

116TH CONGRESS  
1ST SESSION

# S. 500

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

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

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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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Restore Our Parks  
3 Act”.

4 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**  
5 **FUND.**

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

9 **“§ 104908. National Park Service Legacy Restoration**  
10 **Fund**

11 “(a) DEFINITIONS.—In this section:

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

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

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

22 “(c) DEPOSITS.—

23 “(1) IN GENERAL.—Except as provided in para-  
24 graph (2), for each of fiscal years 2019 through  
25 2023, there shall be deposited in the Fund an  
26 amount equal to 50 percent of all energy develop-

1       ment revenues due and payable to the United States  
2       from oil, gas, coal, or alternative or renewable en-  
3       ergy development on Federal land and water that  
4       would otherwise be credited, covered, or deposited as  
5       miscellaneous receipts under Federal law.

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

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

12               “(A) are due to the United States, special  
13       funds, trust funds, or States from mineral and  
14       energy development on Federal land and water;  
15       or

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

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

25               “(e) INVESTMENT OF AMOUNTS.—

1           “(1) IN GENERAL.—The Secretary may request  
2           the Secretary of the Treasury to invest any portion  
3           of the Fund that is not, as determined by the Sec-  
4           retary, required to meet the current needs of the  
5           Fund.

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

9                   “(A) with a maturity suitable to the needs  
10                  of the Fund, as determined by the Secretary;  
11                  and

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

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

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

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

4                   “(A) historic structures, facilities, and  
5 other historic assets;

6                   “(B) structures, facilities, and other non-  
7 historic assets that relate directly to the visitor  
8 experience, including—

9                           “(i) access, including making facilities  
10 accessible to visitors with disabilities;

11                           “(ii) health and safety; and

12                           “(iii) recreation; and

13                   “(C) administrative facilities, water and  
14 utility systems, and employee housing.

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

19                   “(A) the transportation program under  
20 section 203 of title 23; or

21                   “(B) any similar Federal land highway  
22 program administered by the Secretary of  
23 Transportation.

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

1           “(1) for land acquisition;

2           “(2) to supplant discretionary funding made  
3 available for the annually recurring facility oper-  
4 ations, maintenance, and construction needs of the  
5 Service; or

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

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

12           “(1) a list of each project that—

13           “(A) as of the date of enactment of this  
14 section, is identified by the Secretary as a high-  
15 est-priority deferred maintenance project of the  
16 Service; and

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

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

1       “(i) SUBMISSION TO CONGRESS.—The Secretary  
2 shall submit to the Committee on Energy and Natural Re-  
3 sources of the Senate and the Committee on Natural Re-  
4 sources of the House of Representatives, as part of the  
5 annual budget submission of the President—

6               “(1) a report that describes, and provides an  
7 explanation for, any cost overruns or delays relating  
8 to deferred maintenance projects carried out using  
9 amounts from the Fund for the previous fiscal year;  
10 and

11               “(2) a list of projects for which the amounts in  
12 the Fund are allocated under this section, including  
13 a description and cost-benefit analysis of each  
14 project, after considering the list and schedules sub-  
15 mitted under subsection (h).

16       “(j) PUBLIC DONATIONS.—

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

20                       “(A) to reduce the deferred maintenance  
21 backlog of the Service; and

22                       “(B) to encourage relevant public-private  
23 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  
5           under paragraph (1) that is used for, or directly re-  
6           lated to, the reduction of the deferred maintenance  
7           backlog of the Service shall be included with the an-  
8           nual budget submission of the President to Con-  
9           gress.

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

17                 “(1) any progress with respect to the project,  
18                 including a comparison of the progress with respect  
19                 to other highest-priority deferred maintenance  
20                 projects of the Service;

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

23                 “(3) the projected cyclic maintenance needs of  
24                 the project on completion of the project.”.



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

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

4 **SEC. 3. GAO STUDY.**

5 Not later than 2 years after the date of enactment  
6 of this Act, the Comptroller General of the United States  
7 shall—

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

16 (A) properly estimating the cost for those  
17 projects;

18 (B) adhering to time schedules and cost  
19 projections for those projects;

20 (C) properly prioritizing deferred mainte-  
21 nance projects; and

22 (D) properly moving completed projects off  
23 of the high-priority deferred maintenance list of  
24 the National Park Service in a timely manner;  
25 and

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

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