H.R. 2

To provide for consistent and reliable authority and funding to meet conservation and deferred maintenance needs affecting lands under the administrative jurisdiction of the Department of the Interior and the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SIMPSON introduced the following bill; which was referred to the
Committee on

A BILL

To provide for consistent and reliable authority and funding to meet conservation and deferred maintenance needs affecting lands under the administrative jurisdiction of the Department of the Interior and the Department of Agriculture, 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 “Land and National
5 Park Deferred Maintenance Act” or the “LAND Act”.

January 24, 2019 (3:54 p.m.)
 SEC. 2. LAND AND WATER CONSERVATION FUND.

(a) REAUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2018, there” and inserting “There”; and

(2) in subsection (c)(1), by striking “through September 30, 2018”.

(b) FUNDING.—Section 200303 of title 54, United States Code, is amended to read as follows:

“§ 200303. Funding

“(a) FUNDING FOR FISCAL YEARS 2020 THROUGH 2029.—From amounts covered into the fund under section 200302 of this chapter—

“(1) $450,000,000 in each fiscal year shall be available for expenditure to carry out the purposes of this Act, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated Appropriations Act, 2017 (Public Law 115–31)); and

“(2) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.
“(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this chapter.”.

(c) ALLOCATION AND USES OF FUNDS.—Section 200304 of title 54, United States Code, is amended—

(1) by striking “There” and inserting “(a) IN GENERAL.—There”; and

(2) by striking the second sentence and inserting the following:

“(b) ALLOCATION OF FUNDS.—Of the total amount made available to the Fund through appropriations or deposited in the Fund under section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)—

“(1) not less than 40 percent shall be used for Federal purposes; and

“(2) not less than 40 percent shall be used to provide financial assistance to States.

“(c) PRIORITIES.—The President shall, as part of the President’s annual budget submission to Congress, submit to Congress detailed account, program, and project allocations for funds made available under paragraph (b)(1). Acts of appropriation may provide alternate allocations for such amounts.
“(d) Prohibition on Use of Eminent Domain.—

No funds made available to a State under this Act may be used for the acquisition of land, water, or an interest in land or water by eminent domain.”.

(d) Recreation Access.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

“(c) Public Access.—Not less than 3 percent of amounts appropriated or expended under this chapter in each fiscal year shall be made available for the fiscal year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes.”.

(e) Conforming Amendments.—Title 54, United States Code—

(1) in section 200302, paragraph (3) of subsection (c) is amended by inserting “or otherwise expended” after “Congress”;

(2) in section 200304—

(A) the first sentence is amended by inserting “or expenditures” after “appropriations”; and

(B) the second sentence is amended by inserting “or expenditures” after “appropriations”;

January 24, 2019 (3:54 p.m.)
(3) in section 200305—

(A) the matter preceding paragraph (1) of subsection (b) is amended by inserting “or otherwise provided” after “appropriated”;

(B) paragraph (1) of subsection (b) is amended by inserting “expenditures” after “appropriations”; and

(C) paragraph (2) of subsection (b) is amended by inserting “expenditure” after “appropriation”; and

(4) in section 200306—

(A) paragraph (1) is amended by inserting “or expended” after “appropriated”; 

(B) in paragraph (2), subparagraph (B)(ii) is amended by inserting “or expended” after “appropriated”;

(C) paragraph (4) is amended by inserting “or expenditures” after “appropriations” each time it appears; and

(D) subsection (b) is amended by inserting “or expenditures” after “Appropriations” each time it appears.

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

“200303. Funding.”.

SEC. 3. NATIONAL PARK SERVICE MAINTENANCE AND RE-
VITALIZATION CONSERVATION FUND.

(a) IN GENERAL.—There is hereby established in the
Treasury a special account to be known as the “National
Park Service and Related Agencies Maintenance and Revi-
talization Conservation Fund”.

(b) AVAILABILITY OF FUNDS.—For each of fiscal
years 2020 through 2029, $450,000,000 shall be available
for expenditure to carry out the purposes of this Act, with-
out further appropriation or fiscal year limitation, to carry
out the purposes of the Fund. Amounts from the Fund
shall not be used for the acquisition of land or interests
in land.

(e) DEPOSITS.—At the beginning of each applicable
fiscal year, there shall be deposited in the Fund
$450,000,000 from mineral revenues due and payable to
the United States that are not otherwise credited, covered,
or deposited under Federal law.

(d) DEPARTMENT OF THE INTERIOR.—Of funds
made available under subsection (b) each fiscal year, the
Secretary of the Interior shall use the following amounts
for priority deferred maintenance needs that support crit-
ical infrastructure and visitor services:
(1) 80 percent of amounts in the Fund shall be allocated for priority deferred maintenance projects, including other infrastructure deficiencies directly related to such deferred maintenance projects, as determined by the Secretary of the Interior and the Director of the National Park Service, with the goal of ensuring overall parity between amounts allocated to transportation and non-transportation projects.

(2) 10 percent of amounts in the Fund shall be allocated for purposes of addressing the national wildlife refuge system maintenance backlog, as determined by the Secretary of the Interior and the Director of the United States Fish and Wildlife Service.

(3) 5 percent of amounts in the Fund shall be allocated for the purposes of addressing the public access and recreation backlog on public lands, as determined by the Secretary of the Interior and the Director of the Bureau of Land Management.

(4) 5 percent of amounts in the Fund shall be for the purposes of addressing the Bureau of Indian Education school construction and deferred maintenance backlogs, as determined by the Secretary of the Interior and the Director of the Bureau of Indian Education.
(c) PROHIBITED USE OF FUNDS.—No amounts in the Fund shall be used—

(1) to supplant discretionary funding made available for the annually recurring facility operations, maintenance, and construction needs of the entities for which amounts from the Fund are allocated under subsection (d); or

(2) for performance awards for Federal employees who are employed in implementing this Act.

(f) SUBMISSION TO CONGRESS.—The Secretary of the Interior shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the Committees on Appropriations and Natural Resources in the House of Representatives, with the annual budget submission of the President, a list of projects for which the amounts in the Fund are allocated under this section, including a description of each such project.

(g) DONATIONS.—

(1) IN GENERAL.—The Secretary of the Interior, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Assistant Secretary of Indian Affairs may accept public cash or in-kind donations that advance efforts—
(A) to reduce the deferred maintenance backlog of the National Park Service, the national wildlife refuge system maintenance backlog of the United States Fish and Wildlife Service, the public access and recreation backlog of the Bureau of Land Management, and the school construction backlog of the Bureau of Indian Education, respectively; and

(B) to encourage relevant public-private partnerships.

(2) CREDITS TO FUND.—Any cash donations accepted under paragraph (1) shall be credited to, and form a part of, the Fund.

(3) REPORTING.—Each donation received under paragraph (1) that is used for, or directly related to, the reduction of the deferred maintenance backlog of the National Park Service, the national wildlife refuge system maintenance backlog of the United States Fish and Wildlife Service, the public access and recreation backlog of the Bureau of Land Management, and the school construction backlog of the Bureau of Indian Education, shall be included with the annual budget submission of the President to Congress.
(1) IN GENERAL.—The Secretary of the Interior may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary of the Interior, 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 of the Interior; 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.

SEC. 4. OFFSET.

It is the sense of Congress that the costs of carrying out this Act should be offset.