

115TH CONGRESS  
1ST SESSION

# S. 751

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 28, 2017

Mr. WARNER (for himself, Mr. PORTMAN, Mr. KING, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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 Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, 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 “National Park Service  
5       Legacy Act of 2017”.

1 **SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION**  
2 **FUND.**

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

6 **“§ 104908. National Park Service Legacy Restoration**  
7 **Fund**

8 “(a) IN GENERAL.—There is established in the  
9 Treasury of the United States a fund, to be known as the  
10 ‘National Park Service Legacy Restoration Fund’ (re-  
11 ferred to in this section as the ‘Fund’).

12 “(b) DEPOSITS.—At the beginning of each applicable  
13 fiscal year, there shall be deposited in the Fund from min-  
14 eral revenues due and payable to the United States that  
15 are not otherwise credited, covered, or deposited under  
16 Federal law—

17 “(1) \$50,000,000 for each of fiscal years 2018,  
18 2019, and 2020;

19 “(2) \$150,000,000 for each of fiscal years  
20 2021, 2022, and 2023;

21 “(3) \$250,000,000 for each of fiscal years  
22 2024, 2025, and 2026; and

23 “(4) \$500,000,000 for each of fiscal years 2027  
24 through 2047.

25 “(c) AVAILABILITY OF FUNDS.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), amounts deposited in the Fund shall be  
3           available to the Service for expenditure without fur-  
4           ther appropriation.

5           “(2) UNOBLIGATED AMOUNTS.—Any amounts  
6           not obligated by the date that is 2 years after the  
7           date on which the amounts are first available shall  
8           be credited to miscellaneous receipts of the Treas-  
9           ury.

10          “(d) USE OF FUNDS.—Amounts in the Fund shall  
11         be used for the high-priority deferred maintenance needs  
12         of the Service, as determined by the Director, as follows:

13                 “(1) 80 percent of amounts in the Fund shall  
14                 be allocated for projects that are not eligible for the  
15                 funding described in subparagraph (A) or (B) of  
16                 paragraph (2) for the repair and rehabilitation of as-  
17                 sets, including—

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

20                         “(B) nonhistoric assets that relate directly  
21                         to visitor—

22                                 “(i) access, including making facilities  
23                                 accessible to visitors with disabilities;

24                                 “(ii) health and safety; and

25                                 “(iii) recreation; and

1           “(C) visitor facilities, water and utility sys-  
2           tems, and employee housing.

3           “(2) 20 percent of amounts in the Fund shall  
4           be allocated to road, bridge, tunnel, or other trans-  
5           portation-related projects that may be eligible for  
6           funding made available to the Service through—

7           “(A) the transportation program under  
8           section 203 of title 23; or

9           “(B) any similar Federal land highway  
10          program administered by the Secretary of  
11          Transportation.

12         “(e) PROHIBITED USE OF FUNDS.—No amounts in  
13         the Fund shall be used—

14                 “(1) for land acquisition; or

15                 “(2) to supplant discretionary funding made  
16                 available for the annually recurring facility oper-  
17                 ations and maintenance needs of the Service.

18         “(f) SUBMISSION OF ANNUAL PROPOSAL.—As part  
19         of the annual budget submission of the Service to the  
20         Committee on Appropriations of the House of Representa-  
21         tives and the Committee on Appropriations of the Senate  
22         (referred to in this section as the ‘Committees’), the Serv-  
23         ice shall submit a prioritized list of deferred maintenance  
24         projects proposed to be funded by amounts in the Fund

1 during the fiscal year for which the budget submission is  
2 made.

3 “(g) CONGRESSIONAL REVIEW.—After review of the  
4 list submitted under subsection (f), the Committees may  
5 provide for the allocation of amounts derived from the  
6 Fund.

7 “(h) PROJECT APPROVAL.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), if, before the beginning of a fiscal year,  
10 the Committees do not alter the allocation of funds  
11 proposed by the Service for that fiscal year, the list  
12 submitted under subsection (f) for that fiscal year  
13 shall be considered approved.

14 “(2) CONTINUING RESOLUTION.—If, before the  
15 beginning of a fiscal year, there is enacted a con-  
16 tinuing resolution or resolutions for a period of—

17 “(A) less than or equal to 120 days, the  
18 Service shall not commit funds to any proposed  
19 high-priority deferred maintenance project until  
20 the date of enactment of a law making appro-  
21 priations for the Service that is not a con-  
22 tinuing resolution; or

23 “(B) more than 120 days, the list sub-  
24 mitted under subsection (f) for that fiscal year  
25 shall be considered approved, unless otherwise

1 provided in the continuing resolution or resolu-  
2 tions.

3 “(i) PUBLIC DONATIONS.—To encourage public-pri-  
4 vate partnerships that will reduce the overall deferred  
5 maintenance costs to the Service, the Secretary and the  
6 Director may accept public cash or in-kind donations by  
7 including on each list submitted to Congress under sub-  
8 section (f) after the date of enactment of this section each  
9 project, regardless of the priority ranking of the project,  
10 that costs—

11 “(1) less than \$2,000,000, with at least a 33-  
12 percent non-Federal cost-share component; or

13 “(2) equal to or more than \$2,000,000, with at  
14 least a 25-percent non-Federal cost-share compo-  
15 nent.”.

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

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

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