

115TH CONGRESS  
2D SESSION

# H. R. 4951

To require the Secretary of the Interior and the Secretary of Agriculture to enter into agreements with State and local governments to provide for the continued operation of public land, open air monuments and memorials, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System during a lapse in appropriations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Mr. ISSA (for himself, Mr. RENACCI, Mr. DESJARLAIS, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of the Interior and the Secretary of Agriculture to enter into agreements with State and local governments to provide for the continued operation of public land, open air monuments and memorials, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System during a lapse in appropriations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Monuments Protection  
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) public land in the United States is managed  
7 and administered for the use and enjoyment of  
8 present and future generations;

9 (2) the National Park System (including Na-  
10 tional Parks, National Monuments, and National  
11 Recreation Areas) is managed for the benefit and in-  
12 spiration of all the people of the United States;

13 (3) the National Wildlife Refuge System is ad-  
14 ministered for the benefit of present and future gen-  
15 erations of people in the United States, with priority  
16 consideration for compatible wildlife-dependent gen-  
17 eral public uses of the National Wildlife Refuge Sys-  
18 tem;

19 (4) the National Forest System is dedicated to  
20 the long-term benefit of present and future genera-  
21 tions;

22 (5) the reopening and temporary operation and  
23 management of public land, the National Park Sys-  
24 tem, the National Wildlife Refuge System, and the  
25 National Forest System using funds from States  
26 and political subdivisions of States during periods in

1 which the Federal Government is unable to operate  
2 and manage the areas at normal levels due to a  
3 lapse in appropriations is consistent with the values  
4 and purposes for which those areas were established;

5 (6) any restriction of public access to national  
6 monuments, the National Park System, or the Na-  
7 tional Wildlife Refuge System during a lapse in ap-  
8 propriations, when such restriction is not necessary  
9 to comply with budgetary constraints and when an  
10 agency has not taken steps to mitigate restrictions  
11 on public access, shall be considered a direct viola-  
12 tion of the purpose for which these lands and monu-  
13 ments were established and entrusted to Federal  
14 agencies for management; and

15 (7) Federal agencies that serve as the manage-  
16 ment agency of national monuments, the National  
17 Park System, or the National Wildlife Refuge Sys-  
18 tem have been entrusted with such properties to  
19 maintain and prioritize public access, including dur-  
20 ing a lapse in appropriations.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) COVERED UNIT.—The term “covered unit”  
24 means—

25 (A) public lands;

1 (B) units of the National Park System;

2 (C) units of the National Wildlife Refuge  
3 System;

4 (D) federally owned open air monuments  
5 and memorials;

6 (E) units of the National Forest System;  
7 and

8 (F) federally owned roads and off ramps  
9 on land described in subparagraphs (A) through  
10 (E).

11 (2) PUBLIC LAND.—The term “public lands”  
12 has the meaning given that term in section 103 of  
13 the Federal Land Policy and Management Act of  
14 1976 (43 U.S.C. 1702).

15 (3) SECRETARY.—The term “Secretary”  
16 means—

17 (A) the Secretary of the Interior, with re-  
18 spect to land under the jurisdiction of the Sec-  
19 retary of the Interior; or

20 (B) the Secretary of Agriculture, with re-  
21 spect to land under the jurisdiction of the Sec-  
22 retary of Agriculture.

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
24 ty” means the several States, the District of Colum-  
25 bia, federally recognized Indian tribes, and terri-

1       tories and possessions of the United States, and po-  
2       litical subdivisions thereof.

3       **SEC. 4. AGREEMENT TO OPERATE AND MANAGE COVERED**  
4                                   **UNIT DURING GOVERNMENT SHUTDOWN.**

5       (a) IN GENERAL.—Not later than 6 months after an  
6 eligible entity offers to enter into an agreement under this  
7 section, the Secretary shall enter into an agreement with  
8 that eligible entity under which the eligible entity shall as-  
9 sume, in whole or in part, activities to resume or continue  
10 operations and public access to any covered unit during  
11 any period when those activities would not otherwise be  
12 carried out because there is—

13               (1) a lapse in available Federal funds for all or  
14 part of the covered unit as a result of a failure to  
15 enact a regular appropriations bill or continuing res-  
16 olution; or

17               (2) insufficient Federal funds to operate all or  
18 part of the covered unit as a result of a failure of  
19 the Federal Government to make sufficient funds  
20 available for this purpose.

21       (b) CONDITIONS.—Agreements entered into under  
22 this section—

23               (1) shall only apply to a covered unit within the  
24 boundaries of the eligible entity that is a party to  
25 the agreement;

1           (2) may apply to all or part of a covered unit;

2           (3) shall be for a term of not more than 5  
3 years, unless the 5-year term would expire during a  
4 period when the agreement is being actively imple-  
5 mented, in which case the agreement shall expire at  
6 the conclusion of the lapse of funding (and related  
7 reimbursement) which precipitated the implementa-  
8 tion; and

9           (4) shall be in effect only during any period in  
10 which the Secretary is unable to operate and man-  
11 age covered units at normal levels, as determined in  
12 accordance with the terms of agreement entered into  
13 under subsection (a).

14       (c) COPIES OF AGREEMENTS.—A copy of each agree-  
15 ment entered into under this section shall be—

16           (1) kept by the Secretary, the eligible entity,  
17 and any other appropriate agency; and

18           (2) available for inspection by Congress.

19       (d) REIMBURSEMENT.—To the extent that funds are  
20 made available, through Acts of appropriation or other-  
21 wise, for activities carried out by an eligible entity under  
22 an agreement entered into under this section, the Sec-  
23 retary shall reimburse the eligible entity for costs ex-  
24 pended by the eligible entity to carry out those activities.

1 **SEC. 5. EXCEPTION.**

2       Notwithstanding section 4, the Secretary may restrict  
3 access to any covered unit for reasons of national security.

4 **SEC. 6. REPORT.**

5       For any instance in which the Secretary does not  
6 enter into an agreement after an offer under section 4,  
7 the Secretary shall submit to the Committee on Natural  
8 Resources of the House of Representatives and the Com-  
9 mittee on Energy and Natural Resources of the Senate  
10 a report stating—

- 11           (1) that an offer was made;
- 12           (2) what eligible entity made the offer;
- 13           (3) what the offer entailed; and
- 14           (4) why the Secretary did not enter into an  
15 agreement pursuant to that offer.

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