

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PORTMAN

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restore Our Parks  
5 Act”.

6 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**  
7 **FUND.**

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

1 **“§ 104908. National park service legacy restoration**  
2 **fund**

3 “(a) DEFINITIONS.—In this section:

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

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

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

14 “(c) DEPOSITS.—

15 “(1) IN GENERAL.—Except as provided in para-  
16 graph (2), for each of fiscal years 2019 through  
17 2023, there shall be deposited in the Fund an  
18 amount equal to 50 percent of all energy develop-  
19 ment revenues due and payable to the United States  
20 from oil, gas, coal, or alternative or renewable en-  
21 ergy development on Federal land and water that  
22 would otherwise be credited, covered, or deposited as  
23 miscellaneous receipts under Federal law.

24 “(2) MAXIMUM AMOUNT.—The amount depos-  
25 ited in the Fund under paragraph (1) shall not ex-  
26 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.

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

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

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

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

21                         “(B) structures, facilities, and other non-  
22                         historic assets that relate directly to the visitor  
23                         experience, including—

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

1 “(ii) health and safety; and

2 “(iii) recreation; and

3 “(C) administrative facilities, water and  
4 utility systems, and employee housing.

5 “(2) The remaining amounts in the Fund may  
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 “(g) PROHIBITED USE OF FUNDS.—No amounts in  
15 the Fund shall be used—

16 “(1) for land acquisition;

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

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

23 “(h) SUBMISSION TO CONGRESS.—The Secretary  
24 shall submit to the Committee on Energy and Natural Re-  
25 sources of the Senate and the Committee on Natural Re-

1 sources of the House of Representatives, as part of the  
2 annual budget submission of the President, a list of  
3 projects for which the amounts in the Fund are allocated  
4 under this section, including a description of each project.

5 “(i) PUBLIC DONATIONS.—

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

9 “(A) to reduce the deferred maintenance  
10 backlog of the Service; 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  
17 under paragraph (1) that is used for, or directly re-  
18 lated to, the reduction of the deferred maintenance  
19 backlog of the Service shall be included with the an-  
20 nual budget submission of the President to Con-  
21 gress.”.

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

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