

**AMENDMENT TO THE
RULES COMMITTEE PRINT 113-35
OFFERED BY MR. STEWART OF UTAH**

Add at the end of the bill, the following:

1 **TITLE XI—PROVIDE ACCESS AND**
2 **RETAIN CONTINUITY ACT**

3 **SEC. 1101. SHORT TITLE.**

4 This title may be cited as the “Provide Access and
5 Retain Continuity Act” or the “PARC Act”.

6 **SEC. 1102. AGREEMENTS FOR CONTINUED OPERATION OF**
7 **CERTAIN FACILITIES AND PROGRAMS.**

8 (a) IN GENERAL.—To facilitate future partnerships
9 between the Federal Government and the States due to
10 any lapses in Federal appropriations, the Secretary of the
11 Interior (hereafter in this title referred to as the “Sec-
12 retary”) shall enter into agreements, as soon as practical
13 after the date of the enactment of this Act, with States
14 that submit an agreement that is approved under sub-
15 section (c) or (f) to provide for those States to conduct
16 activities described in section 1103. Not later than 90
17 days after funds are made available to the Secretary, the
18 Secretary shall reimburse States for eligible activities con-

1 ducted by that State under an agreement entered into
2 under this title.

3 (b) PETITION FOR AGREEMENT.—Beginning 30 days
4 after the date of the enactment of this Act, a State may
5 submit to the Secretary a petition to enter into an agree-
6 ment with the Secretary for purposes of conducting activi-
7 ties described in section 1103.

8 (c) DETERMINATION.—The Secretary shall approve
9 or deny a petition (including a corrected petition that is
10 resubmitted) submitted under this section not later than
11 90 days after the date on which the Secretary receives the
12 petition.

13 (d) DENIAL OF PETITION.—The Secretary shall ap-
14 prove a petition submitted under subsection (b) if the Sec-
15 retary determines that—

- 16 (1) the petition is complete;
- 17 (2) the proposed agreement submitted with the
18 petition contains all of the terms required under
19 subsection (g); or
- 20 (3) the petition is from a State that had a pre-
21 vious agreement terminated and the Secretary deter-
22 mines that the reasons for that termination warrant
23 denial of the new (or corrected) petition.

24 (e) OPPORTUNITY TO AMEND PETITION.—

1 (1) NOTICE OF DENIAL.—If the Secretary de-
2 nies a petition under subsection (b), the Secretary
3 shall provide to the State that submitted such peti-
4 tion written notice of the denial. Such written notice
5 shall include—

6 (A) a clear and comprehensive statement
7 of the reasons why the petition was denied; and

8 (B) a clear and comprehensive description
9 of any deficiencies in the petition or the related
10 proposed agreement.

11 (2) RESUBMISSION OF CORRECTED PETITION.—
12 After receiving a notice from the Secretary under
13 paragraph (1), a State may amend and resubmit the
14 denied petition.

15 (f) PETITION AND AGREEMENT DEEMED AP-
16 PROVED.—If the Secretary does not approve or deny a pe-
17 tition submitted under subsection (b) or (e)(2) within 90
18 days after receiving the petition, the petition and the pro-
19 posed agreement submitted with the petition shall be
20 deemed approved.

21 (g) PETITION CONTENTS.—A petition submitted
22 under subsection (b) shall include—

23 (1) a letter signed by the Governor of the State
24 submitting such petition addressed to the Secretary

1 that contains a description of the eligible activities
2 that the State seeks to conduct;

3 (2) the proposed agreement that is the subject
4 of the petition;

5 (3) documentation that demonstrates the ability
6 of the State to conduct the eligible activities;

7 (4) a statement that the State shall indemnify
8 and hold the United States harmless for any action
9 of negligence or gross negligence on the part of the
10 State while conduction and eligible activity; and

11 (5) any other documentation that the Secretary
12 may require.

13 **SEC. 1103. ACTIVITIES ELIGIBLE FOR REIMBURSEMENT.**

14 The Secretary of the Interior shall reimburse States
15 for non-Federal funds expended for activities that meet
16 all of the following criteria:

17 (1) The activity was conducted under a memo-
18 randum of understanding entered into under section
19 1102.

20 (2) The activity was conducted during a time
21 when the Federal Government was not conducting
22 that activity due to the partial shutdown of the Fed-
23 eral Government that was the result of a lapse in
24 appropriations.

1 (3) The activity was necessary to operate one or
2 more facilities or programs that the Secretary and
3 the State have agreed, under the memorandum of
4 understanding entered into under section 1102, to
5 have a direct economic impact on tourism, mining,
6 timber, grazing, or general transportation in the
7 State.

8 (4) The activity was conducted in a manner and
9 at a level not substantially greater in scope or cost
10 than how the activity would have been conducted by
11 the Federal Government.

12 (5) The activity is not a settlement of or de-
13 fense against a claim of liability on the part of the
14 State.

15 **SEC. 1104. WAIVER OF SOVEREIGN IMMUNITY.**

16 If any State brings an action in any court of the
17 United States or any State court relating only and directly
18 to enforcement of section 1103 and names the United
19 States as a party, any claim by the United States to sov-
20 ereign immunity from the action is waived, but only for
21 the limited and sole purpose of reimbursement to a State
22 for non-Federal funds expended by or on behalf of that
23 State for activities that meet all of the criteria listed in
24 section 1103.

