

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, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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

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

12 “(b) DEPOSITS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), for each of fiscal years 2019 through
15 2023, there shall be deposited in the Fund an
16 amount equal to 50 percent of all energy develop-
17 ment revenues due and payable to the United States
18 from oil, gas, coal, or alternative or renewable en-
19 ergy development on Federal land and water that
20 are not otherwise credited, covered, or deposited
21 under Federal law.

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

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

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

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

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

17 “(d) INVESTMENT OF AMOUNTS.—

18 “(1) IN GENERAL.—The Secretary may request
19 the Secretary of the Treasury to invest any portion
20 of the Fund that is not, as determined by the Sec-
21 retary, required to meet the current needs of the
22 Fund.

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

1 “(A) with a maturity suitable to the needs
2 of the Fund, as determined by the Secretary;
3 and

4 “(B) bearing interest at a rate determined
5 by the Secretary of the Treasury, taking into
6 consideration current market yields on out-
7 standing marketable obligations of the United
8 States of comparable maturity.

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

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

15 “(1) 65 percent of amounts in the Fund shall
16 be allocated for projects that are not eligible for the
17 funding described in subparagraph (A) or (B) of
18 paragraph (2) for the repair and rehabilitation of as-
19 sets, including—

20 “(A) historic structures, facilities, and
21 other historic assets;

22 “(B) nonhistoric assets that relate directly
23 to visitor—

24 “(i) access, including making facilities
25 accessible to visitors with disabilities;

1 “(ii) health and safety; and

2 “(iii) recreation; and

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

5 “(2) 35 percent of amounts in the Fund shall
6 be allocated to road, bridge, tunnel, or other trans-
7 portation-related projects that may be eligible for
8 funding made available to the Service through—

9 “(A) the transportation program under
10 section 203 of title 23; or

11 “(B) any similar Federal land highway
12 program administered by the Secretary of
13 Transportation.

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

16 “(1) for land acquisition; or

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

20 “(g) SUBMISSION OF ANNUAL PROPOSAL.—As part
21 of the annual budget submission of the Service to the
22 Committee on Appropriations of the House of Representa-
23 tives and the Committee on Appropriations of the Senate
24 (referred to in this section as the ‘Committees’), the Serv-
25 ice shall submit a prioritized list of deferred maintenance

1 projects proposed to be funded by amounts in the Fund
 2 during the fiscal year for which the budget submission is
 3 made.

4 “(h) CONGRESSIONAL REVIEW.—After review of the
 5 list submitted under subsection (g), the Committees may
 6 provide for the allocation of amounts derived from the
 7 Fund.

8 “(i) PROJECT APPROVAL.—

9 “(1) IN GENERAL.—Except as provided in para-
 10 graph (2), if, before the beginning of a fiscal year,
 11 the Committees do not alter the allocation of funds
 12 proposed by the Service for that fiscal year, the list
 13 submitted under subsection (g) for that fiscal year
 14 shall be considered approved.

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

18 “(A) less than or equal to 120 days, the
 19 Service shall not commit funds to any proposed
 20 high-priority deferred maintenance project until
 21 the date of enactment of a law making appro-
 22 priations for the Service that is not a con-
 23 tinuing resolution; or

24 “(B) more than 120 days, the list sub-
 25 mitted under subsection (g) for that fiscal year

1 shall be considered approved, unless otherwise
 2 provided in the continuing resolution or resolu-
 3 tions.

4 “(j) PUBLIC DONATIONS.—

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

8 “(A) to reduce the deferred maintenance
 9 backlog of the Service; and

10 “(B) to encourage relevant public-private
 11 partnerships.

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

15 “(3) REPORTING.—Each donation received
 16 under paragraph (1) that is used for, or directly re-
 17 lated to, the reduction of the deferred maintenance
 18 backlog of the Service shall be included with the an-
 19 nual budget submission of the President to Con-
 20 gress.”.

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

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

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