unfortunately, USFS struggles to keep pace with permitting for needed infrastructure improvements and capital investments at existing resorts. Most capital expenditures require years of complex and expensive planning, and while public lands ski areas pay for the improvements and necessary environmental reviews, USFS remains unable to meet the demand. Lack of capacity with respect to permit administration negatively affects recreation providers, the visitor experience, and ultimately the rural economies in which the providers operate.

The Ski Area Fee Retention Act, H.R. 5171, aims to help USFS keep pace with ski area permitting demand by allowing a portion of the roughly \$37 million that public lands ski resorts generate annually to be retained and used by USFS. Retained funds are authorized to be used in support of ski area permit administration, other recreation permit administration, interpretation, visitor services, and avalanche safety programs.

Retaining recreation fees locally is not new. USFS, along with four other land management agencies, are authorized through the Federal Lands Recreation Enhancement Act (FLREA, 16 U.S.C. Ch. 87) to collect and retain fees on federal recreational lands and waters. Under FLREA, at least 80% of the revenue collected is retained and used at the site where it was generated, although the Secretaries can reduce that amount to 60% for a fiscal year if collections exceed reasonable needs. The remaining collections are to be used agency-wide, at the discretion of the agency. In Fiscal Year 2015, the five agencies collected a total of \$336.6 million in recreation receipts under FLREA.<sup>5</sup>

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<sup>3</sup>“National Visitor Use Monitoring Survey Results National Summary Report 2016.” U.S. Forest Service. Accessed July 12, 2018. <https://www.fs.fed.us/recreation/programs/nvum/pdf/5082016NationalSummaryReport062217.pdf>.

<sup>4</sup>Blevins, Jason. “Gardner, Bennet, Tipton Propose Legislation That Would Allow Local National Forests to Retain Ski Area Rent Payments.” March 06, 2018. Accessed July 12, 2018. <https://www.denverpost.com/2018/03/06/ski-area-fee-retention-act-national-forests/>.

<sup>5</sup>Vincent, Carol Hardy. “Federal Lands Recreation Enhancement Act: Overview and Issues.” Congressional Research Service. January 23, 2018. Accessed July 12, 2018.

## COMMITTEE ACTION

H.R. 5171 was introduced on March 6, 2018, by Congressman Scott R. Tipton (R-CO). The bill was referred to the Committee on Natural Resources, and additionally to the Committee on Agriculture. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. On July 17, 2018, the Subcommittee held a hearing on the legislation. On July 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 28, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5171, the Ski Area Fee Retention Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 5171—Ski Area Fee Retention Act*

Summary: H.R. 5171 would authorize the Secretary of Agriculture to spend, without further appropriation, a portion of the rental fees paid to the Forest Service by ski area operators occupying lands administered by the agency. Under current law, all rental income from such ski areas is deposited into the Treasury as offsetting receipts. Using information provided by the Forest Service, CBO estimates that enacting the bill would increase direct spending by \$236 million over the 2019–2028 period.

Enacting H.R. 5171 would affect direct spending; therefore, pay-as-you-go procedures apply. The bill would not affect revenues.

CBO estimates that enacting H.R. 5171 would not increase net direct spending by more than \$2.5 billion or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5171 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 5171 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—													2019– 2023	2019– 2028
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028				
INCREASES IN DIRECT SPENDING															
Estimated Budget Authority .....	0	22	23	23	23	23	24	24	24	25	25	114	236		
Estimated Outlays	0	22	23	23	23	23	24	24	24	25	25	114	236		

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted late in 2018.

Under current law, the Forest Service collects rental fees from ski area operators and deposits those amounts into the Treasury. Over the past five years, total fee collections, which vary based on the quality of the ski season, have averaged \$37 million annually. Under the bill, the Forest Service would be authorized to retain and spend 50 percent of all rental fees from ski areas where annual revenues total at least \$15 million and 65 percent of all fees from areas with less than \$15 million in annual revenues. Using information provided by the Forest Service, CBO estimates that the agency would retain and spend \$24 million a year, on average. Those amounts would be used to fund activities related to the administration of ski areas.

The bill also would direct the Secretary of Agriculture to use a portion of the rental fees to reduce amounts currently charged to ski area operators through cost recovery fees associated with the permitting process. Because the Forest Service has the authority to collect and spend those fees without further appropriation, CBO estimates that reducing cost recovery fees for activities associated with administering ski areas would have no net effect on direct spending.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5171, THE SKI AREA FEE RETENTION ACT,  
AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON JULY 19, 2018

	By fiscal year, in millions of dollars—												
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2018- 2023	2018- 2028
NET INCREASE IN THE DEFICIT													
Statutory Pay-As- You-Go Effect ...	0	22	23	23	23	23	24	24	24	25	25	114	236

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 5171 would not increase net direct spending by more than \$2.5 billion or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 5171 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Jeff LaFave; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; Theresa Gullo, Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

**SECTION 701 OF THE OMNIBUS PARKS AND PUBLIC  
LANDS MANAGEMENT ACT OF 1996**

**SEC. 701. SKI AREA PERMIT RENTAL CHARGE.**

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

- (A) 1.5 percent of all adjusted gross revenue below \$3,000,000;
- (B) 2.5 percent for adjusted gross revenue between \$3,000,000 and \$15,000,000;
- (C) 2.75 percent for adjusted gross revenue between \$15,000,000 and \$50,000,000; and
- (D) 4.0 percent for the amount of adjusted gross revenue that exceeds \$50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR}; \text{AGR} \times \% \text{ BRACKETS}$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1,

1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge required by this section is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this section, the rental charge paid by any individual permittee shall be—

(1) for the 1995-1996 permit year, either the rental charge paid for the preceding 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher;

(2) for the 1996-1997 permit year, either the rental charge paid for the 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher; and

(3) for the 1997-1998 permit year, either the rental charge for the 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995-1996, 1996-1997, or 1997-1998 permit years falls more than 10 percent below the adjusted gross revenue for the 1994-1995 base year,

the rental charge paid shall be the rental charge calculated pursuant to this section.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms "revenue" and "sales", as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets offered for commercial or other promotional purposes) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of \$2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one-half of 1 percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five-year period in a manner providing for increases of approximately equal increments.

(i) To reduce Federal costs in administering the provisions of this section, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(j) Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

(k) *SKI AREA FEE RETENTION ACCOUNT.*—

(1) *DEFINITIONS.*—*In this subsection:*

(A) *ACCOUNT.*—*The term "Account" means the Ski Area Fee Retention Account established under paragraph (2).*

(B) *COVERED UNIT.*—*The term "covered unit" means a National Forest which collects a rental charge under this section.*



(C) *REGION.*—The term “Region” means a Forest Service Region.

(D) *RENTAL CHARGE.*—The term “rental charge” means a permit rental charge that is charged under subsection (a).

(E) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

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

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

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

(3) *AVAILABILITY.*—Subject to paragraphs (4), (5), and (6), any amounts deposited in the Account under paragraph (2) shall remain available for expenditure, without further appropriation, until expended.

(4) *LOCAL DISTRIBUTION OF AMOUNTS IN THE ACCOUNT.*—

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

(B) *REDUCTION.*—

(i) *IN GENERAL.*—Subject to clause (ii), the Secretary may reduce the percentage of amounts available to a covered unit under subparagraph (A) if the Secretary determines that the rental charges collected at the covered unit exceed the reasonable needs of the covered unit for that fiscal year for authorized expenditures described in paragraph (5)(A).

(ii) *LIMITATION.*—The Secretary may not reduce the percentage of amounts available under clause (i)—

(I) in the case of a covered unit described in paragraph (2)(A), to less than 35 percent of the amount of rental charges deposited in the Account from the covered unit in a fiscal year; or

(II) in the case of any other covered unit, to less than 50 percent of the amount of rental charges deposited in the Account from the covered unit in a fiscal year.

(C) *TRANSFER TO OTHER COVERED UNITS.*—

(i) *DISTRIBUTION.*—If the Secretary determines that the percentage of amounts otherwise available to a covered unit under subparagraph (A) should be reduced under subparagraph (B), the Secretary may transfer to other covered units, for allocation in accordance with clause (ii), the percentage of the amounts withheld from the covered unit under subparagraph (B), to be

expended by the other covered units in accordance with paragraph (5).

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

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

(II) any backlog in ski area permit administration or the processing of ski area proposals in the other covered units; and

(III) any need for services, training, staffing, or streamlining programs in the other covered units or the Region in which they are located that would improve the administration of the Forest Service Ski Area Program.

(5) *AUTHORIZED EXPENDITURES.*—

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

(i) ski area special use permit administration and processing of proposals for ski area improvement projects in the covered unit, including staffing and contracting for such administration, process, or services through the unit or the Region;

(ii) any expenses that the Forest Service would have otherwise applied to ski area permittees through cost recovery pursuant to part 251 of title 36, Code of Federal Regulations;

(iii) training programs on processing ski area applications, administering ski area permits, or ski area process streamlining in the covered unit or the Region in which the unit is located; and

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

(I) the ski area visitor experience on National Forest System land; and

(II) avalanche information and education activities carried out by the Forest Service.

(B) *OTHER USES.*—If any amounts are still available in the Account after all ski area permit-related expenditures under subparagraph (A) are made, including amounts transferred to other covered units pursuant to paragraph (4)(C), such remaining amounts in the Account may be applied to permit administration for other (non-ski area) Forest Service recreation special use permits at the discretion of the Secretary. The Secretary shall first determine that all ski area-related permit administration, processing and interpretation needs have been met in all covered units and Regions before applying any remaining amounts in the Account to non-ski area uses.

(C) *LIMITATION.*—Amounts in the Account may not be used for—

(i) the conduct of wildfire suppression or preparedness activities;

(ii) the conduct of biological monitoring on National Forest System land under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for listed species or candidate species, except as required by law for environmental review of ski area projects;

(iii) the acquisition of land for inclusion in the National Forest System; or

(iv) Forest Service administrative sites.

(6) SAVINGS PROVISIONS.—

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

(B) REVENUE ALLOCATION PAYMENTS.—Rental charges deposited in the Account under paragraph (2) shall be considered to be amounts received from the National Forest System for purposes of calculating amounts to be paid under—

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

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

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

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

(C) SUPPLEMENTAL FUNDING.—Rental charges retained and expended under this subsection shall supplement (and not supplant) appropriated funding for the operation and maintenance of each covered unit.

COMMITTEE CORRESPONDENCE

U.S. House of Representatives  
Committee on Agriculture  
Room 1301, Longworth House Office Building  
Washington, DC 20515-6001

(202) 225-2171

October 16, 2018

K. MICHAEL CONAWAY, TEXAS, CHAIRMAN  
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MATTHEWS SCHEITZ, STAFF DIRECTOR  
ANNE SMOOKS, MINORITY STAFF DIRECTOR

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to review H.R.5171, Ski Area Fee Retention Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 5171 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

K. Michael Conaway  
Chairman

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Collin C. Peterson  
The Honorable Raul Grijalva  
The Honorable Thomas J. Wickham, Parliamentarian

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

**U.S. House of Representatives**  
Committee on Natural Resources  
Washington, DC 20515

October 17, 2018

The Honorable K. Michael Conaway  
Chairman  
Committee on Agriculture  
1301 Longworth HOB  
Washington, DC 20515

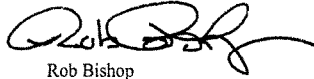
Dear Mr. Chairman:

Thank you for your letter agreeing to allow the Committee on Agriculture to be discharged from further consideration of H.R. 5171, the Ski Area Fee Retention Act, so that it may be scheduled for consideration by the Majority Leader.

This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include both our letters in the bill report and in the Congressional Record.

Thank you again for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

