

116TH CONGRESS
2D SESSION

H. R. 8864

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.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. STEWART introduced the following bill; which was referred to the
Committee on Natural Resources

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.

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 “Provide Access and
3 Retain Continuity Act” or the “PARC Act”.

4 **SEC. 2. AGREEMENTS FOR CONTINUED OPERATION OF**
5 **CERTAIN FACILITIES AND PROGRAMS.**

6 (a) IN GENERAL.—As soon as practical after the date
7 of the enactment of this Act, the Secretary of the Interior
8 (hereafter in this Act referred to as the “Secretary”) shall
9 enter into agreements with States that submit an agree-
10 ment that is approved under subsection (c) or (f) to pro-
11 vide for those States to conduct activities described in sec-
12 tion 3. Not later than 90 days after funds are made avail-
13 able to the Secretary, the Secretary shall reimburse States
14 for eligible activities conducted by that State under an
15 agreement entered into under this Act.

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

21 (c) DETERMINATION.—The Secretary shall approve
22 or deny a petition (including a corrected petition that is
23 resubmitted) submitted under this section not later than
24 90 days after the date on which the Secretary receives the
25 petition.

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

4 (1) the petition is complete;

5 (2) the proposed agreement submitted with the
6 petition contains all of the terms required under
7 subsection (g); or

8 (3) the petition is from a State that had a pre-
9 vious agreement terminated and the Secretary deter-
10 mines that the reasons for that termination warrant
11 denial of the new (or corrected) petition.

12 (e) OPPORTUNITY TO AMEND PETITION.—

13 (1) NOTICE OF DENIAL.—If the Secretary de-
14 nies a petition under subsection (b), the Secretary
15 shall provide to the State that submitted such peti-
16 tion written notice of the denial. Such written notice
17 shall include—

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

20 (B) a clear and comprehensive description
21 of any deficiencies in the petition or the related
22 proposed agreement.

23 (2) RESUBMISSION OF CORRECTED PETITION.—

24 After receiving a notice from the Secretary under

1 paragraph (1), a State may amend and resubmit the
2 denied petition.

3 (f) PETITION AND AGREEMENT DEEMED AP-
4 PROVED.—If the Secretary does not approve or deny a pe-
5 tition submitted under subsection (b) or (e)(2) within 90
6 days after receiving the petition, the petition and the pro-
7 posed agreement submitted with the petition shall be
8 deemed approved.

9 (g) PETITION CONTENTS.—A petition submitted
10 under subsection (b) shall include—

11 (1) a letter signed by the Governor of the State
12 submitting such petition addressed to the Secretary
13 that contains a description of the eligible activities
14 that the State seeks to conduct;

15 (2) the proposed agreement that is the subject
16 of the petition;

17 (3) documentation that demonstrates the ability
18 of the State to conduct the eligible activities;

19 (4) a statement that the State shall indemnify
20 and hold the United States harmless for any action
21 of negligence or gross negligence on the part of the
22 State while conducting an eligible activity; and

23 (5) any other documentation that the Secretary
24 may require.

1 **SEC. 3. ACTIVITIES ELIGIBLE FOR REIMBURSEMENT.**

2 The Secretary of the Interior shall reimburse States
3 for non-Federal funds expended for activities that meet
4 all of the following criteria:

5 (1) The activity was conducted under a memo-
6 randum of understanding entered into under section
7 2.

8 (2) The activity was conducted during a time
9 when the Federal Government was not conducting
10 that activity due to the partial shutdown of the Fed-
11 eral Government that was the result of a lapse in
12 appropriations.

13 (3) The activity was necessary to operate one or
14 more facilities or programs that the Secretary and
15 the State have agreed, under the memorandum of
16 understanding entered into under section 2, to have
17 a direct economic impact on tourism, mining, tim-
18 ber, or general transportation in the State.

19 (4) The activity was conducted in a manner and
20 at a level not substantially greater in scope or cost
21 than how the activity would have been conducted by
22 the Federal Government.

23 (5) The activity is not a settlement of or de-
24 fense against a claim of liability on the part of the
25 State.

1 **SEC. 4. WAIVER OF SOVEREIGN IMMUNITY.**

2 If any State brings an action in any court of the
3 United States or any State court relating only and directly
4 to enforcement of section 3 and names the United States
5 as a party, any claim by the United States to sovereign
6 immunity from the action is waived, but only for the lim-
7 ited and sole purpose of reimbursement to a State for non-
8 Federal funds expended by or on behalf of that State for
9 activities that meet all of the criteria listed in section 3.

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