118TH CONGRESS 1ST SESSION H.R. 3415

AUTHENTICATED

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To direct the Secretary of the Interior to convey to the Midvale Irrigation District the Pilot Butte Power Plant in the State of Wyoming, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Ms. HAGEMAN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

- To direct the Secretary of the Interior to convey to the Midvale Irrigation District the Pilot Butte Power Plant in the State of Wyoming, 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 "Pilot Butte Power

- 5 Plant Conveyance Act".
- 6 SEC. 2. DEFINITIONS.
- 7 In this Act:

(1) AGREEMENT.—The term "Agreement"
 means the agreement entered into under section
 3(a).

4 (2) DISTRICT.—The term "District" means the
5 Midvale Irrigation District located in Pavillion, Wyo6 ming.

7 (3) POWER PLANT.—The term "Power Plant" 8 means the Pilot Butte Power Plant and other appur-9 tenant facilities in the State of Wyoming authorized 10 under the Act of March 2, 1917 (39 Stat. 969, 11 chapter 146), transferred to the jurisdiction of the 12 Bureau of Reclamation under the Act of June 5, 13 1920 (41 Stat. 874, chapter 235), and incorporated 14 into the Riverton Unit of the Pick-Sloan Missouri 15 Basin Program under Public Law 91–409 (84 Stat. 16 861), including the underlying land.

17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Interior, acting through the
19 Commissioner of Reclamation.

20 SEC. 3. AGREEMENT, CONVEYANCE, AND REPORT.

(a) AGREEMENT.—Not later than 2 years after the
date of enactment of this Act, the Secretary shall enter
into good faith negotiations with the District to enter into
an agreement to determine the legal, institutional, and fi-

nancial terms for the conveyance of the Power Plant from
 the Secretary to the District.

3 (b) CONVEYANCE.—

4 (1) IN GENERAL.—In consideration for the Dis5 trict assuming from the United States all liability
6 for the administration, operation, maintenance, and
7 replacement of the Power Plant, the Secretary shall
8 offer to convey and assign to the District all right,
9 title, and interest of the United States in and to the
10 Power Plant—

(A) subject to valid leases, permits, rightsof-way, easements, and other existing rights;
and

14 (B) in accordance with—

- 15 (i) the terms and conditions described16 in the Agreement; and
- 17 (ii) this Act.

18 (2) STATUS OF LAND.—Effective on the date of
19 the conveyance of the Power Plant to the District
20 under paragraph (1), the Power Plant shall not be
21 considered to be a part of a Federal reclamation
22 project.

(c) REPORT.—If the conveyance authorized under
subsection (b)(1) is not completed by the date that is 1
year after the date of enactment of this Act, the Secretary

shall submit to the Committee on Energy and Natural Re sources of the Senate and the Committee on Natural Re sources of the House of Representatives a report that de scribes—

- 5 (1) the status of the conveyance under that6 subsection;
- 7 (2) any obstacles to completing the conveyance8 under that subsection; and
- 9 (3) an anticipated date for the completion of10 the conveyance under that subsection.

11 SEC. 4. LIABILITY.

12 (a) DAMAGES.—Except as otherwise provided by law and for damages caused by acts of negligence committed 13 by the United States or by employees or agents of the 14 15 United States, effective on the date of the conveyance of the Power Plant to the District under section 3(b)(1), the 16 17 United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or 18 19 occurrence relating to the Power Plant.

(b) TORTS CLAIMS.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

1 SEC. 5. COMPLIANCE WITH OTHER LAWS.

2	(a) Compliance With Environmental and His-
3	TORIC PRESERVATION LAWS.—Before making the convey-
4	ance authorized under section $3(b)(1)$, the Secretary shall
5	complete all actions required under—
6	(1) the National Environmental Policy Act of
7	1969 (42 U.S.C. 4321 et seq.);
8	(2) the Endangered Species Act of 1973 (16)
9	U.S.C. 1531 et seq.);
10	(3) subtitle III of title 54, United States Code;
11	and
12	(4) any other applicable laws.
13	(b) COMPLIANCE BY THE DISTRICT.—Effective on
14	the date of the conveyance of the Power Plant to the Dis-
15	trict under section $3(b)(1)$, the District shall comply with
16	all applicable Federal, State, and local laws (including reg-
17	ulations) with respect to the operation of the Power Plant.
18	SEC. 6. PAYMENT OF COSTS.
19	(a) Administrative Costs.—Administrative costs
20	for the conveyance of the Power Plant to the District

20 for the conveyance of the Power Plant to the District
21 under section 3(b)(1) shall be paid in equal shares by the
22 Secretary and the District.

23 (b) REAL ESTATE TRANSFER COSTS.—The costs of
24 all boundary surveys, title searches, cadastral surveys, ap25 praisals, and other real estate transactions required for
26 the conveyance of the Power Plant to the District under
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section 3(b)(1) shall be paid in equal shares by the Sec retary and the District.

3 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—
4 The costs associated with any review required under the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.), the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.), subtitle III of title 54, United States
8 Code, or any other applicable laws for conveyance of the
9 Power Plant to the District under section 3(b)(1) shall
10 be paid in equal shares by the Secretary and the District.

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