

## Calendar No. 438

116TH CONGRESS  
2D SESSION

# S. 3422

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 SENATE OF THE UNITED STATES

MARCH 9, 2020

Mr. GARDNER (for himself, Mr. MANCHIN, Mr. DAINES, Mr. WARNER, Mr. PORTMAN, Ms. CANTWELL, Mr. ALEXANDER, Mr. KING, Mr. BURR, Mr. TESTER, Ms. COLLINS, Mr. UDALL, Mr. BOOZMAN, Mr. SCHUMER, Mr. BLUNT, Ms. HARRIS, Mrs. CAPITO, Mr. PETERS, Mr. TILLIS, Ms. BALDWIN, Ms. MCSALLY, Mr. CASEY, Mr. GRAHAM, Mr. HEINRICH, Mr. BENNET, Mrs. FEINSTEIN, Mr. SANDERS, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. WYDEN, Mr. KAINE, Ms. SINEMA, Ms. ROSEN, Mr. COONS, Ms. SMITH, Ms. HASSAN, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. DURBIN, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. JONES, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Ms. HIRONO, Ms. WARREN, Mr. MURPHY, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. STABENOW, Mr. LEAHY, Mr. MCCONNELL, Mr. MARKEY, and Mr. ROBERTS) introduced the following bill; which was read the first time

MARCH 10, 2020

Read the second time and placed on the calendar

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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-

1 ing of structures, landscape, trail, or other tangible  
2 property, that—

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

4 “(B) is tracked and managed as a distinct,  
5 identifiable entity by the applicable covered  
6 agency.

7 “(2) COVERED AGENCY.—The term ‘covered  
8 agency’ means—

9 “(A) the Service;

10 “(B) the United States Fish and Wildlife  
11 Service;

12 “(C) the Forest Service;

13 “(D) the Bureau of Land Management;  
14 and

15 “(E) the Bureau of Indian Education.

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

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

1 **“§ 200402. National Parks and Public Land Legacy**  
2 **Restoration Fund**

3 “(a) ESTABLISHMENT.—There is established in the  
4 Treasury of the United States a fund to be known as the  
5 ‘National Parks and Public Land Legacy Restoration  
6 Fund’.

7 “(b) DEPOSITS.—

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

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

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

23 “(A) are due to the United States, special  
24 funds, trust funds, or States from mineral and  
25 energy development on Federal land and water;  
26 or

1 “(B) have been otherwise appropriated—

2 “(i) under Federal law, including—

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

6 “(II) the Mineral Leasing Act  
7 (30 U.S.C. 181 et seq.); or

8 “(ii) from—

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

12 “(II) the Historic Preservation  
13 Fund established under chapter 3031.

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

18 “(d) INVESTMENT OF AMOUNTS.—

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

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

4           “(A) with a maturity suitable to the needs  
5 of the Fund, as determined by the Secretary;  
6 and

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

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

15           “(e) USE OF FUNDS.—

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

23           “(A) 70 percent of the amounts deposited  
24 in the Fund for each fiscal year shall be allo-  
25 cated to the Service.

1           “(B) 15 percent of the amounts deposited  
2 in the Fund for each fiscal year shall be allo-  
3 cated to the Forest Service.

4           “(C) 5 percent of the amounts deposited in  
5 the Fund for each fiscal year shall be allocated  
6 to the United States Fish and Wildlife Service.

7           “(D) 5 percent of the amounts deposited in  
8 the Fund for each fiscal year shall be allocated  
9 to the Bureau of Land Management.

10           “(E) 5 percent of the amounts deposited in  
11 the Fund for each fiscal year shall be allocated  
12 to the Bureau of Indian Education.

13           “(2) LIMITATIONS.—

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

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

1           “(C) PLAN.—Any priority deferred mainte-  
2 nance project funded under this section shall be  
3 consistent with an applicable transportation, de-  
4 ferred maintenance, or capital improvement  
5 plan developed by the applicable covered agen-  
6 cy.

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

9           “(1) for land acquisition;

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

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

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

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



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

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

11          “(i) ALTERNATE ALLOCATION.—

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

16          “(2) ALLOCATION BY PRESIDENT.—

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

1           “(B) INSUFFICIENT ALTERNATE ALLOCA-  
2           TION.—If Congress enacts legislation estab-  
3           lishing alternate allocations for amounts made  
4           available under subsection (c) that are less than  
5           the full amount appropriated under that sub-  
6           section, the difference between the amount ap-  
7           propriated and the alternate allocation shall be  
8           allocated by the President.

9           “(j) PUBLIC DONATIONS.—

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

13                   “(A) to reduce the deferred maintenance  
14                   backlog; and

15                   “(B) to encourage relevant public-private  
16                   partnerships.

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

19                   “(A) credited to, and form a part of, the  
20                   Fund; and

21                   “(B) allocated to the covered agency for  
22                   which the donation was made.

23           “(3) OTHER ALLOCATIONS.—Any donations al-  
24           located to a covered agency under paragraph (2)(B)  
25           shall be allocated to the applicable covered agency

1 independently of the allocations under subsection  
2 (e)(1).

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

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

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

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

16 (1) conduct a study on the implementation of  
17 this section and the amendments made by this sec-  
18 tion, including whether this section and the amend-  
19 ments made by this section have effectively reduced  
20 the priority deferred maintenance backlog of the cov-  
21 ered agencies (as that term is defined in section  
22 200401 of title 54, United States Code); and

23 (2) submit to Congress a report that describes  
24 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.”.

Calendar No. 438

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 3422**

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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.

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