

110TH CONGRESS
2D SESSION

S. 2817

To establish the National Park Centennial Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 3, 2008

Mr. SALAZAR (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. COLEMAN, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the National Park Centennial Fund, 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 “National Park Centen-
5 nial Fund Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FUND.**—The term “Fund” means the Na-
9 tional Park Centennial Fund established by section

10 3.

1 (2) NATIONAL PARK SYSTEM.—The term “Na-
 2 tional Park System” has the meaning given the term
 3 “national park system” in section 2(a) of the Act of
 4 August 8, 1953 (16 U.S.C. 1c).

5 (3) PROJECT; PROGRAM.—The term “project”
 6 or “program” means a National Park Centennial
 7 project or program, respectively, funded under this
 8 Act.

9 (4) PROPOSAL.—The term “‘proposal’” means
 10 a National Park Centennial proposal submitted
 11 under section 4.

12 (5) SECRETARY.—The term “Secretary” means
 13 the Secretary of the Interior.

14 **SEC. 3. NATIONAL PARK CENTENNIAL FUND.**

15 (a) ESTABLISHMENT.—There is established in the
 16 Treasury of the United States a revolving fund, to be
 17 known as the “National Park Centennial Fund”, con-
 18 sisting of such amounts as are appropriated to the Fund
 19 under subsection (d).

20 (b) EXPENDITURES FROM FUND.—

21 (1) IN GENERAL.—Subject to paragraph (2), on
 22 request by the Secretary, the Secretary of the Treas-
 23 ury shall transfer from the Fund to the Secretary
 24 such amounts as the Secretary determines are nec-
 25 essary to carry out this Act.

1 (2) ADMINISTRATIVE EXPENSES.—An amount
2 not exceeding 3 percent of the amounts in the Fund
3 shall be available for each fiscal year to pay the ad-
4 ministrative expenses necessary to carry out this
5 Act.

6 (c) TRANSFERS OF AMOUNTS.—

7 (1) IN GENERAL.—The amounts required to be
8 transferred to the Fund under this section shall be
9 transferred at least monthly from the general fund
10 of the Treasury to the Fund on the basis of esti-
11 mates made by the Secretary of the Treasury.

12 (2) ADJUSTMENTS.—Proper adjustment shall
13 be made in amounts subsequently transferred to the
14 extent prior estimates were in excess of or less than
15 the amounts required to be transferred.

16 (d) FUNDING.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of enactment of this Act, on October 1,
19 2008, and on each October 1 thereafter through Oc-
20 tober 1, 2016, out of any funds in the Treasury not
21 otherwise appropriated, the Secretary of the Treas-
22 ury shall transfer to the Fund to carry out this Act
23 \$100,000,000, to remain available until expended.

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary, acting through the Fund, shall be entitled to

1 receive, shall accept, and shall use to carry out this
2 section the funds transferred under paragraph (1),
3 without further appropriation.

4 **SEC. 4. PROGRAM ALLOCATION.**

5 (a) NATIONAL PARK CENTENNIAL PROPOSALS.—

6 (1) IN GENERAL.—Each fiscal year, the annual
7 budget submission of the President for the Depart-
8 ment of the Interior shall include a list of proposals
9 which shall be known as National Park Centennial
10 proposals.

11 (2) INPUT.—The Secretary shall establish a
12 standard process for developing the list that shall
13 encourage input from both the public and a broad
14 cross-section of employees at each level of the Na-
15 tional Park Service.

16 (3) CONTENTS.—The list—

17 (A) shall include proposals that have an
18 aggregate cost to the Federal Government that
19 is equal to the unobligated amount in the Fund;

20 (B) shall include only proposals that are
21 consistent with National Park Service policies
22 and adopted park planning documents;

23 (C) may include proposals for any area
24 within the National Park System, clusters of

1 areas within the system, 1 or more regions of
2 the system, or the system as a whole;

3 (D) shall cumulatively represent a nation-
4 wide array of proposals that is diverse geo-
5 graphically, in size, scope, magnitude, theme,
6 and variety under the initiatives described in
7 subsection (b);

8 (E) shall give priority to proposals that
9 demonstrate long-term viability after funding
10 from the Fund;

11 (F) shall include only proposals that meet
12 the requirements of 1 or more of the initiatives
13 described in subsection (b);

14 (G) shall contain projects under each of
15 the initiatives described in subsection (b);

16 (H) shall give a higher priority to pro-
17 posals with committed non-Federal support, but
18 shall include proposals that are funded entirely
19 by the Fund; and

20 (I) may include acquisition of land and in-
21 terest in land that are consistent with the land
22 acquisition authority of the National Park Serv-
23 ice and the initiatives described in subsection
24 (b).

25 (b) NATIONAL PARK CENTENNIAL INITIATIVES.—

(1) EDUCATION IN PARKS CENTENNIAL INITIATIVE.—Projects shall include an “Education in Parks Centennial Initiative” under which—

(A) priority shall be given to—

(i) projects that are designed to increase national park-based educational opportunities for elementary, secondary, and college students, particularly students from underserved and low-income areas;

(ii) projects that include strategies for encouraging young people to develop a lifelong interest in the national parks of the United States; and

(iii) projects that include science, history, civics, or mathematics components; and

(B) projects shall be developed in consultation with the leadership of educational and youth organizations that are expected to participate in the projects.

(2) DIVERSITY IN PARKS CENTENNIAL INITIATIVE.—

(A) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Re-

1 sources of the House of Representatives and the
2 Committee on Energy and Natural Resources of
3 the Senate a report that provides a service-wide
4 strategy for increasing diversity among Na-
5 tional Park Service employees at all levels of
6 and visitors to the National Park System.

7 (B) PROJECTS.—Projects shall include a
8 “Diversity in Parks Centennial Initiative”
9 under which each project shall be—

10 (i) based on recommendations made in
11 the report required under subparagraph
12 (A); and

13 (ii) designed to help ensure that Na-
14 tional Park Service employees or visitors to
15 the National Park System reflect the diver-
16 sity of the population of the United States.

17 (3) SUPPORTING PARK PROFESSIONALS CEN-
18 TENNIAL INITIATIVE.—Projects shall include a
19 “Supporting Park Professionals Centennial Initia-
20 tive” under which—

21 (A) the projects, considered in the aggre-
22 gate, shall provide specific opportunities for Na-
23 tional Park Service employees, at all levels, to
24 participate in professional career development;

1 (B) a project may include National Park
 2 Service-designed, internal professional develop-
 3 ment programs; and

4 (C) a project may be designed to facilitate
 5 participation in external professional develop-
 6 ment programs or established courses of study
 7 by National Park Service employees.

8 (4) ENVIRONMENTAL LEADERSHIP CENTEN-
 9 NIAL INITIATIVE.—Projects shall include an “Envi-
 10 ronmental Leadership Centennial Initiative” under
 11 which—

12 (A) each project shall be designed—

13 (i) to reduce harmful emissions;

14 (ii) to conserve energy or water re-
 15 sources;

16 (iii) to reduce solid waste production
 17 within the National Park System; or

18 (iv) to meet any combination of the
 19 purposes described in clauses (i) through
 20 (iii);

21 (B) each project shall include strategies for
 22 educating the public regarding environmental
 23 leadership projects and the results of the
 24 projects; and

1 (C) priority shall be given to projects with
 2 the potential to spread technological advances
 3 to other Federal agencies or to the private sec-
 4 tor.

5 (5) NATURAL RESOURCE PROTECTION CENTEN-
 6 NIAL INITIATIVE.—Projects shall include a “Natural
 7 Resource Protection Centennial Initiative” under
 8 which—

9 (A) each project shall be designed to re-
 10 store or conserve native ecosystems within the
 11 National Park System;

12 (B) priority shall be given to projects that
 13 are designed to control invasive species; and

14 (C) each project shall be based on the best
 15 available scientific information.

16 (6) CULTURAL RESOURCE PROTECTION CEN-
 17 TENNIAL INITIATIVE.—Projects shall include a “Cul-
 18 tural Resource Protection Centennial Initiative”
 19 under which—

20 (A) the projects shall—

21 (i) increase the knowledge of the Na-
 22 tional Park Service of cultural resources
 23 located within the National Park System
 24 through means such as surveys, studies,

mapping, and documentation of the re-
sources; or

(ii) improve the condition of docu-
mented cultural resources within the Na-
tional Park System;

(B) the projects shall incorporate the best
available scientific information; or

(C) if appropriate, the projects shall be de-
veloped in consultation with Native American
tribes, State historic preservation offices, or
other organizations with cultural resource pres-
ervation expertise.

(7) VISITOR ENJOYMENT AND HEALTH CEN-
TENNIAL INITIATIVE.—

(A) IN GENERAL.—Projects shall include a
“Visitor Enjoyment and Health Centennial Ini-
tiative” under which projects shall be described
in 1 or more of the following 4 categories:

(i) Projects designed to repair, reha-
bilitate, or otherwise improve infrastruc-
ture, including trails, that facilitates
healthy outdoor activity within the Na-
tional Park System.

(ii) Projects designed to expand opportunities for access to the National Park System for visitors with disabilities.

(iii) Projects to develop and implement management plans (such as climbing plans and trail system plans) for activities designed to increase the health and fitness of visitors to the National Park System.

(iv) Projects to develop outreach programs and media that promote visitor enjoyment or provide public information regarding opportunities the National Park System provides to benefit the physical and mental health of visitors in a manner that is consistent with park resources and values.

(B) MISCELLANEOUS REQUIREMENTS.—

Each project for the “Visitor Enjoyment and Health Centennial Initiative” shall—

(i) be consistent with National Park Service policies and adopted park planning documents; and

(ii) be designed to provide for visitor enjoyment in such a way as to leave the

1 National Park System unimpaired for fu-
2 ture generations.

3 (c) FUNDING.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 for each of fiscal years 2008 through 2017, unobli-
6 gated amounts in the Fund shall be available to
7 carry out projects authorized by this Act, without
8 further appropriation.

9 (2) CONGRESSIONAL REVIEW.—Amounts from
10 the Fund may not be obligated or expended to carry
11 out a proposal or project described in an annual sub-
12 mission of the list of proposals required under this
13 section before the date that is 120 days after the
14 date of the annual submission to Congress.

15 (d) LIMITATION ON USE OF FUNDS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 not more than 30 percent of amounts available from
18 the Fund for any fiscal year may be expended on
19 projects that are for the construction of facilities
20 that cost in excess of \$5,000,000.

21 (2) WAIVER.—The Secretary may waive the ap-
22 plication of paragraph (1) to a project by submitting
23 to Congress a notice that the project to be funded
24 is a high priority and cannot otherwise be carried
25 out.

1 **SEC. 5. PARTNERSHIPS.**

2 (a) DONATIONS.—The Secretary may—

3 (1) actively encourage and facilitate participa-
4 tion in proposals from non-Federal and philan-
5 thropic partners; and

6 (2) accept funds for any project or program
7 pursuant to the second paragraph of the matter
8 under the heading “NATIONAL PARKS” under the
9 heading “DEPARTMENT OF THE INTERIOR”
10 of the first section of the Act of June 5, 1920 (16
11 U.S.C. 6), and other provisions of law governing ac-
12 ceptance of donations.

13 (b) TERMS AND CONDITIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), to the extent that private organizations or
16 individuals participate in or contribute to any
17 project or program, the terms and conditions of the
18 participation or contribution, and actions by employ-
19 ees of the National Park Service, shall be governed
20 by Directors Order No. 21 of the National Park
21 Service entitled “Donations and Fundraising”, as in
22 effect on the date of the enactment of this Act.

23 (2) FUNDING FOUNDATION.—National park
24 concessionaires may establish a foundation that as-
25 sists in the funding of regional and national projects
26 and programs proposed under this Act.

1 **SEC. 6. MAINTENANCE OF EFFORT.**

2 (a) IN GENERAL.—Amounts made available from the
3 Fund shall supplement (and not supplant) other Federal
4 funding available to the National Park Service, includ-
5 ing—

6 (1) authorized expenditures from the Land and
7 Water Conservation Fund Act of 1965 (16 U.S.C.
8 460l–4 et seq.); and

9 (2) the line item construction program of the
10 National Park Service.

11 (b) STAFF.—The Secretary, acting through the Di-
12 rector of the National Park Service—

13 (1) shall maintain adequate, permanent staffing
14 levels at units of the National Park System at which
15 projects or programs are carried out; and

16 (2) shall not replace permanent staff with non-
17 permanent employees hired to carry out this Act or
18 projects or programs carried out with funds provided
19 under this Act.

20 **SEC. 7. REPORTS.**

21 For each of fiscal years 2008 through 2017, the Sec-
22 retary shall submit to Congress a report that includes—

23 (1) a detailed accounting of all expenditures
24 from the Fund divided by categories of proposals
25 under section 4(b), including a detailed accounting

1 of any private contributions, either in funds or in
2 kind, to any project or program;

3 (2) a cumulative summary of the results of the
4 National Park Centennial program, including rec-
5 ommendations for revisions to the program; and

6 (3) a statement of whether the National Park
7 Service has maintained adequate, permanent staffing
8 levels and what nonpermanent and permanent staff
9 have been hired to carry out this Act or projects or
10 programs carried out with funds provided under this
11 Act.

12 **SEC. 8. OFFSETS.**

13 (a) EXCESS REVENUES FROM OFFSHORE OIL AND
14 GAS ACTIVITIES.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3) and notwithstanding any other provision of
17 law, the following amounts received by the Secretary
18 of the Interior shall not be subject to distribution
19 under any other law and shall be deposited into the
20 Fund as follows:

21 (A) All bonuses and rents received from
22 leases sales for areas in the Gulf of Mexico held
23 pursuant to the Outer Continental Shelf Lands
24 Act (43 U.S.C. 1331 et seq.)—

1 (i) for fiscal year 2008 in excess of
2 \$2,154,000,000;

3 (ii) for fiscal year 2009 in excess of
4 \$919,000,000;

5 (iii) for fiscal year 2010 in excess of
6 \$625,000,000;

7 (iv) for fiscal year 2011 in excess of
8 \$532,000,000; and

9 (v) for fiscal year 2012 in excess of
10 \$474,000,000.

11 (B) All royalties received from leases for
12 areas in the Gulf of Mexico held pursuant to
13 the Outer Continental Shelf Lands Act (43
14 U.S.C. 1331 et seq.), other than leases for
15 areas in the Gulf of Mexico that, as of October
16 1, 2007, were eligible for royalty relief and not
17 subject to any limitation on that relief based on
18 market prices that are equal to or less than the
19 price thresholds described in clauses (v)
20 through (vii) of section 8(a)(3)(C) of that Act
21 (43 U.S.C. 1337(a)(3)(C))—

22 (i) for fiscal year 2008 in excess of
23 \$7,040,270,000;

24 (ii) for fiscal year 2009 in excess of
25 \$9,058,330,000;

1 (iii) for fiscal year 2010 in excess of
2 \$8,386,780,000;

3 (iv) for fiscal year 2011 in excess of
4 \$9,085,130,000; and

5 (v) for fiscal year 2012 in excess of
6 \$8,909,990,000.

7 (C) All fees received from leases covered by
8 subparagraph (B)—

9 (i) for fiscal year 2008 in excess of
10 \$705,000,000;

11 (ii) for fiscal year 2009 in excess of
12 \$360,000,000;

13 (iii) for fiscal year 2010 in excess of
14 \$465,000,000;

15 (iv) for fiscal year 2011 in excess of
16 \$520,000,000;

17 (v) for fiscal year 2012 in excess of
18 \$570,000,000;

19 (vi) for fiscal year 2013 in excess of
20 \$620,000,000;

21 (vii) for fiscal year 2014 in excess of
22 \$835,000,000;

23 (viii) for fiscal year 2015 in excess of
24 \$790,000,000;

1 (ix) for fiscal year 2016 in excess of
2 \$720,000,000; and

3 (x) for fiscal year 2017 in excess of
4 \$725,000,000.

5 (2) ADMINISTRATION.—

6 (A) IN GENERAL.—The Secretary of the
7 Treasury shall terminate making deposits into
8 the Fund under paragraph (1) if the total
9 amount deposited into the Fund under this sec-
10 tion and the amendment made by this section
11 equals \$1,000,000,000.

12 (B) AVAILABILITY.—There shall be avail-
13 able to the Secretary to carry out this section
14 from the Fund, without further appropriation,
15 \$100,000,000 for each of fiscal years 2008
16 through 2017.

17 (C) CARRYOVER.—If there is not a suffi-
18 cient amount in the Fund for any fiscal year
19 for \$100,000,000 to be made available to the
20 Secretary to carry out this section—

21 (i) all amounts in the Fund shall be
22 made available to the Secretary for that
23 fiscal year to carry out this section; and

24 (ii) the difference between the amount
25 that is made available for the fiscal year

1 and \$100,000,000 shall be carried over
 2 and made available to the Secretary to
 3 carry out this section, if in the Fund,
 4 through fiscal year 2017.

5 (3) RELATIONSHIP TO OTHER USES OF
 6 FUNDS.—This subsection shall not affect the
 7 amount or distribution of funds from bonuses, rents,
 8 royalties, and fees received from leases sales held
 9 pursuant to the Outer Continental Shelf Lands Act
 10 (43 U.S.C. 1331 et seq.) under any other program
 11 or provision of law in effect on the date of enact-
 12 ment of this Act.

13 (b) NATIONAL PARK CENTENNIAL FUND STAMPS.—
 14 Chapter 4 of title 39, United States Code, is amended by
 15 adding at the end the following:

16 **“§ 417. Special postage stamps for National Park Cen-**
 17 **tennial Fund**

18 “(a) In order to afford the public a convenient way
 19 to contribute funding to the National Park Centennial
 20 Fund established by section 3 of the National Park Cen-
 21 tennial Fund Act (referred to in this section as the
 22 ‘Fund’), the Postal Service shall establish a special rate
 23 of postage for first-class mail under this section.

24 “(b)(1) The rate of postage established under this
 25 section—

1 “(A) shall be equal to the regular first-class
2 rate of postage, plus a differential of not less than
3 15 percent;

4 “(B) shall be set by the Governors in accord-
5 ance with such procedures as the Governors shall by
6 regulation prescribe (in lieu of the procedures under
7 chapter 36); and

8 “(C) shall be offered as an alternative to the
9 regular first-class rate of postage.

10 “(2) The use of the special rate of postage established
11 under this section shall be voluntary on the part of postal
12 patrons.

13 “(3) The special rate of postage of an individual
14 stamp under this section shall be an amount that is evenly
15 divisible by 5.

16 “(c)(1) Subject to paragraphs (2) and (3), of the
17 amounts becoming available for the Fund pursuant to this
18 section, the Postal Service shall pay 100 percent to the
19 Fund.

20 “(2) Payments under this paragraph to the Fund
21 shall be made under such arrangements as the Postal
22 Service shall by mutual agreement with the Secretary of
23 the Interior establish in order to carry out the purposes
24 of this section, except that, under those arrangements,
25 payments to the Fund shall be made at least twice a year.

1 “(3) The amount paid to the Fund pursuant to this
2 section shall equal—

3 “(A) the total amounts received by the Postal
4 Service that the Postal Service would not have re-
5 ceived but for the enactment of this section, reduced
6 by

7 “(B) an amount sufficient to cover reasonable
8 costs incurred by the Postal Service in carrying out
9 this section, including those attributable to the
10 printing, sale, and distribution of stamps under this
11 section, as determined by the Postal Service under
12 regulations that the Postal Service shall prescribe.

13 “(d) It is the sense of the Congress that nothing in
14 this section should—

15 “(1) directly or indirectly cause a net decrease
16 in total funds received by the Fund below the level
17 that would otherwise have been received but for the
18 enactment of this section; or

19 “(2) affect regular first-class rates of postage
20 or any other regular rates of postage.

21 “(e) Special postage stamps under this section shall
22 be made available to the public beginning on such date
23 as the Postal Service shall by regulation prescribe, but in
24 no event later than 12 months after the date of enactment
25 of this section.

1 “(f) The Postmaster General shall include in each re-
 2 port provided under section 2402 with respect to any pe-
 3 riod during any portion of which this section is in effect
 4 information concerning the operation of this section, ex-
 5 cept that, at a minimum, each report shall include—

6 “(1) the total amount described in subsection
 7 (c)(3)(A) which was received by the Postal Service
 8 during the period covered by the report; and

9 “(2) of the amount under paragraph (1), how
 10 much (in the aggregate and by category) was re-
 11 quired for the purposes described in subsection
 12 (c)(3)(B).

13 “(g) For purposes of section 416 (including any regu-
 14 lation prescribed under subsection (e)(1)(C) of that sec-
 15 tion), the special postage stamp issued under this section
 16 shall not apply to any limitation relating to whether more
 17 than 1 semipostal may be offered for sale at the same
 18 time.

19 “(h) This section shall cease to be effective after Sep-
 20 tember 30, 2017.”.

21 (c) ADMINISTRATION.—

22 (1) AMOUNT.—The amounts received under this
 23 section and the amendments made by this section
 24 shall, in the aggregate, result in the receipt by the

1 United States of a total of \$100,000,000 for each of
2 fiscal years 2008 through 2017.

3 (2) OFFSETTING RECEIPTS.—Amounts received
4 by the United States under this section and the
5 amendments made by this section shall be treated as
6 offsetting receipts for the purposes of this Act.

7 (3) DEPOSIT OF AMOUNTS IN GENERAL
8 FUND.—Amounts received by the United States as
9 fees under the amendment made by subsection (b)
10 shall be deposited in the general fund of the Treas-
11 ury.

12 (d) EFFECTIVE DATE.—This section and the amend-
13 ments made by this section take effect on October 1, 2008.

14 (e) TERMINATION OF EFFECTIVENESS.—The author-
15 ity provided by this section and the amendments made by
16 this section terminates effective September 30, 2017.

○