

Calendar No. 428

116TH CONGRESS
2D SESSION

S. 500

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. PORTMAN (for himself, Mr. WARNER, Mr. ALEXANDER, Mr. KING, Mr. TILLIS, Ms. COLLINS, Ms. HARRIS, Mr. HOEVEN, Mr. GARDNER, Ms. KLOBUCHAR, Mr. CRAMER, Mr. PETERS, Mr. BOOZMAN, Mr. BLUNT, Ms. BALDWIN, Mrs. CAPITO, Mr. SANDERS, Mr. CASEY, Mr. SULLIVAN, Mr. HEINRICH, Mr. BENNET, Mrs. FEINSTEIN, Ms. DUCKWORTH, Mr. BOOKER, Mr. DAINES, Mr. BROWN, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. WYDEN, Ms. WARREN, Mr. MANCHIN, Mr. KAINE, Ms. SINEMA, Ms. ROSEN, Mr. COONS, Ms. SMITH, Ms. HASSAN, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. DURBIN, Mr. GRAHAM, Ms. HIRONO, Mr. SCHATZ, Mr. YOUNG, Ms. STABENOW, Ms. MCSALLY, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. PERDUE, Mr. ROBERTS, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 25, 2020

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance

nance backlog of the National Park Service, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restore Our Parks
5 Act”.

6 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**
7 **FUND.**

8 (a) IN GENERAL.—Chapter 1049 of title 54, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 104908. National Park Service Legacy Restoration**
12 **Fund**

13 “(a) DEFINITIONS.—In this section:

14 “(1) FUND.—The term ‘Fund’ means the Na-
15 tional Park Service Legacy Restoration Fund estab-
16 lished by subsection (b).

17 “(2) PROJECT.—The term ‘project’ means the
18 overall plan of remediation of deferred maintenance
19 for an asset, which may include resolving directly re-
20 lated infrastructure deficiencies of the asset.

21 “(b) ESTABLISHMENT.—There is established in the
22 Treasury of the United States a fund, to be known as the
23 ‘National Park Service Legacy Restoration Fund’.

24 “(c) DEPOSITS.—

1 “(1) IN GENERAL.—Except as provided in para-
 2 graph (2), for each of fiscal years 2019 through
 3 2023, there shall be deposited in the Fund an
 4 amount equal to 50 percent of all energy develop-
 5 ment revenues due and payable to the United States
 6 from oil, gas, coal, or alternative or renewable en-
 7 ergy development on Federal land and water that
 8 would otherwise be credited, covered, or deposited as
 9 miscellaneous receipts under Federal law.

10 “(2) MAXIMUM AMOUNT.—The amount depos-
 11 ited in the Fund under paragraph (1) shall not ex-
 12 ceed \$1,300,000,000 for any fiscal year.

13 “(3) EFFECT ON OTHER REVENUES.—Nothing
 14 in this section affects the disposition of revenues
 15 that—

16 “(A) are due to the United States, special
 17 funds, trust funds, or States from mineral and
 18 energy development on Federal land and water;
 19 or

20 “(B) have been otherwise appropriated
 21 under Federal law, including the Gulf of Mexico
 22 Energy Security Act of 2006 (43 U.S.C. 1331
 23 note; Public Law 109–432), the Mineral Leas-
 24 ing Act (30 U.S.C. 181 et seq.), and chapter
 25 2003.

1 “(d) AVAILABILITY OF FUNDS.—Amounts deposited
2 in the Fund shall be available to the Secretary without
3 further appropriation or fiscal year limitation.

4 “(e) INVESTMENT OF AMOUNTS.—

5 “(1) IN GENERAL.—The Secretary may request
6 the Secretary of the Treasury to invest any portion
7 of the Fund that is not, as determined by the Sec-
8 retary, required to meet the current needs of the
9 Fund.

10 “(2) REQUIREMENT.—An investment requested
11 under paragraph (1) shall be made by the Secretary
12 of the Treasury in a public debt security—

13 “(A) with a maturity suitable to the needs
14 of the Fund, as determined by the Secretary;
15 and

16 “(B) bearing interest at a rate determined
17 by the Secretary of the Treasury, taking into
18 consideration current market yields on out-
19 standing marketable obligations of the United
20 States of comparable maturity.

21 “(3) CREDITS TO FUND.—The income on in-
22 vestments of the Fund under this subsection shall be
23 credited to, and form a part of, the Fund.

24 “(f) USE OF FUNDS.—Amounts in the Fund shall be
25 used for the priority deferred maintenance needs of the

1 Service, as determined by the Secretary, to carry out re-
 2 pair, restoration, or rehabilitation projects as follows:

3 “(1) Not less than 65 percent of amounts in
 4 the Fund shall be allocated for non-transportation
 5 projects, including—

6 “(A) historic structures, facilities, and
 7 other historic assets;

8 “(B) structures, facilities, and other non-
 9 historic assets that relate directly to the visitor
 10 experience, including—

11 “(i) access, including making facilities
 12 accessible to visitors with disabilities;

13 “(ii) health and safety; and

14 “(iii) recreation; and

15 “(C) administrative facilities, water and
 16 utility systems, and employee housing.

17 “(2) The remaining amounts in the Fund may
 18 be allocated to road, bridge, tunnel, or other trans-
 19 portation-related projects that may be eligible for
 20 funding made available to the Service through—

21 “(A) the transportation program under
 22 section 203 of title 23; or

23 “(B) any similar Federal land highway
 24 program administered by the Secretary of
 25 Transportation.

1 “(g) PROHIBITED USE OF FUNDS.—No amounts in
2 the Fund shall be used—

3 “(1) for land acquisition;

4 “(2) to supplant discretionary funding made
5 available for the annually recurring facility oper-
6 ations, maintenance, and construction needs of the
7 Service; or

8 “(3) for bonuses for employees of the Federal
9 Government that are carrying out this section.

10 “(h) SUBMISSION OF LIST OF PROJECTS TO CON-
11 GRESS.—As soon as practicable after the date of enact-
12 ment of this section, the Secretary shall submit to the ap-
13 propriate committees of Congress—

14 “(1) a list of each project that—

15 “(A) as of the date of enactment of this
16 section, is identified by the Secretary as a high-
17 est-priority deferred maintenance project of the
18 Service; and

19 “(B) as of the date of the report, is ready
20 to be commenced immediately; and

21 “(2) for any project identified under paragraph
22 (1)(A) that is not ready to be commenced imme-
23 diately, a schedule for the completion of all reviews
24 with respect to the project (including the prepara-
25 tion of any environmental documents and historic

1 preservation analyses) that are necessary to com-
 2 mence the project immediately.

3 “(i) ~~SUBMISSION TO CONGRESS.~~—The Secretary
 4 shall submit to the Committee on Energy and Natural Re-
 5 sources of the Senate and the Committee on Natural Re-
 6 sources of the House of Representatives, as part of the
 7 annual budget submission of the President—

8 “(1) a report that describes, and provides an
 9 explanation for, any cost overruns or delays relating
 10 to deferred maintenance projects carried out using
 11 amounts from the Fund for the previous fiscal year;
 12 and

13 “(2) a list of projects for which the amounts in
 14 the Fund are allocated under this section, including
 15 a description and cost-benefit analysis of each
 16 project, after considering the list and schedules sub-
 17 mitted under subsection (h).

18 “(j) ~~PUBLIC DONATIONS.~~—

19 “(1) ~~IN GENERAL.~~—The Secretary and the Di-
 20 rector may accept public cash or in-kind donations
 21 that advance efforts—

22 “(A) to reduce the deferred maintenance
 23 backlog of the Service; and

24 “(B) to encourage relevant public-private
 25 partnerships.

1 “(2) CREDITS TO FUND.—Any cash donations
2 accepted under paragraph (1) shall be credited to,
3 and form a part of, the Fund.

4 “(3) REPORTING.—Each donation received
5 under paragraph (1) that is used for, or directly re-
6 lated to, the reduction of the deferred maintenance
7 backlog of the Service shall be included with the an-
8 nual budget submission of the President to Con-
9 gress.

10 “(k) ANNUAL REPORTS.—Not later than 1 year after
11 the date on which the first distributions are made from
12 the Fund and annually thereafter, the Secretary shall sub-
13 mit to the appropriate committees of Congress a report
14 that describes, with respect to each project provided
15 amounts from the Fund during the period covered by the
16 report—

17 “(1) any progress with respect to the project,
18 including a comparison of the progress with respect
19 to other highest-priority deferred maintenance
20 projects of the Service;

21 “(2) the expenditure of amounts from the Fund
22 with respect to the project; and

23 “(3) the projected cyclic maintenance needs of
24 the project on completion of the project.”.

1 (b) ~~CLERICAL AMENDMENT.~~—The table of sections
 2 for chapter 1049 of title 54, United States Code, is
 3 amended by adding at the end the following:

“104908. National Park Service Legacy Restoration Fund.”.

4 **SEC. 3. GAO STUDY.**

5 Not later than 2 years after the date of enactment
 6 of this Act, the Comptroller General of the United States
 7 shall—

8 (1) conduct a study with respect to the imple-
 9 mentation of the National Park Service Legacy Res-
 10 toration Fund under section 104908 of title 54,
 11 United States Code (as added by section 2(a)) (re-
 12 ferred to in this section as the “Fund”), including
 13 whether the Director of the National Park Service
 14 is, with respect to projects carried out using
 15 amounts from the Fund—

16 (A) properly estimating the cost for those
 17 projects;

18 (B) adhering to time schedules and cost
 19 projections for those projects;

20 (C) properly prioritizing deferred mainte-
 21 nance projects; and

22 (D) properly moving completed projects off
 23 of the high-priority deferred maintenance list of
 24 the National Park Service in a timely manner;
 25 and

1 ~~(2)~~ submit to Congress a report that describes
 2 the results of the study under paragraph ~~(1)~~.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Restore Our Parks Act”.*

5 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**
 6 **FUND.**

7 *(a) IN GENERAL.—Chapter 1049 of title 54, United*
 8 *States Code, is amended by adding at the end the following:*

9 **“SEC. 104910. NATIONAL PARK SERVICE LEGACY RESTORA-**
 10 **TION FUND.**

11 *“(a) DEFINITIONS.—In this section:*

12 *“(1) ASSET.—The term ‘asset’ means any real*
 13 *property, including any physical structure or group-*
 14 *ing of structures, landscape, trail, or other tangible*
 15 *property that—*

16 *“(A) has a specific service or function; and*

17 *“(B) is tracked and managed as a distinct,*
 18 *identifiable entity by the Service.*

19 *“(2) DEFERRED MAINTENANCE.—The term ‘de-*
 20 *ferred maintenance’ means, with respect to an asset,*
 21 *any maintenance or repair—*

22 *“(A) that was not performed at the time the*
 23 *maintenance or repair should have been per-*
 24 *formed; or*

1 “(B) that was scheduled to be performed,
2 but was postponed or delayed for a future period.

3 “(3) *FUND.*—The term ‘Fund’ means the Na-
4 tional Park Service Legacy Restoration Fund estab-
5 lished by subsection (b).

6 “(4) *PROJECT.*—The term ‘project’ means any
7 activity to reduce or eliminate deferred maintenance
8 of an asset, which may include resolving directly re-
9 lated infrastructure deficiencies of the asset that
10 would not by itself be classified as deferred mainte-
11 nance.

12 “(b) *ESTABLISHMENT.*—There is established in the
13 Treasury of the United States a fund to be known as the
14 ‘National Park Service Legacy Restoration Fund’.

15 “(c) *DEPOSITS.*—

16 “(1) *IN GENERAL.*—Except as provided in para-
17 graph (2), for each of fiscal years 2020 through 2024,
18 there shall be deposited in the Fund an amount equal
19 to 50 percent of all energy development revenues due
20 and payable to the United States from oil, gas, coal,
21 or alternative or renewable energy development on
22 Federal land and water that would otherwise be cred-
23 ited, covered, or deposited as miscellaneous receipts
24 under Federal law.

1 “(2) *MAXIMUM AMOUNT.*—*The amount deposited*
 2 *in the Fund under paragraph (1) shall not exceed*
 3 *\$1,300,000,000 for any fiscal year.*

4 “(3) *EFFECT ON OTHER REVENUES.*—*Nothing in*
 5 *this section affects the disposition of revenues that—*

6 “(A) *are due to the United States, special*
 7 *funds, trust funds, or States from mineral and*
 8 *energy development on Federal land and water;*
 9 *or*

10 “(B) *have been otherwise appropriated—*

11 “(i) *under Federal law, including—*

12 “(I) *the Gulf of Mexico Energy*
 13 *Security Act of 2006 (43 U.S.C. 1331*
 14 *note; Public Law 109–432); and*

15 “(II) *the Mineral Leasing Act (30*
 16 *U.S.C. 181 et seq.); or*

17 “(ii) *from—*

18 “(I) *the Land and Water Con-*
 19 *servation Fund established under chap-*
 20 *ter 2003; or*

21 “(II) *the Historic Preservation*
 22 *Fund established under chapter 3031.*

23 “(d) *AVAILABILITY OF FUNDS.*—*Amounts deposited in*
 24 *the Fund shall be available to the Secretary without further*
 25 *appropriation or fiscal year limitation.*

1 “(e) *INVESTMENT OF AMOUNTS.*—

2 “(1) *IN GENERAL.*—*The Secretary may request*
 3 *the Secretary of the Treasury to invest any portion*
 4 *of the Fund that is not, as determined by the Sec-*
 5 *retary, required to meet the current needs of the*
 6 *Fund.*

7 “(2) *REQUIREMENT.*—*An investment requested*
 8 *under paragraph (1) shall be made by the Secretary*
 9 *of the Treasury in a public debt security—*

10 “(A) *with a maturity suitable to the needs*
 11 *of the Fund, as determined by the Secretary; and*

12 “(B) *bearing interest at a rate determined*
 13 *by the Secretary of the Treasury, taking into*
 14 *consideration current market yields on out-*
 15 *standing marketable obligations of the United*
 16 *States of comparable maturity.*

17 “(3) *CREDITS TO FUND.*—*The income on invest-*
 18 *ments of the Fund under this subsection shall be cred-*
 19 *ited to, and form a part of, the Fund.*

20 “(f) *USE OF FUNDS.*—*Amounts deposited in the Fund*
 21 *shall be used for priority deferred maintenance projects of*
 22 *the Service, as determined by the Secretary, as follows:*

23 “(1) *Over the term of the Fund, not less than 65*
 24 *percent of amounts in the Fund shall be allocated for*
 25 *non-transportation projects.*

1 “(2) *The remaining amounts in the Fund may*
 2 *be allocated for Service transportation projects, in-*
 3 *cluding paved and unpaved roads, bridges, tunnels,*
 4 *and paved parking areas.*

5 “(g) *PROHIBITED USE OF FUNDS.—No amounts in the*
 6 *Fund shall be used—*

7 “(1) *for land acquisition;*

8 “(2) *to supplant discretionary funding made*
 9 *available for the annually recurring facility oper-*
 10 *ations, maintenance, and construction needs of the*
 11 *Service; or*

12 “(3) *for bonuses for employees of the Federal*
 13 *Government that are carrying out this section.*

14 “(h) *SUBMISSION OF PRIORITY LIST OF PROJECTS TO*
 15 *CONGRESS.—Not later than 180 days after the date of en-*
 16 *actment of this section, the Secretary shall submit to the*
 17 *Committee on Energy and Natural Resources of the Senate*
 18 *and the Committee on Natural Resources of the House of*
 19 *Representatives a list of projects that—*

20 “(1) *as of the date of enactment of this section,*
 21 *are identified by the Secretary as priority deferred*
 22 *maintenance projects of the Service; and*

23 “(2) *as of the date of the submission of the list,*
 24 *are ready to be implemented.*

1 “(i) *SUBMISSION OF ANNUAL LIST OF PROJECTS TO*
 2 *CONGRESS.—The President shall submit to Congress, to-*
 3 *gether with the annual budget of the United States, a list*
 4 *of projects to be funded from the Fund that includes a de-*
 5 *tailed description of each project, including the estimated*
 6 *expenditures from the Fund for the project for the applica-*
 7 *ble fiscal year.*

8 “(j) *PUBLIC DONATIONS.—*

9 “(1) *IN GENERAL.—The Secretary and the Direc-*
 10 *tor may accept public cash or in-kind donations that*
 11 *advance efforts—*

12 “(A) *to reduce the deferred maintenance*
 13 *backlog of the Service; and*

14 “(B) *to encourage relevant public-private*
 15 *partnerships.*

16 “(2) *CREDITS TO FUND.—Any cash donations*
 17 *accepted under paragraph (1) shall be credited to,*
 18 *and form a part of, the Fund.*

19 “(3) *REPORTING.—Each donation received under*
 20 *paragraph (1) that is used for, or directly related to,*
 21 *the reduction of the deferred maintenance backlog of*
 22 *the Service shall be included with the annual budget*
 23 *submission of the President to Congress.*

24 “(k) *REQUIRED CONSIDERATION FOR ACCESSI-*
 25 *BILITY.—In expending amounts from the Fund, the Sec-*

1 *retary shall incorporate measures to improve the accessi-*
 2 *bility of assets and accommodate visitors and employees*
 3 *with disabilities in accordance with applicable law.”.*

4 *(b) CLERICAL AMENDMENT.—The table of sections for*
 5 *chapter 1049 of title 54, United States Code, is amended*
 6 *by adding at the end the following:*

“104910. National Park Service Legacy Restoration Fund.”.

7 **SEC. 3. GAO STUDY.**

8 *Not later than 5 years after the date of enactment of*
 9 *this Act, the Comptroller General of the United States*
 10 *shall—*

11 *(1) conduct a study on the implementation of*
 12 *this Act and the amendments made by this Act, in-*
 13 *cluding whether this Act and the amendments made*
 14 *by this Act have effectively reduced the priority de-*
 15 *ferred maintenance backlog of the National Park*
 16 *Service; and*

17 *(2) submit to Congress a report that describes the*
 18 *results of the study under paragraph (1).*

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116TH CONGRESS
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A BILL

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

FEBRUARY 25, 2020
Reported with an amendment