

116TH CONGRESS
1ST SESSION

S. _____

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

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, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on _____

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”.

1 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**
2 **FUND.**

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

6 **“§ 104908. National Park Service Legacy Restoration**
7 **Fund**

8 “(a) DEFINITIONS.—In this section:

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

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

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

19 “(c) DEPOSITS.—

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

1 would otherwise be credited, covered, or deposited as
2 miscellaneous receipts 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.

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

22 “(e) 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 “(f) USE OF FUNDS.—Amounts in the Fund shall be
18 used for the priority deferred maintenance needs of the
19 Service, as determined by the Secretary, to carry out re-
20 pair, restoration, or rehabilitation projects as follows:

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

24 “(A) historic structures, facilities, and
25 other historic assets;

1 “(B) structures, facilities, and other non-
2 historic assets that relate directly to the visitor
3 experience, including—

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

6 “(ii) health and safety; and

7 “(iii) recreation; and

8 “(C) administrative facilities, water and
9 utility systems, and employee housing.

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

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

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

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

21 “(1) for land acquisition;

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

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

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

7 “(1) a list of each project that—

8 “(A) as of the date of enactment of this
9 section, is identified by the Secretary as a high-
10 est-priority deferred maintenance project of the
11 Service; and

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

14 “(2) for any project identified under paragraph
15 (1)(A) that is not ready to be commenced imme-
16 diately, a schedule for the completion of all reviews
17 with respect to the project (including the prepara-
18 tion of any environmental documents and historic
19 preservation analyses) that are necessary to com-
20 mence the project immediately.

21 “(i) SUBMISSION TO CONGRESS.—The Secretary
22 shall submit to the Committee on Energy and Natural Re-
23 sources of the Senate and the Committee on Natural Re-
24 sources of the House of Representatives, as part of the
25 annual budget submission of the President—

1 “(1) a report that describes, and provides an
2 explanation for, any cost overruns or delays relating
3 to deferred maintenance projects carried out using
4 amounts from the Fund for the previous fiscal year;
5 and

6 “(2) a list of projects for which the amounts in
7 the Fund are allocated under this section, including
8 a description and cost-benefit analysis of each
9 project, after considering the list and schedules sub-
10 mitted under subsection (h).

11 “(j) PUBLIC DONATIONS.—

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

15 “(A) to reduce the deferred maintenance
16 backlog of the Service; and

17 “(B) to encourage relevant public-private
18 partnerships.

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

22 “(3) REPORTING.—Each donation received
23 under paragraph (1) that is used for, or directly re-
24 lated to, the reduction of the deferred maintenance
25 backlog of the Service shall be included with the an-

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

3 “(k) ANNUAL REPORTS.—Not later than 1 year after
4 the date on which the first distributions are made from
5 the Fund and annually thereafter, the Secretary shall sub-
6 mit to the appropriate committees of Congress a report
7 that describes, with respect to each project provided
8 amounts from the Fund during the period covered by the
9 report—

10 “(1) any progress with respect to the project,
11 including a comparison of the progress with respect
12 to other highest-priority deferred maintenance
13 projects of the Service;

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

16 “(3) the projected cyclic maintenance needs of
17 the project on completion of the project.”.

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

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

21 **SEC. 3. GAO STUDY.**

22 Not later than 2 years after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall—

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

9 (A) properly estimating the cost for those
10 projects;

11 (B) adhering to time schedules and cost
12 projections for those projects;

13 (C) properly prioritizing deferred mainte-
14 nance projects; and

15 (D) properly moving completed projects off
16 of the high-priority deferred maintenance list of
17 the National Park Service in a timely manner;
18 and

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