

S.L.C. 

116TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

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. SILAHEEN, Mr. BLUMENTHAL, Mr. JONES, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Ms. HIRONO, Ms. WARREN, Mr. MURPHY, Ms. KLOBUCHAR, Ms. DUCKWORTH, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on _____

Mr. Leahy

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 (c),
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 “(c) 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) 70 percent of the amounts deposited
21 in the Fund for each fiscal year shall be allo-
22 cated to the Service.

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

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

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

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

10 “(2) LIMITATIONS.—

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

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

23 “(C) PLAN.—Any priority deferred mainte-
24 nance project funded under this section shall be
25 consistent with an applicable transportation, de-

1 ferred maintenance, or capital improvement
2 plan developed by the applicable covered agen-
3 cy.

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

6 “(1) for land acquisition;

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

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

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

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

23 “(2) as of the date of the submission of the list,
24 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 Fund200401”.

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.”.