

116TH CONGRESS
1ST SESSION

H. R. 1026

To provide for consistent and reliable authority and funding to meet conservation and deferred maintenance needs affecting lands under the administrative jurisdiction of the Department of the Interior and the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2019

Mr. SIMPSON (for himself and Mr. KILMER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for consistent and reliable authority and funding to meet conservation and deferred maintenance needs affecting lands under the administrative jurisdiction of the Department of the Interior and the Department of Agriculture, 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 “Land and National
5 Park Deferred Maintenance Act” or the “LAND Act”.

1 **SEC. 2. LAND AND WATER CONSERVATION FUND.**

2 (a) REAUTHORIZATION.—Section 200302 of title 54,
3 United States Code, is amended—

4 (1) in subsection (b), in the matter preceding
5 paragraph (1), by striking “During the period end-
6 ing September 30, 2018, there” and inserting
7 “There”; and

8 (2) in subsection (c)(1), by striking “through
9 September 30, 2018”.

10 (b) FUNDING.—Section 200303 of title 54, United
11 States Code, is amended to read as follows:

12 **“§ 200303. Funding**

13 “(a) FUNDING FOR FISCAL YEARS 2020 THROUGH
14 2029.—From amounts covered into the fund under sec-
15 tion 200302 of this chapter—

16 “(1) \$450,000,000 in each fiscal year shall be
17 available for expenditure to carry out the purposes
18 of this Act, without further appropriation or fiscal
19 year limitation, to carry out the purposes of the
20 Fund (including accounts and programs made avail-
21 able from the Fund under the Consolidated Appro-
22 priations Act, 2017 (Public Law 115–31)); and

23 “(2) the remainder of amounts covered into the
24 fund shall be available subject to appropriations,
25 which may be made without fiscal year limitation.

1 “(b) USES.—Amounts made available for obligation
2 or expenditure from the fund may be obligated or ex-
3 pended only as provided in this chapter.”.

4 (c) ALLOCATION AND USES OF FUNDS.—Section
5 200304 of title 54, United States Code, is amended—

6 (1) by striking “There” and inserting “(a) IN
7 GENERAL.—There”; and

8 (2) by striking the second sentence and insert-
9 ing the following:

10 “(b) ALLOCATION OF FUNDS.—Of the total amount
11 made available to the Fund through appropriations or de-
12 posited in the Fund under section 105(a)(2)(B) of the
13 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
14 1331 note; Public Law 109–432)—

15 “(1) not less than 40 percent shall be used for
16 Federal purposes; and

17 “(2) not less than 40 percent shall be used to
18 provide financial assistance to States.

19 “(c) PRIORITIES.—The President shall, as part of the
20 President’s annual budget submission to Congress, submit
21 to Congress detailed account, program, and project alloca-
22 tions for funds made available under paragraph (b)(1).
23 Acts of appropriation may provide alternate allocations for
24 such amounts.

1 “(d) PROHIBITION ON USE OF EMINENT DOMAIN.—
2 No funds made available to a State under this Act may
3 be used for the acquisition of land, water, or an interest
4 in land or water by eminent domain.”.

5 (d) RECREATION ACCESS.—Section 200306 of title
6 54, United States Code, is amended by adding at the end
7 the following:

8 “(c) PUBLIC ACCESS.—Not less than 3 percent of
9 amounts appropriated or expended under this chapter in
10 each fiscal year shall be made available for the fiscal year
11 for projects that secure recreational public access to exist-
12 ing Federal public land for hunting, fishing, and other rec-
13 reational purposes.”.

14 (e) CONFORMING AMENDMENTS.—Title 54, United
15 States Code—

16 (1) in section 200302, paragraph (3) of sub-
17 section (c) is amended by inserting “or otherwise ex-
18 pended” after “Congress”;

19 (2) in section 200304—

20 (A) the first sentence is amended by in-
21 serting “or expenditures” after “appropria-
22 tions”; and

23 (B) the second sentence is amended by in-
24 serting “or expenditures” after “appropria-
25 tions”;

1 (3) in section 200305—

2 (A) the matter preceding paragraph (1) of
3 subsection (b) is amended by inserting “or oth-
4 erwise provided” after “appropriated”;

5 (B) paragraph (1) of subsection (b) is
6 amended by inserting “expenditures” after “ap-
7 propriations”; and

8 (C) paragraph (2) of subsection (b) is
9 amended by inserting “expenditure” after “ap-
10 propriation”; and

11 (4) in section 200306—

12 (A) paragraph (1) is amended by inserting
13 “or expended” after “appropriated”;

14 (B) in paragraph (2), subparagraph (B)(ii)
15 is amended by inserting “or expended” after
16 “appropriated”;

17 (C) paragraph (4) is amended by inserting
18 “or expenditures” after “appropriations” each
19 time it appears; and

20 (D) subsection (b) is amended by inserting
21 “or expenditures” after “Appropriations” each
22 time it appears.

23 (f) CLERICAL AMENDMENT.—The table of sections
24 for chapter 2003 of title 54, United States Code, is

1 amended by striking the item relating to section 200303
2 and inserting the following:

“200303. Funding.”.

3 **SEC. 3. NATIONAL PARK SERVICE MAINTENANCE AND RE-**
4 **VITALIZATION CONSERVATION FUND.**

5 (a) IN GENERAL.—There is hereby established in the
6 Treasury a special account to be known as the “National
7 Park Service and Related Agencies Maintenance and Revi-
8 talization Conservation Fund”.

9 (b) AVAILABILITY OF FUNDS.—For each of fiscal
10 years 2020 through 2029, \$450,000,000 shall be available
11 for expenditure to carry out the purposes of this Act, with-
12 out further appropriation or fiscal year limitation, to carry
13 out the purposes of the Fund. Amounts from the Fund
14 shall not be used for the acquisition of land or interests
15 in land.

16 (c) DEPOSITS.—At the beginning of each applicable
17 fiscal year, there shall be deposited in the Fund
18 \$450,000,000 from mineral revenues due and payable to
19 the United States that are not otherwise credited, covered,
20 or deposited under Federal law.

21 (d) DEPARTMENT OF THE INTERIOR.—Of funds
22 made available under subsection (b) each fiscal year, the
23 Secretary of the Interior shall use the following amounts
24 for priority deferred maintenance needs that support crit-
25 ical infrastructure and visitor services:

1 (1) Eighty percent of amounts in the Fund
2 shall be allocated for priority deferred maintenance
3 projects, including other infrastructure deficiencies
4 directly related to such deferred maintenance
5 projects, as determined by the Secretary of the Inte-
6 rior and the Director of the National Park Service,
7 with the goal of ensuring overall parity between
8 amounts allocated to transportation and non-trans-
9 portation projects.

10 (2) Ten percent of amounts in the Fund shall
11 be allocated for purposes of addressing the national
12 wildlife refuge system maintenance backlog, as de-
13 termined by the Secretary of the Interior and the
14 Director of the United States Fish and Wildlife
15 Service.

16 (3) Five percent of amounts in the Fund shall
17 be allocated for the purposes of addressing the pub-
18 lic access and recreation backlog on public lands, as
19 determined by the Secretary of the Interior and the
20 Director of the Bureau of Land Management.

21 (4) Five percent of amounts in the Fund shall
22 be for the purposes of addressing the Bureau of In-
23 dian Education school construction and deferred
24 maintenance backlogs, as determined by the Sec-

1 retary of the Interior and the Director of the Bu-
2 reau of Indian Education.

3 (e) PROHIBITED USE OF FUNDS.—No amounts in
4 the Fund shall be used—

5 (1) to supplant discretionary funding made
6 available for the annually recurring facility oper-
7 ations, maintenance, and construction needs of the
8 entities for which amounts from the Fund are allo-
9 cated under subsection (d); or

10 (2) for performance awards for Federal employ-
11 ees who are employed in implementing this Act.

12 (f) SUBMISSION TO CONGRESS.—The Secretary of
13 the Interior shall submit to the Committees on Appropria-
14 tions and Energy and Natural Resources of the Senate
15 and to the Committees on Appropriations and Natural Re-
16 sources in the House of Representatives, with the annual
17 budget submission of the President, a list of projects for
18 which the amounts in the Fund are allocated under this
19 section, including a description of each such project.

20 (g) DONATIONS.—

21 (1) IN GENERAL.—The Secretary of the Inte-
22 rior, the Director of the National Park Service, the
23 Director of the United States Fish and Wildlife
24 Service, the Director of the Bureau of Land Man-
25 agement, and the Assistant Secretary of Indian Af-

1 fairs may accept public cash or in-kind donations
2 that advance efforts—

3 (A) to reduce the deferred maintenance
4 backlog of the National Park Service, the na-
5 tional wildlife refuge system maintenance back-
6 log of the United States Fish and Wildlife Serv-
7 ice, the public access and recreation backlog of
8 the Bureau of Land Management, and the
9 school construction backlog of the Bureau of
10 Indian Education, respectively; and

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

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

16 (3) REPORTING.—Each donation received under
17 paragraph (1) that is used for, or directly related to,
18 the reduction of the deferred maintenance backlog of
19 the National Park Service, the national wildlife ref-
20 uge system maintenance backlog of the United
21 States Fish and Wildlife Service, the public access
22 and recreation backlog of the Bureau of Land Man-
23 agement, and the school construction backlog of the
24 Bureau of Indian Education, shall be included with

1 the annual budget submission of the President to
2 Congress.

3 (h) INVESTMENT OF AMOUNTS.—

4 (1) IN GENERAL.—The Secretary of the Inte-
5 rior may request the Secretary of the Treasury to
6 invest any portion of the Fund that is not, as deter-
7 mined by the Secretary of the Interior, required to
8 meet the current needs of the Fund.

9 (2) REQUIREMENT.—An investment requested
10 under paragraph (1) shall be made by the Secretary
11 of the Treasury in a public debt security—

12 (A) with a maturity suitable to the needs
13 of the Fund, as determined by the Secretary of
14 the Interior; 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
22 credited to, and form a part of, the Fund.

1 **SEC. 4. OFFSET.**

2 It is the sense of Congress that the costs of carrying
3 out this Act should be offset.

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