

116TH CONGRESS  
2D SESSION

# H. R. 7092

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2020

Mr. CUNNINGHAM (for himself, Mr. FITZPATRICK, Ms. SHERRILL, Mr. SIMPSON, Mr. COX of California, Mr. KATKO, Ms. TORRES SMALL of New Mexico, Mr. ZELDIN, Ms. KENDRA S. HORN of Oklahoma, Mr. STIVERS, Mr. GOLDEN, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and 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

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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 Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent,

dedicated funding for the Land and Water Conservation 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 “Great American Out-  
 5 doors Act”.

6 **SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RES-**  
 7 **TORATION FUND.**

8       (a) IN GENERAL.—Subtitle II of title 54, United  
 9 States Code, is amended by inserting after chapter 2003  
 10 the following:

11 **“CHAPTER 2004—NATIONAL PARKS AND**  
 12 **PUBLIC LAND LEGACY RESTORATION**  
 13 **FUND**

“Sec.

“200401. Definitions.

“200402. National Parks and Public Land Legacy Restoration Fund.

14 **“§ 200401. Definitions**

15       “In this chapter:

16               “(1) ASSET.—The term ‘asset’ means any real  
 17 property, including any physical structure or group-  
 18 ing of structures, landscape, trail, or other tangible  
 19 property, that—

20                       “(A) has a specific service or function; and

1           “(B) is tracked and managed as a distinct,  
2           identifiable entity by the applicable covered  
3           agency.

4           “(2) COVERED AGENCY.—The term ‘covered  
5           agency’ means—

6                   “(A) the Service;

7                   “(B) the United States Fish and Wildlife  
8           Service;

9                   “(C) the Forest Service;

10                  “(D) the Bureau of Land Management;  
11           and

12                  “(E) the Bureau of Indian Education.

13           “(3) FUND.—The term ‘Fund’ means the Na-  
14           tional Parks and Public Land Legacy Restoration  
15           Fund established by section 200402(a).

16           “(4) PROJECT.—The term ‘project’ means any  
17           activity to reduce or eliminate deferred maintenance  
18           of an asset, which may include resolving directly re-  
19           lated infrastructure deficiencies of the asset that  
20           would not by itself be classified as deferred mainte-  
21           nance.

22   **“§ 200402. National Parks and Public Land Legacy**  
23                   **Restoration Fund**

24           “(a) ESTABLISHMENT.—There is established in the  
25   Treasury of the United States a fund to be known as the

1 ‘National Parks and Public Land Legacy Restoration  
2 Fund’.

3 “(b) DEPOSITS.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), for each of fiscal years 2021 through  
6 2025, there shall be deposited in the Fund an  
7 amount equal to 50 percent of all energy develop-  
8 ment revenues due and payable to the United States  
9 from oil, gas, coal, or alternative or renewable en-  
10 ergy development on Federal land and water cred-  
11 ited, covered, or deposited as miscellaneous receipts  
12 under Federal law in the preceding fiscal year.

13 “(2) MAXIMUM AMOUNT.—The amount depos-  
14 ited in the Fund under paragraph (1) shall not ex-  
15 ceed \$1,900,000,000 for any fiscal year.

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

19 “(A) are due to the United States, special  
20 funds, trust funds, or States from mineral and  
21 energy development on Federal land and water;  
22 or

23 “(B) have been otherwise appropriated—

24 “(i) under Federal law, including—

1                   “(I) the Gulf of Mexico Energy  
2                   Security Act of 2006 (43 U.S.C. 1331  
3                   note; Public Law 109–432); and

4                   “(II) the Mineral Leasing Act  
5                   (30 U.S.C. 181 et seq.); or

6                   “(ii) from—

7                   “(I) the Land and Water Con-  
8                   servation Fund established under  
9                   chapter 2003; or

10                   “(II) the Historic Preservation  
11                   Fund established under chapter 3031.

12                   “(c) AVAILABILITY OF FUNDS.—Amounts deposited  
13 in the Fund shall be available to the Secretary and the  
14 Secretary of Agriculture, as provided in subsection (e),  
15 without further appropriation or fiscal year limitation.

16                   “(d) INVESTMENT OF AMOUNTS.—

17                   “(1) IN GENERAL.—The Secretary may request  
18 the Secretary of the Treasury to invest any portion  
19 of the Fund that is not, as determined by the Sec-  
20 retary, in consultation with the Secretary of Agri-  
21 culture, 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.—

13                 “(1) IN GENERAL.—Amounts deposited in the  
14          Fund for each fiscal year shall be used for priority  
15          deferred maintenance projects in the System, in the  
16          National Wildlife Refuge System, on public land ad-  
17          ministered by the Bureau of Land Management, for  
18          the Bureau of Indian Education schools, and in the  
19          National Forest System, as follows:

20                         “(A) Seventy percent of the amounts de-  
21                         posited in the Fund for each fiscal year shall be  
22                         allocated to the Service.

23                         “(B) Fifteen percent of the amounts de-  
24                         posited in the Fund for each fiscal year shall be  
25                         allocated to the Forest Service.

1           “(C) Five percent of the amounts depos-  
2           ited in the Fund for each fiscal year shall be al-  
3           located to the United States Fish and Wildlife  
4           Service.

5           “(D) Five percent of the amounts depos-  
6           ited in the Fund for each fiscal year shall be al-  
7           located to the Bureau of Land Management.

8           “(E) Five percent of the amounts depos-  
9           ited in the Fund for each fiscal year shall be al-  
10          located to the Bureau of Indian Education.

11          “(2) LIMITATIONS.—

12           “(A) NON-TRANSPORTATION PROJECTS.—  
13           Over the term of the Fund, within each covered  
14           agency, not less than 65 percent of amounts  
15           from the Fund shall be allocated for non-trans-  
16           portation projects.

17           “(B) TRANSPORTATION PROJECTS.—The  
18           amounts remaining in the Fund after the allo-  
19           cations required under subparagraph (A) may  
20           be allocated for transportation projects of the  
21           covered agencies, including paved and unpaved  
22           roads, bridges, tunnels, and paved parking  
23           areas.

24           “(C) PLAN.—Any priority deferred mainte-  
25           nance project funded under this section shall be

1 consistent with an applicable transportation, de-  
2 ferred maintenance, or capital improvement  
3 plan developed by the applicable covered agen-  
4 cy.

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

7 “(1) for land acquisition;

8 “(2) to supplant discretionary funding made  
9 available for annually recurring facility operations,  
10 maintenance, and construction needs; or

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

13 “(g) SUBMISSION OF PRIORITY LIST OF PROJECTS  
14 TO CONGRESS.—Not later than 90 days after the date of  
15 enactment of this section, the Secretary and the Secretary  
16 of Agriculture shall submit to the Committees on Energy  
17 and Natural Resources and Appropriations of the Senate  
18 and the Committees on Natural Resources and Appropria-  
19 tions of the House of Representatives a list of projects  
20 to be funded for fiscal year 2021 that—

21 “(1) are identified by the Secretary and the  
22 Secretary of Agriculture as priority deferred mainte-  
23 nance projects; and

24 “(2) as of the date of the submission of the list,  
25 are ready to be implemented.

1       “(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO  
2 CONGRESS.—Until the date on which all of the amounts  
3 in the Fund are expended, the President shall annually  
4 submit to Congress, together with the annual budget of  
5 the United States, a list of projects to be funded from  
6 the Fund that includes a detailed description of each  
7 project, including the estimated expenditures from the  
8 Fund for the project for the applicable fiscal year.

9       “(i) ALTERNATE ALLOCATION.—

10           “(1) IN GENERAL.—Appropriations Acts may  
11 provide for alternate allocation of amounts made  
12 available under this section, consistent with the allo-  
13 cations to covered agencies under subsection (e)(1).

14           “(2) ALLOCATION BY PRESIDENT.—

15           “(A) NO ALTERNATE ALLOCATIONS.—If  
16 Congress has not enacted legislation estab-  
17 lishing alternate allocations by the date on  
18 which the Act making full-year appropriations  
19 for the Department of the Interior, Environ-  
20 ment, and Related Agencies for the applicable  
21 fiscal year is enacted into law, amounts made  
22 available under subsection (c) shall be allocated  
23 by the President.

24           “(B) INSUFFICIENT ALTERNATE ALLOCA-  
25 TION.—If Congress enacts legislation estab-

1           lishing alternate allocations for amounts made  
2           available under subsection (c) that are less than  
3           the full amount appropriated under that sub-  
4           section, the difference between the amount ap-  
5           propriated and the alternate allocation shall be  
6           allocated by the President.

7           “(j) PUBLIC DONATIONS.—

8                   “(1) IN GENERAL.—The Secretary and the Sec-  
9           retary of Agriculture may accept public cash or in-  
10          kind donations that advance efforts—

11                           “(A) to reduce the deferred maintenance  
12          backlog; and

13                           “(B) to encourage relevant public-private  
14          partnerships.

15                   “(2) CREDITS TO FUND.—Any cash donations  
16          accepted under paragraph (1) shall be—

17                           “(A) credited to, and form a part of, the  
18          Fund; and

19                           “(B) allocated to the covered agency for  
20          which the donation was made.

21                   “(3) OTHER ALLOCATIONS.—Any donations al-  
22          located to a covered agency under paragraph (2)(B)  
23          shall be allocated to the applicable covered agency  
24          independently of the allocations under subsection  
25          (e)(1).

1       “(k) REQUIRED CONSIDERATION FOR ACCESSI-  
2 BILITY.—In expending amounts from the Fund, the Sec-  
3 retary and the Secretary of Agriculture shall incorporate  
4 measures to improve the accessibility of assets and accom-  
5 modate visitors and employees with disabilities in accord-  
6 ance with applicable law.”.

7       (b) CLERICAL AMENDMENT.—The table of chapters  
8 for subtitle II of title 54, United States Code, is amended  
9 by inserting after the item relating to chapter 2003 the  
10 following:

“2004. National Parks and Public Land Legacy Restoration Fund ....200401”.

11       (c) GAO STUDY.—Not later than 5 years after the  
12 date of enactment of this Act, the Comptroller General  
13 of the United States shall—

14           (1) conduct a study on the implementation of  
15 this section and the amendments made by this sec-  
16 tion, including whether this section and the amend-  
17 ments made by this section have effectively reduced  
18 the priority deferred maintenance backlog of the cov-  
19 ered agencies (as that term is defined in section  
20 200401 of title 54, United States Code); and

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

1 **SEC. 3. PERMANENT FULL FUNDING OF THE LAND AND**  
2 **WATER CONSERVATION FUND.**

3 (a) IN GENERAL.—Section 200303 of title 54, United  
4 States Code, is amended to read as follows:

5 **“§ 200303. Availability of funds**

6 “(a) IN GENERAL.—Any amounts deposited in the  
7 Fund under section 200302 for fiscal year 2020 and each  
8 fiscal year thereafter shall be made available for expendi-  
9 ture for fiscal year 2021 and each fiscal year thereafter,  
10 without further appropriation or fiscal year limitation, to  
11 carry out the purposes of the Fund (including accounts  
12 and programs made available from the Fund pursuant to  
13 the Further Consolidated Appropriations Act, 2020 (Pub-  
14 lic Law 116–94; 133 Stat. 2534)).

15 “(b) ADDITIONAL AMOUNTS.—Amounts made avail-  
16 able under subsection (a) shall be in addition to amounts  
17 made available to the Fund under section 105 of the Gulf  
18 of Mexico Energy Security Act of 2006 (43 U.S.C. 1331  
19 note; Public Law 109–432) or otherwise appropriated  
20 from the Fund.

21 “(c) ALLOCATION AUTHORITY.—

22 “(1) SUBMISSION OF COST ESTIMATES.—The  
23 President shall submit to Congress detailed account,  
24 program, and project allocations of the full amount  
25 made available under subsection (a)—

1           “(A) for fiscal year 2021, not later than  
2           90 days after the date of enactment of the  
3           Great American Outdoors Act; and

4           “(B) for each fiscal year thereafter, as  
5           part of the annual budget submission of the  
6           President.

7           “(2) ALTERNATE ALLOCATION.—

8           “(A) IN GENERAL.—Appropriations Acts  
9           may provide for alternate allocation of amounts  
10          made available under subsection (a), including  
11          allocations by account, program, and project.

12          “(B) ALLOCATION BY PRESIDENT.—

13                 “(i) NO ALTERNATE ALLOCATIONS.—  
14                 If Congress has not enacted legislation es-  
15                 tablishing alternate allocations by the date  
16                 on which the Act making full-year appro-  
17                 priations for the Department of the Inte-  
18                 rior, Environment, and Related Agencies  
19                 for the applicable fiscal year is enacted  
20                 into law, amounts made available under  
21                 subsection (a) shall be allocated by the  
22                 President.

23                 “(ii) INSUFFICIENT ALTERNATE AL-  
24                 LOCATION.—If Congress enacts legislation  
25                 establishing alternate allocations for

1 amounts made available under subsection  
2 (a) that are less than the full amount ap-  
3 propriated under that subsection, the dif-  
4 ference between the amount appropriated  
5 and the alternate allocation shall be allo-  
6 cated by the President.

7 “(3) RECREATIONAL PUBLIC ACCESS.—  
8 Amounts expended from the Fund under this section  
9 shall be consistent with the requirements for rec-  
10 reational public access for hunting, fishing, rec-  
11 reational shooting, or other outdoor recreational pur-  
12 poses under section 200306(c).

13 “(4) ANNUAL REPORT.—The President shall  
14 submit to Congress an annual report that describes  
15 the final allocation by account, program, and project  
16 of amounts made available under subsection (a), in-  
17 cluding a description of the status of obligations and  
18 expenditures.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 200302(c) of title 54, United States  
21 Code, is amended by striking paragraph (3).

22 (2) Section 200306(a)(2)(B) of title 54, United  
23 States Code, is amended by striking clause (iii).

24 (c) CLERICAL AMENDMENT.—The table of sections  
25 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. Availability of funds.”.

○