

Calendar No. 713

115TH CONGRESS
2D SESSION

S. 3172

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

JUNE 28, 2018

Mr. PORTMAN (for himself, Mr. WARNER, Mr. ALEXANDER, Mr. KING, Mr. DAINES, Mr. HEINRICH, Mrs. CAPITO, Mr. GARDNER, Mr. MANCHIN, Mr. BLUNT, Ms. COLLINS, Mr. TILLIS, Mr. BROWN, Mr. SULLIVAN, Mr. ROUNDS, Mr. HELLER, Ms. KLOBUCHAR, Mr. BENNET, Mr. GRAHAM, Mr. WYDEN, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. COONS, Ms. HARRIS, Mr. PETERS, Mr. BOOZMAN, Mr. BOOKER, Ms. DUCKWORTH, Mr. CASEY, Ms. BALDWIN, Mr. COTTON, Mr. KYL, Mr. KAINE, Ms. CORTEZ MASTO, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 4, 2018

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 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 **“SEC. 104908. NATIONAL PARK SERVICE LEGACY RESTORA-**
 12 **TION FUND.**

13 “(a) IN GENERAL.—There is established in the
 14 Treasury of the United States a fund, to be known as the
 15 ‘National Park Service Legacy Restoration Fund’ (re-
 16 ferred to in this section as the ‘Fund’).

17 “(b) DEPOSITS.—

18 “(1) IN GENERAL.—Except as provided in para-
 19 graph (2), for each of fiscal years 2019 through
 20 2023, there shall be deposited in the Fund an
 21 amount equal to 50 percent of all energy develop-
 22 ment revenues due and payable to the United States
 23 from oil, gas, coal, or alternative or renewable en-
 24 ergy development on Federal land and water that

1 are not otherwise credited, covered, or deposited
2 under Federal law.

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

6 ~~“(3) EFFECT ON OTHER REVENUES.—~~Nothing
7 in this section affects the disposition of revenues
8 that—

9 ~~“(A) are due to the United States, special~~
10 ~~funds, trust funds, or States from mineral and~~
11 ~~energy development on Federal land and water;~~
12 ~~or~~

13 ~~“(B) have been otherwise appropriated~~
14 ~~under Federal law, including the Gulf of Mexico~~
15 ~~Energy Security Act of 2006 (43 U.S.C. 1331~~
16 ~~note; Public Law 109–432), the Mineral Leas-~~
17 ~~ing Act (30 U.S.C. 181 et seq.), and chapter~~
18 ~~2003 of title 54, United States Code.~~

19 ~~“(c) AVAILABILITY OF FUNDS.—~~Amounts deposited
20 in the Fund shall be available to the Service without fur-
21 ther appropriation or fiscal year limitation.

22 ~~“(d) INVESTMENT OF AMOUNTS.—~~

23 ~~“(1) IN GENERAL.—~~The Secretary may request
24 the Secretary of the Treasury to invest any portion
25 of the Fund that is not, as determined by the Sec-

1 retary, required to meet the current needs of the
2 Fund.

3 ~~“(2) REQUIREMENT.—An investment requested~~
4 under paragraph (1) shall be made by the Secretary
5 of the Treasury in a public debt security—

6 ~~“(A) with a maturity suitable to the needs~~
7 of the Fund, as determined by the Secretary;
8 and

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

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

17 ~~“(e) USE OF FUNDS.—Amounts in the Fund shall~~
18 be used for the high-priority deferred maintenance needs
19 of the Service, as determined by the Director, as follows:

20 ~~“(1) 65 percent of amounts in the Fund shall~~
21 be allocated for projects that are not eligible for the
22 funding described in subparagraph (A) or (B) of
23 paragraph (2) for the repair and rehabilitation of as-
24 sets, including—

1 “(A) historic structures, facilities, and
2 other historic assets;

3 “(B) nonhistoric assets that relate directly
4 to visitor—

5 “(i) access, including making facilities
6 accessible to visitors with disabilities;

7 “(ii) health and safety; and

8 “(iii) recreation; and

9 “(C) visitor facilities, water and utility sys-
10 tems, and employee housing.

11 “(2) 35 percent of amounts in the Fund shall
12 be allocated to road, bridge, tunnel, or other trans-
13 portation-related projects that may be eligible for
14 funding made available to the Service through—

15 “(A) the transportation program under
16 section 203 of title 23; or

17 “(B) any similar Federal land highway
18 program administered by the Secretary of
19 Transportation.

20 “(f) PROHIBITED USE OF FUNDS.—No amounts in
21 the Fund shall be used—

22 “(1) for land acquisition; or

23 “(2) to supplant discretionary funding made
24 available for the annually recurring facility oper-
25 ations and maintenance needs of the Service.

1 “(g) SUBMISSION OF ANNUAL PROPOSAL.—As part
 2 of the annual budget submission of the Service to the
 3 Committee on Appropriations of the House of Representa-
 4 tives and the Committee on Appropriations of the Senate
 5 (referred to in this section as the ‘Committees’), the Serv-
 6 ice shall submit a prioritized list of deferred maintenance
 7 projects proposed to be funded by amounts in the Fund
 8 during the fiscal year for which the budget submission is
 9 made.

10 “(h) CONGRESSIONAL REVIEW.—After review of the
 11 list submitted under subsection (g), the Committees may
 12 provide for the allocation of amounts derived from the
 13 Fund.

14 “(i) PROJECT APPROVAL.—

15 “(1) IN GENERAL.—Except as provided in para-
 16 graph (2), if, before the beginning of a fiscal year,
 17 the Committees do not alter the allocation of funds
 18 proposed by the Service for that fiscal year, the list
 19 submitted under subsection (g) for that fiscal year
 20 shall be considered approved.

21 “(2) CONTINUING RESOLUTION.—If, before the
 22 beginning of a fiscal year, there is enacted a con-
 23 tinuing resolution or resolutions for a period of—

24 “(A) less than or equal to 120 days, the
 25 Service shall not commit funds to any proposed

high-priority deferred maintenance project until the date of enactment of a law making appropriations for the Service that is not a continuing resolution; or

“(B) more than 120 days, the list submitted under subsection (g) for that fiscal year shall be considered approved, unless otherwise provided in the continuing resolution or resolutions.

“(j) PUBLIC DONATIONS.—

“(1) IN GENERAL.—The Secretary and the Director may accept public cash or in-kind donations that advance efforts—

“(A) to reduce the deferred maintenance backlog of the Service; 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 Service shall be included with the an-

1 annual budget submission of the President to Con-
2 gress.”.

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

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

6 **SECTION 1. SHORT TITLE.**

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

8 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**
9 **FUND.**

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

12 **“§ 104908. National park service legacy restoration**
13 **fund**

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

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

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

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

25 “(c) *DEPOSITS.*—

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

10 “(2) *MAXIMUM AMOUNT.*—*The amount deposited*
 11 *in the Fund under paragraph (1) shall not exceed*
 12 *\$1,300,000,000 for any fiscal year.*

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

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

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

1 “(d) *AVAILABILITY OF FUNDS.*—Amounts deposited in
 2 the Fund shall be available to the Secretary without further
 3 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; and

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

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

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

1 *Service, as determined by the Secretary, to carry out repair,*
 2 *restoration, or rehabilitation projects as follows:*

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

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

8 “(B) *structures, facilities, and other nonhis-*
 9 *toric assets that relate directly to the visitor ex-*
 10 *perience, 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 transpor-*
 19 *tation-related projects that may be eligible for funding*
 20 *made available to the Service through—*

21 “(A) *the transportation program under sec-*
 22 *tion 203 of title 23; or*

23 “(B) *any similar Federal land highway*
 24 *program administered by the Secretary of Trans-*
 25 *portation.*

1 “(g) *PROHIBITED USE OF FUNDS.*—No amounts in the
2 *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 enactment
12 *of this section, the Secretary shall submit to the appropriate*
13 *committees of Congress—*

14 “(1) *a list of each project that—*

15 “(A) *as of the date of enactment of this sec-*
16 *tion, is identified by the Secretary as a highest-*
17 *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 preparation*
25 *of any environmental documents and historic preser-*

1 *vation analyses) that are necessary to commence the*
 2 *project immediately.*

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

8 “(1) *a report that describes, and provides an ex-*
 9 *planation for, any cost overruns or delays relating to*
 10 *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 project,*
 16 *after considering the list and schedules submitted*
 17 *under subsection (h).*

18 “(j) *PUBLIC DONATIONS.—*

19 “(1) *IN GENERAL.—The Secretary and the Direc-*
 20 *tor may accept public cash or in-kind donations that*
 21 *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 under
5 paragraph (1) that is used for, or directly related to,
6 the reduction of the deferred maintenance backlog of
7 the Service shall be included with the annual budget
8 submission of the President to Congress.

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

15 “(1) any progress with respect to the project, in-
16 cluding a comparison of the progress with respect to
17 other highest-priority deferred maintenance projects of
18 the Service;

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

21 “(3) the projected cyclic maintenance needs of
22 the project on completion of the project.”.

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

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

1 **SEC. 3. GAO STUDY.**

2 *Not later than 2 years after the date of enactment of*
3 *this Act, the Comptroller General of the United States*
4 *shall—*

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

13 *(A) properly estimating the cost for those*
14 *projects;*

15 *(B) adhering to time schedules and cost pro-*
16 *jections for those projects;*

17 *(C) properly prioritizing deferred mainte-*
18 *nance projects; and*

19 *(D) properly moving completed projects off*
20 *of the high-priority deferred maintenance list of*
21 *the National Park Service in a timely manner;*
22 *and*

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

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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.

DECEMBER 4, 2018

Reported with an amendment