

STATEMENT OF C. BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION OF THE HOUSE NATURAL RESOURCES COMMITTEE CONCERNING H.R. 3311, TO DIRECT THE SECRETARY OF THE INTERIOR TO ENTER INTO AGREEMENTS WITH STATES TO ALLOW CONTINUED OPERATION OF FACILITIES AND PROGRAMS THAT HAVE BEEN DETERMINED TO HAVE A DIRECT ECONOMIC IMPACT ON TOURISM, MINING, TIMBER, OR GENERAL TRANSPORTATION IN THE STATE AND WHICH OTHERWISE WOULD CEASE OPERATING, IN WHOLE OR IN PART, DURING A FEDERAL GOVERNMENT SHUTDOWN THAT IS THE RESULT OF A LAPSE IN APPROPRIATIONS, AND FOR OTHER PURPOSES.

November 21, 2013

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 3311, a bill to direct the Secretary of the Interior to enter into agreements with States to allow continued operation of facilities and programs that have been determined to have a direct economic impact on tourism, mining, timber, or general transportation in the State and which would otherwise cease operating, in whole or in part, during a Federal Government shutdown that is the result of a lapse in appropriations, and for other purposes.

The Department strongly opposes H.R. 3311. We have a great deal of sympathy for the businesses and communities that experienced a disruption of activity and loss of revenue during last month's government shutdown and that stand to lose more if there is another funding lapse in the future. However, rather than only protecting certain narrow sectors of the economy (and only the portions of those sectors associated with Department of the Interior activities) from the effects of a government shutdown in the future, Congress should protect all sectors of the economy by enacting appropriations on time, so as to avoid any future shutdowns. In addition, the proposed legislation would be a poor use of already strained Departmental resources to prepare what could be an enormous number of different types of agreements with State governments, just for the possibility that a funding lapse might occur in the future. Furthermore, this bill would seriously undermine the longstanding framework established by Congress for the management of Federal lands under the stewardship of the Department of the Interior by allowing States to carry out activities that are inherently Federal in nature.

H.R. 3311 would require the Secretary of the Interior to enter into agreements with States to provide for those States to conduct Federal Government activities that are necessary to operate facilities or programs that have a direct economic impact on tourism, mining, timber, or general transportation. The agreements would be for activities a State conducts during a time when the Federal government was not conducting the activity due to a partial shutdown resulting from a lapse in appropriations. The bill sets out a process for States to petition the Secretary to enter into an agreement and for an agreement to be approved whether a Federal government shutdown appears imminent or not. It also requires the Secretary to reimburse a State for activities conducted by the State within 90 days after the funds are made available to the Secretary.

The lapse in government funding that resulted in a partial shutdown of the Federal government from October 1 through October 16, 2013, was the first such shutdown to occur in 17 years. As the shutdown entered its second week, the National Park Service entered into donation agreements with six States to accept from those States the donation of funds necessary to allow the National Park Service to temporarily reopen 13 national park units. In these cases, the States were concerned enough about the loss of economic activity associated with certain national parks to use their own funds to alleviate the impact of park closures.

These agreements did help a select number of businesses and communities. However, even as we appreciated being able to help those few businesses and communities around the parks that were reopened, we recognized the unfairness of the situation across the country. These agreements did not begin to address the impacts of the closure of all 401 national park units, let alone all of the other activities managed by the Department or the Federal government. These agreements should not be held up as a model of how the Federal government should do business. They were designed to be temporary, emergency measures for some individual situations, and would not necessarily work for other Departmental activities associated with the four industries identified by H.R. 3311, nor could they come close to ameliorating the many negative impacts of a shutdown. Such agreements are not an appropriate solution for allowing appropriations to lapse and causing a shutdown.

Additionally, the types of temporary, emergency measures contemplated by H.R. 3311 would introduce further uncertainty for businesses that rely on Federal land activities, as the entity responsible for managing the lands could change depending on the status of appropriations. Furthermore, the variety of activities which occur on these Federal lands, including mining and timber harvest, would be particularly difficult to manage on an interim, individual basis. It may also introduce a new risk of potential liability for the Federal government, States, and others conducting activities on Federal lands during the interim.

Finally, H.R. 3311 would allow States to carry out activities, including the operation of facilities or programs, which would otherwise be conducted by the Federal government. The management of Federal lands involves the exercise of inherently Federal functions and decision making by land managers for the long-term benefit of all Americans. State governments have very different responsibilities for the management of state lands than the Federal government, and are accountable only to residents within their particular states. Accordingly, each State would be under strong pressure to manage according to local rather than the national interest.

The recent Federal government shutdown had terrible impacts for American citizens, businesses, communities, States and the economy as a whole. These impacts are summarized in the report released by the Office of Management and Budget this month entitled “Impacts and Costs of the October 2013 Federal Government Shutdown” (November 2013). The report makes clear that the economic effects of the shutdown were felt far beyond the tourism, mining, timber, and transportation sectors. Any change in law to try to address the impacts of a shutdown on these particular industries, or on any sectors of the economy, in advance of a future Federal government shutdown, is not a responsible alternative to simply making the political commitment to provide appropriations for all the vital functions the Federal government performs.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.