

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

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

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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 “Great American Out-
3 doors Act”.

4 **SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RES-**
5 **TORATION FUND.**

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

9 **“CHAPTER 2004—NATIONAL PARKS AND**
10 **PUBLIC LAND LEGACY RESTORATION**
11 **FUND**

“Sec.

“200401. Definitions.

“200402. National Parks and Public Land Legacy Restoration Fund.

12 **“§ 200401. Definitions**

13 “In this chapter:

14 “(1) ASSET.—The term ‘asset’ means any real
15 property, including any physical structure or group-
16 ing of structures, landscape, trail, or other tangible
17 property that—

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

19 “(B) is tracked and managed as a distinct,
20 identifiable entity by the applicable covered
21 agency.

22 “(2) COVERED AGENCY.—The term ‘covered
23 agency’ means—

24 “(A) the Service;

1 “(B) the United States Fish and Wildlife
2 Service;

3 “(C) the Forest Service;

4 “(D) the Bureau of Land Management;
5 and

6 “(E) the Bureau of Indian Education.

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

10 “(4) PROJECT.—The term ‘project’ means any
11 activity to reduce or eliminate deferred maintenance
12 of an asset, which may include resolving directly re-
13 lated infrastructure deficiencies of the asset that
14 would not by itself be classified as deferred mainte-
15 nance.

16 **“§ 200402. National Parks and Public Land Legacy**
17 **Restoration Fund**

18 “(a) ESTABLISHMENT.—There is established in the
19 Treasury of the United States a fund to be known as the
20 ‘National Parks and Public Land Legacy Restoration
21 Fund’.

22 “(b) DEPOSITS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), for each of fiscal years 2021 through
25 2025, there shall be deposited in the Fund an

1 amount equal to 50 percent of all energy develop-
2 ment revenues due and payable to the United States
3 from oil, gas, coal, or alternative or renewable en-
4 ergy development on Federal land and water cred-
5 ited, covered, or deposited as miscellaneous receipts
6 under Federal law in the preceding fiscal year.

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

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

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

17 “(B) have been otherwise appropriated—

18 “(i) under Federal law, including—

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

22 “(II) the Mineral Leasing Act
23 (30 U.S.C. 181 et seq.); or

24 “(ii) from—

1 “(I) the Land and Water Con-
2 servation Fund established under
3 chapter 2003; or

4 “(II) the Historic Preservation
5 Fund established under chapter 3031.

6 “(c) AVAILABILITY OF FUNDS.—Amounts deposited
7 in the Fund shall be available to the Secretary of the Inte-
8 rior and the Secretary of Agriculture, as provided in sub-
9 section (e), without further appropriation or fiscal year
10 limitation.

11 “(d) INVESTMENT OF AMOUNTS.—

12 “(1) IN GENERAL.—The Secretary may request
13 the Secretary of the Treasury to invest any portion
14 of the Fund that is not, as determined by the Sec-
15 retary, in consultation with the Secretary of Agri-
16 culture, required to meet the current needs of the
17 Fund.

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

21 “(A) with a maturity suitable to the needs
22 of the Fund, as determined by the Secretary;
23 and

24 “(B) bearing interest at a rate determined
25 by the Secretary of the Treasury, taking into

1 consideration current market yields on out-
2 standing marketable obligations of the United
3 States of comparable maturity.

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

7 “(e) USE OF FUNDS.—

8 “(1) IN GENERAL.—Amounts deposited in the
9 Fund for each fiscal year shall be used for priority
10 deferred maintenance projects in the System, Na-
11 tional Wildlife Refuge System, public land adminis-
12 tered by the Bureau of Land Management, Bureau
13 of Indian Education schools, and the National For-
14 est System, as follows:

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

18 “(B) 10 percent of the amounts deposited
19 in the Fund for each fiscal year shall be allo-
20 cated to the United States Fish and Wildlife
21 Service.

22 “(C) 10 percent of the amounts deposited
23 in the Fund for each fiscal year shall be allo-
24 cated to the Forest Service.

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

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

7 “(2) LIMITATIONS.—

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

13 “(B) TRANSPORTATION PROJECTS.—The
14 remaining amounts in the Fund may be allo-
15 cated for transportation projects of the covered
16 agencies, including paved and unpaved roads,
17 bridges, tunnels, and paved parking areas.

18 “(C) PLAN.—Any priority deferred mainte-
19 nance project funded under this section shall be
20 consistent with any transportation, deferred
21 maintenance, or capital improvement plan de-
22 veloped by the applicable covered agency.

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

25 “(1) for land acquisition;

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

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

6 “(g) SUBMISSION OF PRIORITY LIST OF PROJECTS
7 TO CONGRESS.—Not later than 180 days after the date
8 of enactment of this section, the Secretary and the Sec-
9 retary of Agriculture shall submit to the Committees on
10 Energy and Natural Resources and Appropriations of the
11 Senate and the Committees on Natural Resources and Ap-
12 propriations of the House of Representatives a list of
13 projects that—

14 “(1) are identified by the Secretary and the
15 Secretary of Agriculture as priority deferred mainte-
16 nance projects; and

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

19 “(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO
20 CONGRESS.—Until the date on which all of the amounts
21 in the Fund are expended, the President shall submit to
22 Congress, together with the annual budget of the United
23 States, a list of projects to be funded from the Fund that
24 includes a detailed description of each project, including

1 the estimated expenditures from the Fund for the project
2 for the applicable fiscal year.

3 “(i) PUBLIC DONATIONS.—

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

7 “(A) to reduce the deferred maintenance
8 backlog; and

9 “(B) to encourage relevant public-private
10 partnerships.

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

13 “(A) credited to, and form a part of, the
14 Fund; and

15 “(B) allocated to the covered agency for
16 which the donation was made.

17 “(3) OTHER ALLOCATIONS.—Any donations al-
18 located to a covered agency under paragraph (2)(B)
19 shall be allocated to the applicable covered agency
20 independently of the allocations under (e)(1).

21 “(j) REQUIRED CONSIDERATION FOR ACCESSI-
22 BILITY.—In expending amounts from the Fund, the Sec-
23 retary and the Secretary of Agriculture shall incorporate
24 measures to improve the accessibility of assets and accom-

1 modate visitors and employees with disabilities in accord-
 2 ance with applicable law.”.

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

“2004. National Parks and Public Land Legacy Restoration Fund200401”.

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

10 (1) conduct a study on the implementation of
 11 this Act and the amendments made by this section,
 12 including whether this section and the amendments
 13 made by this section have effectively reduced the pri-
 14 ority deferred maintenance backlog of the covered
 15 agencies (as that term is defined in section 200401
 16 of title 54, United States Code); and

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

19 **SEC. 3. PERMANENT FULL FUNDING OF THE LAND AND**
 20 **WATER CONSERVATION FUND.**

21 (a) IN GENERAL.—Section 200303 of title 54, United
 22 States Code, is amended to read as follows:

23 **“§ 200303. Availability of funds**

24 “(a) IN GENERAL.—Any amounts deposited in the
 25 Fund under section 200302 for fiscal year 2021 and each

1 fiscal year thereafter shall be made available for expendi-
2 ture, without further appropriation or fiscal year limita-
3 tion, to carry out the purposes of the Fund (including ac-
4 counts and programs made available from the Fund pur-
5 suant to the Further Consolidated Appropriations Act,
6 2020 (Public Law 116–94; 133 Stat. 2534)).

7 “(b) ADDITIONAL AMOUNTS.—Amounts made avail-
8 able under subsection (a) shall be in addition to amounts
9 made available to the Fund under section 105 of the Gulf
10 of Mexico Energy Security Act of 2006 (43 U.S.C. 1331
11 note; Public Law 109–432) or otherwise appropriated
12 from the Fund.

13 “(c) ALLOCATION AUTHORITY.—

14 “(1) SUBMISSION OF COST ESTIMATES.—The
15 President shall submit to Congress detailed account,
16 program, and project allocations of the full amount
17 made available under subsection (a) as part of the
18 annual budget submission of the President.

19 “(2) ALTERNATE ALLOCATION.—

20 “(A) IN GENERAL.—Appropriations Acts
21 may provide for alternate allocation of amounts
22 made available under subsection (a), including
23 allocations by account, program, and project.

24 “(B) ALLOCATION BY PRESIDENT.—

1 “(i) NO ALTERNATE ALLOCATIONS.—
2 If Congress has not enacted legislation es-
3 tablishing alternate allocations by the date
4 on which the Act making appropriations
5 for the Department of the Interior, Envi-
6 ronment, and Related Agencies for the re-
7 mainder of the applicable fiscal year is en-
8 acted into law, amounts made available
9 under subsection (a) shall be allocated by
10 the President.

11 “(ii) INSUFFICIENT ALTERNATE AL-
12 LOCATION.—If Congress enacts legislation
13 establishing alternate allocations for
14 amounts made available under subsection
15 (a) that are less than the full amount ap-
16 propriated under that subsection, the dif-
17 ference between the amount appropriated
18 and the alternate allocation shall be allo-
19 cated by the President.

20 “(3) RECREATIONAL PUBLIC ACCESS.—
21 Amounts expended from the Fund under this section
22 shall be consistent with the requirements for rec-
23 reational public access for hunting, fishing, rec-
24 reational shooting, or other outdoor recreational pur-
25 poses under section 200306(c).

1 “(4) ANNUAL REPORT.—The President shall
2 submit to Congress an annual report that describes
3 the final allocation by account, program, and project
4 of amounts made available under subsection (a), in-
5 cluding a description of the status of obligations and
6 expenditures.”.

7 (b) CONFORMING AMENDMENT.—Section 200302(c)
8 of title 54, United States Code, is amended by striking
9 paragraph (3).

10 (c) CLERICAL AMENDMENT.—The table of sections
11 for chapter 2003 of title 54, United States Code, is
12 amended by striking the item relating to section 200303
13 and inserting the following:

“200303. Availability of funds.”.