AMENDMENT NO._____ Calendar No._____

Purpose: To modify the sources of funds for the National Parks and Public Land Legacy Restoration Fund.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ENZI

Viz:

Strike section 2 and insert the following:

SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND.

(a) ESTABLISHMENT.—

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

"CHAPTER 2004—NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

''Sec.
''200401. Definitions.
''200402. National Parks and Public Land Legacy Restoration Fund.

"§ 200401. Definitions

''In this chapter:

''(1) ASSET.—The term 'asset' means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

''(A) has a specific service or function; and

''(B) is tracked and managed as a distinct, identifiable entity by the applicable covered agency.

''(2) COVERED AGENCY.—The term 'covered agency' means—

''(A) the Service;

''(B) the United States Fish and Wildlife Service;

''(C) the Forest Service;

''(D) the Bureau of Land Management; and

''(E) the Bureau of Indian Education.

''(3) FUND.—The term 'Fund' means the National Parks and Public Land Legacy Restoration Fund established by section 200402(a).

''(4) PROJECT.—The term 'project' means any activity to reduce or eliminate deferred maintenance of an asset, which may include resolving directly related infrastructure deficiencies of the asset that would not by itself be classified as deferred maintenance.

"§ 200402. National Parks and Public Land Legacy Restoration Fund

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Parks and Public Land Legacy Restoration Fund'.

''(b) DEPOSITS.—

''(1) IN GENERAL.—Beginning on the date that is 30 days after the date of enactment of this section, there shall be deposited in the Fund—

''(A) from fees collected under section 803(e) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(e)), $5 per entrance fee (as defined in section 802 of that Act (16 U.S.C. 6801)), adjusted annually for inflation;

"(B) from fees for the America the Beautiful—the National Parks and Federal Recreational Lands Pass collected under subsection (a) of section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804) (excluding any fees for a discounted pass collected under subsection (b) of that section), $20 per each nondiscounted America the Beautiful—the National Parks and Federal Recreational Lands Pass;

"(C) from fees collected under subparagraph (B)(i)(III) of section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) for use of the electronic system for travel authorization established under subparagraph (A) of that section, $16 per travel authorization, adjusted annually for inflation; and

"(D) from fees collected under section 22.1 of title 22, Code of Federal Regulations, for visa applications submitted by nonimmigrants seeking temporary admission to the United States for businesses or pleasure under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) (commonly

referred to as B–1 and B–2 visas), $25 per application, adjusted annually for inflation.

"(2) INCREASE IN PARK ENTRANCE FEES AND THE AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

"(A) INCREASE IN PARK ENTRANCE FEES.—

"(i) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall increase each entrance fee (as defined in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)) established for a System unit under section 803(e) of that Act (16 U.S.C. 6802(e)) by $5.

"(ii) ADJUSTMENTS FOR INFLATION.—The Secretary shall annually adjust the increase in the amount of each entrance fee required under clause (i) for inflation.

"(B) INCREASE IN AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

"(i) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary and the Secretary of Agriculture, acting jointly (referred to in this subparagraph as the 'Secretaries'), shall increase the fee for the America the Beautiful—the National Parks and Federal Recreational Lands Pass (as established under section 805(a)(5) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(5)) (excluding any fee for a discounted pass made available under subsection (b) of that section) by $20.

"(ii) ADJUSTMENT FOR INFLATION.—The Secretaries shall annually adjust the increase in the amount of the fee required under clause (i) for inflation.

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

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Sec-

retary, in consultation with the Secretary of Agriculture, required to meet the current needs of the Fund.

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

''(A) with a maturity suitable to the needs of the Fund, as determined by the Secretary; and

''(B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(3) CREDITS TO FUND.—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—Amounts deposited in the Fund for each fiscal year shall be used for priority deferred maintenance projects in the System, in the National Wildlife Refuge System, on public land administered by the Bureau of Land Management, for the Bureau of Indian Education schools, and in the National Forest System, as follows:

''(A) 70 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Service.

''(B) 15 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Forest Service.

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

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

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

''(2) LIMITATIONS.—

''(A) NON-TRANSPORTATION PROJECTS.—Over the term of the Fund, within each covered agency, not less than 65 percent of amounts from the Fund shall be allocated for non-transportation projects.

''(B) TRANSPORTATION PROJECTS.—The amounts remaining in the Fund after the allocations required under subparagraph (A) may be allocated for transportation projects of the

covered agencies, including paved and unpaved roads, bridges, tunnels, and paved parking areas.

''(C) PLAN.—Any priority deferred maintenance project funded under this section shall be consistent with an applicable transportation, deferred maintenance, or capital improvement plan developed by the applicable covered agency.

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

''(1) for land acquisition;

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

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

''(g) SUBMISSION OF PRIORITY LIST OF PROJECTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Secretary and the Secretary of Agriculture shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a list of projects to be funded for fiscal year 2021 that—

''(1) are identified by the Secretary and the Secretary of Agriculture as priority deferred maintenance projects; and

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

''(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO CONGRESS.—The President shall annually submit to Congress, together with the annual budget of the United States, a list of projects to be funded from the Fund that includes a detailed description of each project, including the estimated expenditures from the Fund for the project for the applicable fiscal year.

''(i) ALTERNATE ALLOCATION.—

''(1) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under this section, consistent with the allocations to covered agencies under subsection (e)(1).

''(2) ALLOCATION BY PRESIDENT.—

''(A) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made

available under subsection (c) shall be allocated by the President.

''(B) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (c) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

''(j) PUBLIC DONATIONS.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture may accept public cash or in-kind donations that advance efforts—

''(A) to reduce the deferred maintenance backlog; and

''(B) to encourage relevant public-private partnerships.

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

''(A) credited to, and form a part of, the Fund; and

''(B) allocated to the covered agency for which the donation was made.

''(3) OTHER ALLOCATIONS.—Any donations allocated to a covered agency under paragraph (2)(B) shall be allocated to the applicable covered agency independently of the allocations under subsection (e)(1).

''(k) REQUIRED CONSIDERATION FOR ACCESSIBILITY.—In expending amounts from the Fund, the Secretary and the Secretary of Agriculture shall incorporate measures to improve the accessibility of assets and accommodate visitors and employees with disabilities in accordance with applicable law.''.

(2) CLERICAL AND CONFORMING AMENDMENTS.—

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

''2004. National Parks and Public Land Legacy Restoration Fund ....200401''.

(B) CONFORMING AMENDMENT.—Section 805(b)(1)(A)(ii) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)(1)(A)(ii)) is amended by inserting before the period at the end the following: ''(excluding the portion of the cost of the America the Beautiful—the National Parks and Federal Recreational Lands Pass that is attributable to

the increase under section 200402(b)(2)(B)(i) of title 54, United States Code)''.

(b) INCREASE IN CERTAIN VISA APPLICATION FEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall amend section 22.1 of title 22, Code of Federal Regulations, to increase the application fee for visa applications submitted by nonimmigrants seeking temporary admission to the United States for businesses or pleasure under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) (commonly referred to as B–1 and B–2 visas) by $25 per application, which amount shall be adjusted annually for inflation.

(c) INCREASE IN FEES FOR USE OF THE ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), in the second sentence, by striking ''The initial fee shall be the sum of—'' and inserting the following: ''Beginning on the date that is 30 days after the date of enactment of the Great American Outdoors Act, the fee collected under this

subparagraph shall be an amount that is equal to the sum of—'';

(B) by striking subclause (I) and inserting the following:

''(I) an amount not to exceed $17, as determined by the Secretary, which shall be for disposition in accordance with clause (ii)(I);'';

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) $16 per travel authorization, adjusted annually for inflation, for disposition in accordance with section 200402(b)(1)(C) of title 54, United States Code.''; and

(2) in clause (ii)—

(A) in the first sentence, by striking ''Amounts'' and inserting the following:

''(I) TRAVEL PROMOTION FUND.—Amounts''; and

(B) in subclause (I) (as so designated), in the second sentence, by striking ''Amounts'' and inserting the following:

"(II) FEES FOR THE SYSTEM.—Amounts".

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

(1) conduct a study on the implementation of this section and the amendments made by this section, including whether this section and the amendments made by this section have effectively reduced the priority deferred maintenance backlog of the covered agencies (as that term is defined in section 200401 of title 54, United States Code); and

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