

SKI HILL RESOURCES FOR ECONOMIC DEVELOPMENT
ACT

DECEMBER 14, 2022.—Ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3686]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3686) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ski Hill Resources for Economic Development Act” or the “SHRED Act”.

SEC. 2. ESTABLISHMENT OF SKI AREA FEE RETENTION ACCOUNT.

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

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

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

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

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

“(A) be deposited in the Account; and

- “(B) remain available to the Secretary for use, without further appropriation;
- “(4) DISTRIBUTION OF AMOUNTS IN THE ACCOUNT.—
- “(A) LOCAL DISTRIBUTION OF FUNDS.—
- “(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary shall expend 80 percent of the ski area permit rental charges deposited in the Account from a covered unit at the covered unit in accordance with clause (ii).
- “(ii) DISTRIBUTION.—Of the amounts made available for expenditure under clause (i)—
- “(I) 75 percent shall be used at the covered unit for activities described in paragraph (5)(A); and
- “(II) 25 percent shall be used at the covered unit for activities described in paragraph (5)(B).
- “(B) AGENCY-WIDE DISTRIBUTION OF FUNDS.—The Secretary shall expend 20 percent of the ski area permit rental charges deposited in the Account at any unit of the National Forest System for an activity described in subparagraph (A) or (B) of paragraph (5).
- “(C) REDUCTION OF PERCENTAGE.—
- “(i) REDUCTION.—The Secretary shall reduce the percentage otherwise applicable under subparagraph (A)(i) to not less than 60 percent if the Secretary determines that the amount otherwise made available under that subparagraph exceeds the reasonable needs of the covered unit for which expenditures may be made in the applicable fiscal year.
- “(ii) DISTRIBUTION OF FUNDS.—The balance of the ski area permit rental charges that are collected at a covered unit, deposited into the Account, and not distributed in accordance with subparagraph (A) or (B) shall be available to the Secretary for expenditure at any other unit of the National Forest System in accordance with the following:
- “(I) 75 percent shall be used for activities described in paragraph (5)(A).
- “(II) 25 percent shall be used for activities described in paragraph (5)(B).
- “(5) EXPENDITURES.—Amounts available to the Secretary for expenditure from the Account shall be used only for—
- “(A)(i) the administration of the Forest Service ski area program, including—
- “(I) programmatic costs associated with the processing of an application for a new ski area or a ski area improvement project, including staffing, subject to paragraph 7(C); and
- “(II) administering a ski area permit described in subsection (a);
- “(ii) staff training for—
- “(I) the processing of an application, for—
- “(aa) a new ski area;
- “(bb) a ski area improvement project; or
- “(cc) a recreation special use permit; or
- “(II) administering—
- “(aa) a ski area permit described in subsection (a); or
- “(bb) a recreation special use permit;
- “(iii) avalanche informational and educational activities carried out by the Secretary or nonprofit partners;
- “(iv) an interpretative activity or program, National Forest System visitor information, a visitor service, or signage;
- “(v) direct costs associated with collecting a ski area permit rental charge or other fee collected by the Secretary related to recreation, other than a cost recovery fee;
- “(vi) wildfire prevention, planning, and coordination programs and activities; or
- “(B)(i) the repair, maintenance, or enhancement of a federally-owned facility, road, or trail directly related to visitor enjoyment, visitor access, or visitor health or safety;
- “(ii) habitat restoration directly related to recreation;
- “(iii) law enforcement related to public use and recreation;
- “(iv) the construction or expansion of parking areas;
- “(v) the administration of leases, other than costs covered by monitoring fees, under—
- “(I) the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54); and

“(II) section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115–334); or

“(vi) the processing or administering of a recreation special use permit.

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

“(A) the conduct of wildfire suppression; or

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

“(7) EFFECT.—

“(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) 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 and region in which a covered unit is located.

“(C) COST RECOVERY.—Nothing in this subsection affects any cost recovery, including processing and monitoring fees, under any provision of law (including regulations) for processing a special use application or monitoring a special use authorization.”.

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

PURPOSE OF THE BILL

The purpose of H.R. 3686 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

H.R. 3686, the Ski Hill Resources for Economic Development Act or “SHRED” Act, would amend the Omnibus Parks and Public Lands Management Act of 1996 to establish the Ski Area Fee Retention Account. A percentage of already-existing rental charges for ski area permits on a U.S. Forest Service unit would be deposited in the account, and a specified portion of those amounts would be available for ski area administration, improvements, and visitor services on the unit where they were collected.

All of the funds deposited into the Account would be available to the individual National Forest where they were collected: 75% of the funds would be used for ski area special use permit administration and processing of proposals; regional staff trainings for processing and administering permits; interpretation, signage, and visitor services; and wildfire preparedness planning and coordination. The remaining 25% in the Account would be used for the costs of administering non-ski area Forest Service recreation special use permits; avalanche information and education activities carried out by the Forest Service or non-profit partners; trailhead maintenance and services, including maintenance and operation of parking areas; provision and service of toilets; snow plowing and removal; provision and maintenance of trash facilities; and provision and maintenance of signage and interpretive services; and administration of Forest Service Administrative Sites leasing authority.

H.R. 3686 would prohibit the Forest Service from using the Account to defray the costs of conducting wildfire suppression or for land acquisition. The bill also specifies the Account is intended to supplement (and not supplant) appropriated funding for the operation and maintenance of the National Forest System.

COMMITTEE ACTION

H.R. 3686 was introduced on June 4, 2021, by Representative Ann McLane Kuster (D–NH). The bill was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources. Within the latter, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands. On June 8, 2021, the Subcommittee held a hearing on the bill. On July 13, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Joe Neguse (D–CO) offered an amendment in the nature of a substitute to adopt the Senate reported version of the bill and incorporate additional technical clarifications. Ranking Member Bruce Westerman (R–AR) offered an amendment designated Westerman #1 to the amendment in the nature of a substitute. The amendment, to remove language regarding hazardous fuels reduction activities, was agreed to by unanimous consent. Ranking Member Westerman offered an amendment designated Westerman #2 to the amendment in the nature of a substitute. The amendment, to make technical changes to special use permit language, was agreed to by unanimous consent. The amendment in the nature of a substitute, as amended, was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on June 8, 2021.

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, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, 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, December 9, 2022.

Hon. RAÚL M. GRIJALVA,
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. 3686, the Ski Hill Resources for Economic Development Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
H.R. 3686, Ski Hill Resources for Economic Development Act			
As ordered reported by the House Committee on Natural Resources on July 13, 2022			
By Fiscal Year, Millions of Dollars	2023	2023-2027	2023-2032
Direct Spending (Outlays)	5	150	440
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	5	150	440
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The bill would:

- Authorize the Forest Service to spend ski area rental fees without further appropriation

Estimated budgetary effects would mainly stem from:

- Spending of ski area rental fees without further appropriation

Bill summary: H.R. 3686 would authorize the Forest Service to spend, without further appropriation, rental fees that it collects from ski resorts operating on Forest Service land.

Estimated Federal cost: The estimated budgetary effect of H.R. 3686 is shown in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3686, THE SKI HILL RESOURCES FOR ECONOMIC DEVELOPMENT ACT

	By fiscal year, millions of dollars—											
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2023– 2027	2023– 2032
	Increases in Direct Spending											
Estimated Budget Authority ..	50	50	55	55	55	60	60	60	60	65	265	570

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3686, THE SKI HILL RESOURCES FOR ECONOMIC DEVELOPMENT ACT—Continued

	By fiscal year, millions of dollars—											
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2023– 2027	2023– 2032
Estimated Outlays	5	20	30	40	55	55	55	60	60	60	150	440

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the end of 2022. The bill would take effect 60 days after enactment; thus, estimated spending under the bill would begin about midway through fiscal year 2023.

Direct spending: Under current law, rental fees from ski areas are recorded in the budget as offsetting receipts, or reductions in direct spending, and are deposited into the Treasury. Over the 2016–2020 period, the Forest Service collected \$46 million annually, on average, in such fees. H.R. 3686 would authorize the Forest Service to spend those fees without further appropriation for administering the ski area program, providing visitor services, repairing, and maintaining roads and facilities, preventing wildfires, and other purposes within ski areas.

CBO projects that under current law, the Forest Service will collect between \$50 million and \$65 million annually in rental fees over the 2023–2032 period. (H.R. 3686 would not affect the amounts collected.) Based on historical spending patterns for similar activities, CBO estimates that enacting H.R. 3686 would increase direct spending by \$150 million over the 2023–2027 period and \$440 million over the 2023–2032 period.

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 Table 1.

Increase in long-term deficits: CBO estimates that enacting H.R. 3686 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2033.

Mandates: None.

Previous CBO estimate: On March 15, 2022, CBO transmitted a cost estimate for S. 1964, the Ski Hill Resources for Economic Development Act of 2021, as ordered reported by the Senate Committee on Energy and Natural Resources on January 19, 2022. The two bills are similar; the estimated direct spending for S. 1964 is lower because that estimate does not include spending for fiscal year 2032, which is included in the estimate for H.R. 3686.

Estimate prepared by: Federal Costs: Lilia Ledezma; Mandates: Fiona Forrester.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are 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.

UNFUNDED MANDATES REFORM ACT STATEMENT

CBO's full UMRA analysis is reproduced above.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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):

**OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT
ACT OF 1996**

* * * * *

TITLE VII—FEES

* * * * *

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:

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

(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 deter-

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

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

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

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

(A) *be deposited in the Account; and*

(B) *remain available to the Secretary for use, without further appropriation;*

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

(A) *LOCAL DISTRIBUTION OF FUNDS.*—

(i) *IN GENERAL.*—*Except as provided in subparagraph (C), the Secretary shall expend 80 percent of the ski area permit rental charges deposited in the Account from a covered unit at the covered unit in accordance with clause (ii).*

(ii) *DISTRIBUTION.*—*Of the amounts made available for expenditure under clause (i)—*

(I) *75 percent shall be used at the covered unit for activities described in paragraph (5)(A); and*

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

(B) *AGENCY-WIDE DISTRIBUTION OF FUNDS.*—The Secretary shall expend 20 percent of the ski area permit rental charges deposited in the Account at any unit of the National Forest System for an activity described in subparagraph (A) or (B) of paragraph (5).

(C) *REDUCTION OF PERCENTAGE.*—

(i) *REDUCTION.*—The Secretary shall reduce the percentage otherwise applicable under subparagraph (A)(i) to not less than 60 percent if the Secretary determines that the amount otherwise made available under that subparagraph exceeds the reasonable needs of the covered unit for which expenditures may be made in the applicable fiscal year.

(ii) *DISTRIBUTION OF FUNDS.*—The balance of the ski area permit rental charges that are collected at a covered unit, deposited into the Account, and not distributed in accordance with subparagraph (A) or (B) shall be available to the Secretary for expenditure at any other unit of the National Forest System in accordance with the following:

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

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

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

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

(I) programmatic costs associated with the processing of an application for a new ski area or a ski area improvement project, including staffing, subject to paragraph 7(C); and

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

(ii) staff training for—

(I) the processing of an application, for—

(aa) a new ski area;

(bb) a ski area improvement project; or

(cc) a recreation special use permit; or

(II) administering—

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

(bb) a recreation special use permit;

(iii) avalanche informational and educational activities carried out by the Secretary or nonprofit partners;

(iv) an interpretative activity or program, National Forest System visitor information, a visitor service, or signage;

(v) direct costs associated with collecting a ski area permit rental charge or other fee collected by the Secretary related to recreation, other than a cost recovery fee;

(vi) wildfire prevention, planning, and coordination programs and activities; or

(B)(i) the repair, maintenance, or enhancement of a federally-owned facility, road, or trail directly related to visitor enjoyment, visitor access, or visitor health or safety;

(ii) habitat restoration directly related to recreation;

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

(iv) the construction or expansion of parking areas;

(v) the administration of leases, other than costs covered by monitoring fees, under—

(I) the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109-54); and

(II) section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115-334); or

(vi) the processing or administering of a recreation special use permit.

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

(A) the conduct of wildfire suppression; or

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

(7) *EFFECT.*—

(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) *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 and region in which a covered unit is located.

(C) *COST RECOVERY.*—Nothing in this subsection affects any cost recovery, including processing and monitoring fees, under any provision of law (including regulations) for processing a special use application or monitoring a special use authorization.

* * * * *

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COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Agriculture

Room 1301, Longworth House Office Building
Washington, DC 20515-6001

(202) 225-2171

December 7, 2022

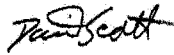
The Honorable Raul M. Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter confirms our mutual understanding regarding bills H.R. 3686, the "Ski Hill Resources for Economic Development Act;" H.R. 3326, the "Public Land Renewable Energy Development Act of 2021;" H.R. 6936, the "Stamp Out Invasive Species Act;" H.R. 6435, "To provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021;" H.R. 1503, the "Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021;" H.R. 1506, the "Transparency in Energy Production Act of 2021;" H.R. 3670, the "Simplifying Outdoor Access for Recreation Act;" H.R. 2021, the "Environmental Justice For All Act;" and H.R. 4690, the "Sustaining America's Fisheries for the Future Act of 2021." Thank you for collaborating with the Committee on Agriculture.

Our Committee will forgo consideration of the above listed bills for the limited purpose of completing and filing bill reports. However, if floor action becomes a possibility, the Committee on Agriculture will require the opportunity to take up these measures. The Committee on Agriculture reserves the right to seek the appointment of any House-Senate conference and requests consultation on any matters within our jurisdiction.

Sincerely,



David Scott
Chairman

Cc:
The Honorable Glenn "GT" Thompson, Ranking Member
The Honorable Nancy Pelosi, Speaker of The House of Representatives
The Honorable Jason Smith, Parliamentarian

GLENN THOMPSON, PENNSYLVANIA
RANKING MINORITY MEMBER

AUSTIN SCOTT, GEORGIA
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RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

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

December 7, 2022

The Honorable David Scott
Chair
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, DC 20515

Dear Chair Scott:

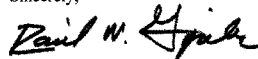
I write to you concerning H.R. 1503, the "Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021;" H.R. 1506, the "Transparency in Energy Production Act of 2021;" H.R. 2021, the "Environmental Justice For All Act;" H.R. 3326, the "Public Land Renewable Energy Development Act of 2021;" H.R. 3670, the "Simplifying Outdoor Access for Recreation Act;" H.R. 3686, the "Ski Hill Resources for Economic Development Act;" H.R. 4690, the "Sustaining America's Fisheries for the Future Act of 2021;" H.R. 6435, "To provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021;" and H.R. 6936, the "Stamp Out Invasive Species Act."

I recognize that the bills contain provisions that fall within the jurisdiction of the Committee on Agriculture. I acknowledge that your Committee will not formally consider these bills for the limited purpose of completing and filing the bill reports.

Additionally, I confirm our mutual understanding that any floor action on these bills would still require further consultation with, and a separate approval from, the Committee on Agriculture. I would be pleased to support the appointment of members of the Committee on Agriculture to any conference committee to consider such provisions.

I will ensure that our exchange of letters is included in the committee reports for the bills. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you.

Sincerely,



Chair Raúl M. Grijalva
Committee on Natural Resources

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Glen 'GT' Thompson, Ranking Member, Committee on Agriculture
The Honorable Jason Smith, Parliamentarian

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS
None.

