

RESTORE OUR PARKS AND PUBLIC LANDS ACT

DECEMBER 20, 2018.—Ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 6510]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6510) to establish, fund, and provide for the use of amounts in a National Park Service and Public Lands Legacy Restoration Fund to address the maintenance backlog of the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, and Bureau of Indian Education, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 “Restore Our Parks and Public Lands Act”.

**SEC. 2. NATIONAL PARK SERVICE AND PUBLIC LANDS LEGACY RESTORATION FUND.**

(a) **IN GENERAL.**—There is established in the Treasury of the United States a fund, to be known as the “National Park Service and Public Lands Legacy Restoration Fund” (referred to in this section as the “Fund”).

(b) **DEPOSITS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), for each of fiscal years 2019 through 2023, there shall be deposited in the Fund an amount equal to 50 percent of all energy development revenues due and payable to the United States from oil, gas, coal, or alternative or renewable energy development on Federal land and water that would otherwise be credited, covered, or deposited as miscellaneous receipts under Federal law.

- (2) **MAXIMUM AMOUNT.**—The amount deposited in the Fund under paragraph (1) shall not exceed \$1,300,000,000 for any fiscal year.
- (3) **EFFECT ON OTHER REVENUES.**—Nothing in this section affects the disposition under Federal law, including the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432), the Mineral Leasing Act (30 U.S.C. 181 et seq.), and chapter 2003 of title 54, United States Code, of energy development revenues—
- (A) to special funds, trust funds, or States; or
  - (B) that have been otherwise appropriated under Federal law.
- (c) **AVAILABILITY OF FUNDS.**—Amounts deposited in the Fund shall be available to the Secretary of the Interior without further appropriation or fiscal year limitation.
- (d) **INVESTMENT OF AMOUNTS.**—
- (1) **IN GENERAL.**—The Secretary of the Interior may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary of the Interior, required to meet the current needs of the Fund.
  - (2) **REQUIREMENT.**—An investment requested under paragraph (1) shall be made by the Secretary of the Treasury in a public debt security—
    - (A) with a maturity suitable to the needs of the Fund, as determined by the Secretary of the Interior; and
    - (B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.
  - (3) **CREDITS TO FUND.**—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.
- (e) **USE OF FUNDS.**—Amounts in the Fund shall be used as follows:
- (1) 80 percent of amounts in the Fund shall be allocated for priority deferred maintenance projects, including other infrastructure deficiencies directly related to such deferred maintenance projects, as determined by the Secretary of the Interior and the Director of the National Park Service, with the goal of ensuring overall parity between amounts allocated to transportation and non-transportation projects.
  - (2) 10 percent of amounts in the Fund shall be allocated for purposes of addressing the national wildlife refuge system maintenance backlog, as determined by the Secretary of the Interior and the Director of the United States Fish and Wildlife Service.
  - (3) 5 percent of amounts in the Fund shall be allocated for the purposes of addressing the public access and recreation backlog on public lands, as determined by the Secretary of the Interior and the Director of the Bureau of Land Management.
  - (4) 5 percent of amounts in the Fund shall be for the purposes of addressing the Bureau of Indian Education school construction and deferred maintenance backlogs, as determined by the Secretary of the Interior and the Director of the Bureau of Indian Education.
- (f) **LIMIT ON USE OF FUNDS.**—No more than 10 percent of the amounts in the Fund may be used for administrative costs incurred in implementing this Act.
- (g) **PROHIBITED USE OF FUNDS.**—No amounts in the Fund shall be used—
- (1) for land acquisition;
  - (2) to supplant discretionary funding made available for the annually recurring facility operations, maintenance, and construction needs of the entities for which amounts from the Fund are allocated under subsection (e); or
  - (3) for performance awards for Federal employees who are employed in implementing this Act.
- (h) **SUBMISSION TO CONGRESS.**—The Secretary of the Interior shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the Committees on Appropriations and Natural Resources in the House of Representatives, with the annual budget submission of the President, a list of projects for which the amounts in the Fund are allocated under this section, including a description of each such project.
- (i) **PUBLIC DONATIONS.**—
- (1) **IN GENERAL.**—The Secretary of the Interior, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Assistant Secretary of Indian Affairs may accept public cash or in-kind donations that advance efforts—
    - (A) to reduce the deferred maintenance backlog of the National Park Service, the national wildlife refuge system maintenance backlog of the United States Fish and Wildlife Service, the public access and recreation backlog of the Bureau of Land Management, and the school construction backlog of the Bureau of Indian Education, respectively; and
    - (B) to encourage relevant public-private partnerships.

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

(3) REPORTING.—Each donation received under paragraph (1) that is used for, or directly related to, the reduction of the deferred maintenance backlog of the National Park Service, the national wildlife refuge system maintenance backlog of the United States Fish and Wildlife Service, the public access and recreation backlog of the Bureau of Land Management, and the school construction backlog of the Bureau of Indian Education, shall be included with the annual budget submission of the President to Congress.

#### PURPOSE OF THE BILL

The purpose of H.R. 6510 is to establish, fund, and provide for the use of amounts in the National Park Service and Public Lands Legacy Restoration Fund to address the maintenance backlog of the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, and the Bureau of Indian Education.

#### BACKGROUND AND NEED FOR LEGISLATION

Federal land management agencies are facing a deferred maintenance backlog that is exhausting agency budgets and negatively impacting visitor access, enjoyment, and safety on federal lands. The Department of the Interior’s (DOI) total deferred maintenance backlog currently stands at \$16 billion.<sup>1</sup> Although the National Park Service (NPS) backlog of \$11.6 billion makes up the majority of the DOI’s total, the U.S. Fish and Wildlife Service (FWS) and the Bureau of Land Management (BLM) also have significant maintenance backlogs.<sup>2</sup> FWS has an estimated deferred maintenance backlog of \$1.4 billion.<sup>3</sup> The BLM’s total is estimated at \$810 million, which has increased 65 percent over the past decade.<sup>4</sup>

The Bureau of Indian Education (BIE) serves 47,000 students in 23 States. Although many of the schools are controlled and operated by tribes, the BIE is responsible for the maintenance of facilities, which comprise 169 school buildings and 14 dormitories. The estimated deferred maintenance backlog for BIE schools is \$634 million.<sup>5</sup>

The deferred maintenance backlog of the NPS has long been an issue of interest to lawmakers, federal agencies, and the public. Attention to the problem and the need for a solution has grown as cost estimates for addressing the backlog have increased to nearly \$12 billion in recent years.<sup>6</sup> Among other management challenges, the deferred maintenance backlog negatively impacts visitor access, enjoyment, and safety on public lands.<sup>7</sup>

Funding to address agency maintenance backlogs comes from discretionary appropriations and other sources. However, as the

<sup>1</sup>NPS. “National Park Service Asset Inventory Summary” Data as of September 30, 2017. [https://www.nps.gov/subjects/plandesignconstruct/upload/FY17-Asset-Inventory-Summary-AIS-Service-wide\\_Report\\_508-3.pdf](https://www.nps.gov/subjects/plandesignconstruct/upload/FY17-Asset-Inventory-Summary-AIS-Service-wide_Report_508-3.pdf).

<sup>2</sup>DOI Press Release. “President’s \$11.7 Billion Proposed FY2019 Budget for Interior”. February 12, 2018. <https://www.doi.gov/pressreleases/presidents-117-billion-proposed-fy-2019-budget-interior-includes-legislation>.

<sup>3</sup>“U.S. Fish and Wildlife Service FY2019 Budget in Brief.” U.S. Fish and Wildlife Service. Accessed March 1, 2018. [https://www.doi.gov/sites/doi.gov/files/uploads/fy2019\\_bib\\_bh059.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/fy2019_bib_bh059.pdf).

<sup>4</sup>Vincent, Carol Hardy. “Deferred Maintenance of Federal Land Management Agencies: FY2007–FY2016.” April 25, 2017. <https://fas.org/sgp/crs/misc/R43997.pdf>.

<sup>5</sup>All BIE statistics from: The Department of the Interior, FY2019 Budget [https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019\\_bib\\_dh005.pdf](https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019_bib_dh005.pdf).

<sup>6</sup>National Park Service, Planning, Design and Construction Management, NPS Deferred Maintenance Reports <https://www.nps.gov/subjects/plandesignconstruct/defermain.htm>.

<sup>7</sup>The Department of the Interior, FY2019 Budget [https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019\\_bib\\_dh005.pdf](https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019_bib_dh005.pdf).

federal estate expands, existing infrastructure ages, and visitation increases, federal land managers are increasingly unable to fund necessary repairs. The cost to repair facilities often increases exponentially with time compounding the problem. Many agencies are actively working to address the shortfall through alternative strategies. NPS, for example, is utilizing a holistic funding model that includes accepting philanthropic donations, utilizing volunteers, partnering with friends' groups, expanding private concessions operations, partnering with States to apply for transportation grants, and approving private leasing properties.

Despite efforts to address deferred maintenance through alternative funding sources and improved asset management, the backlog has grown considerably over the past decade. From Fiscal Year 2006 through Fiscal Year 2015, NPS spent roughly \$10.5 billion on maintenance projects, and yet the backlog still increased by \$1.7 billion as of Fiscal Year 2016.<sup>8</sup> Thus, there is a significant need for innovative, substantial, and effective solutions to the deferred maintenance backlog problem.

The Restore Our Parks and Public Lands Act would significantly reduce the maintenance backlog on our federal lands through establishment of the National Park Service and Public Lands Legacy Restoration Fund. The Fund will receive 50% of receipts generated from energy development on federal land not otherwise allocated for other purposes. Leveraging revenue from federal energy leasing to support conservation of public land is a not a new concept. Receipts derived from energy leasing are invested in the Reclamation Fund, the Land and Water Conservation Fund, the Historic Preservation Fund, and the Gulf of Mexico Energy Security Act. The National Park Service and Public Lands Legacy Restoration Fund established by H.R. 6510 expands this funding mechanism to assist federal land management agencies and BIE schools, but does not divert funding from these other accounts.

The Fund would receive mandatory funding for the deferred maintenance needs at our national parks, refuges, BLM sites, and BIE schools. The Fund draws from all sources of federal energy revenue including onshore and offshore development and alternative and renewable energy sources such as solar, wind, geothermal, and hydropower. This Fund will enable the land management agencies to launch a targeted effort to aggressively reduce the deferred maintenance backlog with a dedicated funding stream, while ensuring existing revenue structures remain intact and fulfilled.

The Restore Our Parks and Public Lands Act is consistent with the President's Fiscal Year 2019 DOI budget proposal that calls upon Congress to establish a Public Lands Infrastructure Fund to help address and make long-overdue repairs and improvements to facilities on federal lands.<sup>9</sup>

The Subcommittee on Federal Lands held a hearing on two similar bills that address the deferred maintenance backlog (H.R. 2584 and H.R. 5120) on March 20, 2018.<sup>10</sup> In addition, the Natural Re-

<sup>8</sup> Government Accountability Office. "National Park Service: Process Exists for Prioritizing Asset Maintenance Decisions, but Evaluation Could Improve Efforts." GAO-17-136. Dec 13, 2016. <http://www.gao.gov/assets/690/681581.pdf>.

<sup>9</sup> The Department of the Interior, FY2019 Interior Budget in Brief <https://www.doi.gov/budget/appropriations/2019/highlights>.

<sup>10</sup> <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=404182>.

sources Committee held an oversight hearing on the DOI maintenance backlog on March 6, 2018.<sup>11</sup>

Similar legislation has been introduced in the Senate (S. 3172) by Senator Rob Portman (R–OH). The Senate Committee on Energy and Natural Resources ordered S. 3172 favorably reported with an amendment in the nature of a substitute on October 2, 2018.

#### SECTION-BY-SECTION ANALYSIS OF BILL AS REPORTED

##### *Section 1. Short title*

This act may be cited as the Restore Our Parks and Public Lands Act.

##### *Section. 2. National Park Service and Public Lands Legacy Restoration Fund*

Subsection (a) establishes the National Park Service and Public Lands Legacy Restoration Fund.

Subsection (b):

1. Deposits into the Fund 50% of all energy revenue due to the United States from oil, gas, coal, alternative, and renewable energy development on federal land and water, not otherwise allocated to other funds and which would otherwise be deposited as miscellaneous receipts. Deposits these monies for five fiscal years from 2019–2023.

2. Sets the maximum amount that can be deposited into the Fund in any fiscal year at \$1.3 billion.

3. Clarifies that enactment of the bill and implementation of the Fund will not affect:

- A. Revenues due to the United States, special funds, trust funds, or States;

- B. Revenues designated for the Gulf of Mexico Energy Security Act of 2006, the Mineral Leasing Act, or the Land and Water Conservation Fund.

Subsection (c) provides that amounts deposited in the Fund are available to the Secretary of the Interior without further appropriation or fiscal year limitation.

Subsection (d) provides that amounts in the Fund may be invested by the Secretary of the Treasury (at the request of the Secretary of the Interior), with investment income becoming part of the Fund.

Subsection (e) provides that amounts in the Fund shall be used as follows:

1. 80% allocated to the NPS for priority maintenance needs, striving for parity between transportation and non-transportation projects;

2. 10% allocated to FWS to address the national wildlife refuge system maintenance backlog;

3. 5% allocated to BLM to address public access and recreation backlog;

4. 5% allocated to BIE for school construction and deferred maintenance backlogs.

Subsection (f) provides that no more than 10% of the Fund may be used for administrative costs.

<sup>11</sup> <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=404079>.

Subsection (g) provides that no amounts in the Fund will be used for land acquisition, to supplant discretionary funding for facility operations, construction and maintenance, or for federal employee performance awards.

Subsection (h) requires the Secretary of the Interior to submit to the relevant Congressional committees with the annual budget of the President a list and description of projects to be funded.

Subsection (i) provides that the Secretary of the Interior is authorized to accept cash and in-kind donations, and to encourage public-private partnerships to reduce the maintenance backlogs at NPS, FWS, BLM and BIE school construction. Donations will be included with the annual budget submission to Congress and deposited into the Fund.

#### COMMITTEE ACTION

H.R. 6510 was introduced on July 25, 2018, by Congressman Rob Bishop (R-UT). The bill was referred primarily to the Committee on Natural Resources and additionally to the Committee on Education and the Workforce and the Committee on Transportation and Infrastructure. On September 13, 2018, the Natural Resources Committee met to consider the bill. Congressman Rob Bishop offered an amendment in the nature of a substitute designated 082. The following amendments were offered to the amendment in the nature of a substitute: Congressman Raul M. Grijalva (D-AZ) offered and withdrew an amendment designated 001. Congressman Mike Johnson (R-LA) offered an amendment designated 052; it was not adopted by voice vote. Congressman Mike Johnson (R-LA) offered an amendment designated 053; it was not adopted by voice vote. Congressman Mike Johnson (R-LA) offered an amendment designated 054; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered an amendment designated #1; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered an amendment designated #2; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered an amendment designated #3; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered an amendment designated #15; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered an amendment designated #25; it was not adopted by voice vote. Congressman Garret Graves (R-LA) offered amendments designated #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #16, #19, #20 en bloc; the en bloc amendment was not adopted by voice vote. The amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### 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, October 12, 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. 6510, the Restore Our Parks and Public Lands Act.

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

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 6510—Restore Our Parks and Public Lands Act*

Summary: H.R. 6510 would require that proceeds from certain leases involving energy resources on public lands be deposited into a new fund in the Treasury. Under the bill, the Department of the Interior (DOI) could spend amounts in the fund without further appropriation, including interest credited to unspent balances, on deferred maintenance and infrastructure projects administered by the National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), and Bureau of Indian Education. The department also could accept and spend any cash or in-kind donations received from the public for such projects.

CBO estimates that enacting H.R. 6510 would increase net direct spending by \$6.5 billion over the 2019–2028 period; therefore, pay-as-you-go procedures apply. The bill would not affect revenues.

CBO also estimates that enacting H.R. 6510 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. 6510 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. 6510 is shown in the following table. The costs of the legislation fall within budget functions 300 (natural resources and the environment) and 450 (community and regional development).

	By fiscal year, in millions of dollars—											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–2023	2019–2028
INCREASES IN DIRECT SPENDING												
Estimated Budget Authority	1,300	1,333	1,371	1,398	1,407	112	81	56	32	16	6,809	7,106
Estimated Outlays .....	0	78	218	449	753	1,045	1,197	1,130	947	655	1,498	6,472

Basis of estimate: For this estimate, C130 assumes that the legislation will be enacted near the start of 2019.

CBO estimates that enacting H.R. 6510 would make \$7.1 billion in new budget authority available to DOI for deferred maintenance and infrastructure projects; resulting outlays would total \$6.5 billion over the 2019–2028 period. Those funds would be available to DOI without further appropriation.

#### *Energy leases*

H.R. 6510 would establish the National Park Service and Public Lands Legacy Restoration Fund in the Treasury and would deposit 50 percent of the proceeds received from federal offshore and onshore energy leases over the 2019–2023 period into that fund, subject to an annual limit of \$1.3 billion. Amounts in the fund would be available to DOI for infrastructure projects, subject to various conditions, including a requirement that amounts available under current law for revenue sharing with states and other purposes not be affected.

CBO estimates that future proceeds from energy leases would be sufficient to allow \$1.3 billion to be deposited into the fund each fiscal year from 2019 through 2023. In CBO’s April 2018 baseline, CBO projects that gross offsetting receipts from offshore and onshore leases will total about \$40 billion over that five-year period. CBO estimates that approximately 55 percent of the gross receipts collected in 2018 will be distributed to states or allocated for other purposes under current law. Although that percentage could change, CBO anticipates that there will be more than the bill’s limit of \$1.3 billion available, so that the maximum amount would be deposited each year.<sup>1</sup>

#### *Intragovernmental interest*

H.R. 6510 would authorize the department to spend any interest credited to unspent balances in the fund. Under the bill, the Department of the Treasury would be authorized to pay interest on any balances that are not needed for current expenditures. Based on the projected spending patterns for the activities authorized by the bill (discussed below) and the economic assumptions underlying CBO’s baseline projections, CBO estimates that implementing this provision would increase the amounts added to the fund by \$606 million over the 2019–2028 period.

#### *Spendout of funds*

CBO expects that under H.R. 6510, amounts would be deposited into the fund at the end of a fiscal year and effectively would not

<sup>1</sup>The amounts deposited into the fund could be affected by factors (such as the mix of leases for offshore and onshore activities, which are distributed differently under current law) or by policy changes (for example, the authority to transfer certain proceeds from energy leases to the Land and Water Conservation Fund expired at the end of fiscal year 2018).

be available for spending until the following year. Accordingly, CBO estimates that there would be no spending in 2019. As specified in the bill, amounts in the fund would be allocated to agencies to address deferred maintenance and infrastructure needs as follows: 80 percent for the NPS; 10 percent for USFWS; 5 percent for BLM; and 5 percent for the Bureau of Indian Education. The bill would cap overall administrative spending at 10 percent.

Using information from the NPS and the USFWS, CBO expects that initially the agencies would hire additional staff for project management, planning, and design work. CBO anticipates that projects funded would include a mix of transportation, water and utility, and restoration and reconstruction projects.<sup>2</sup> According to the NPS, the time from start to completion has ranged from 30 months (for smaller-scale projects) to five years (for transportation projects). Using information from the agencies, and based on historical spending patterns for similar activities, CBO estimates that spending from the fund would be comparatively slow in the early years and would peak over the 2024–2027 period as larger-scale projects were completed. Most projects would be completed by 2028, however we expect that DOI would continue to spend any remaining balances in the fund after 2028.

### *Donations*

H.R. 6510 would authorize DOI to accept cash and in-kind donations; such collections are treated as reductions in direct spending. The donations would become part of the special fund and would be available to spend without further appropriation. CBO expects that donations would be offset by expenditures and that the net effect on direct spending would be negligible.

**Uncertainty:** CBO aims to produce cost estimates that generally reflect the middle of a range of the most likely budgetary outcomes that would result if the legislation was enacted. Spending could be higher or lower for several reasons:

- Prices or quantities of energy resources produced on federal lands could be significantly lower in the future than what CBO estimated in its baseline projections; in that case less money would be available for the infrastructure projects authorized by the bill. (If prices or quantities produced were significantly higher, no more money would be available for infrastructure projects because the amount that can be deposited into the fund is capped at \$1.3 billion each year through 2023.)
- The number, type, and scale of projects pursued by DOI could be different than CBO estimated, so spending from the fund each year could be different.
- Finally, the amount of interest that would be credited to the fund could be different if the amount of deposits and spending as

<sup>2</sup>The costs of individual projects depend on type and scale. For example, the NPS estimated the cost of deferred maintenance along the George Washington Memorial Parkway near Washington, D.C., at about \$475 million in 2015. (See Government Accountability Office, *National Park Service: Process Exists for Prioritizing Asset Maintenance Decisions, but Evaluation Could Improve Efforts*, GAO-17-136, December 2016, [www.gao.gov/products/GAO-17-136](http://www.gao.gov/products/GAO-17-136).) The estimated cost to rehabilitate a flood protection levee at the Don Edwards San Francisco Bay National Wildlife Refuge is about \$4 million, and the estimated cost to rehabilitate a campground at Yosemite National Park is \$1 million. More information about DOI's projects is included in Department of the Interior, *Budget Justifications and Performance Information: Fiscal Year 2019, U.S. Fish and Wildlife Service* (February 2018), and *Budget Justifications and Performance Information: Fiscal Year 2019, National Park Service* (February 2018), [www.doi.gov/bpp/budget-justifications](http://www.doi.gov/bpp/budget-justifications).

discussed in the first two points were different and if interest rates differ from the projections in CBO's baseline.

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. 6510, the Restore Our Parks and Public Lands Act, as Ordered Reported by the House Committee on Natural Resources on September 13, 2018

	By fiscal year, in millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019– 2023	2019– 2028	
	NET INCREASE IN THE DEFICIT												
Statutory Pay-As-You-Go Impact .....	0	78	218	449	753	1,045	1,197	1,130	947	655	1,498	6,472	

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 6510 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. 6510 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Janani Shankaran (Department of the Interior), Kathleen Gramp (energy receipts); Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis; 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 establish, fund, and provide for the use of amounts in the National Park Service and Public Lands Legacy Restoration Fund to address the maintenance backlog of the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, and the Bureau of Indian Education.

#### 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 contains no directed rulemakings.

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

This bill makes no changes in existing law.

## ADDITIONAL VIEWS

Modeled after the Land and Water Conservation Fund (LWCF), which gets the first dollars from offshore energy development, H.R. 6510 would direct money derived from energy revenues to support infrastructure and maintenance at national parks and public lands. This is a legitimate attempt to identify a dedicated source of funding to support infrastructure and maintenance across public lands managed by the Department of the Interior, including the \$11.6 billion in deferred maintenance across the National Park System. Unlike the Trump administration's initial proposal, this bill does not condition money for parks on increased energy production; it simply invests money that would otherwise be sent to the Treasury.

Addressing deferred maintenance is a bipartisan priority that deserves a dedicated solution, but it should not be used as a justification to ignore or sidestep other key conservation priorities, including reauthorizing and funding the LWCF. Congress must address deferred maintenance, both through increased appropriations and by identifying a dedicated source of funding, while prioritizing LWCF and the future of public lands conservation.

To highlight this critical point, Ranking Member Grijalva at markup offered and withdrew an amendment to permanently authorize and provide full funding for LWCF. The amendment, which was subject to a point of order at committee markup, underscored the importance of pairing mandatory money for LWCF with any mandatory spending for deferred maintenance. These two priorities must move together.

H.R. 6510 was reported out of committee by voice vote. However, it is important to note that this bill is a patch, not a permanent fix. If we want our parks and public lands to succeed, Congress must support sustained base funding for all our public land agencies and enact a permanent solution for the future of LWCF.

RAÚL M. GRIJALVA,  
*Ranking Member, Committee  
on Natural Resources.*

JARED HUFFMAN.

WM. LACY CLAY.

GRACE F. NAPOLITANO.

NANETTE DIAZ BARRAGÁN.

ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE

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

RAÚL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

December 4, 2018

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

On September 13, 2018, the Committee on Natural Resources ordered favorably reported H.R. 6510, the Restore Our Parks and Public Lands Act. This bill was additionally referred to the Committee on Transportation and Infrastructure.

I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge 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 Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff on this matter and many others this Congress.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**

**Bill Shuster**  
**Chairman**

**Washington, DC 20515**

**Peter A. DeFazio**  
**Banking Member**

December 4, 2018

Christopher W. Nelson, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Rob Bishop  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Bishop:

Thank you for your letter concerning H.R. 6510, the *Restore Our Parks and Public Lands Act*. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 6510, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the bill report and the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,

A handwritten signature in cursive script that reads "Bill Shuster".

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Raúl M. Grijalva  
Mr. Thomas J. Wickham, Jr., Parliamentarian