

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 3415

[Report No. 118-]

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

NOVEMBER --, 2023

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

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:

8 (1) AGREEMENT.—The term “Agreement”
9 means the agreement entered into under section
10 3(a).

11 (2) DISTRICT.—The term “District” means the
12 Midvale Irrigation District located in Pavillion, Wyo-
13 ming.

14 (3) POWER PLANT.—The term “Power Plant”
15 means the Pilot Butte Power Plant and other appur-
16 tenant facilities in the State of Wyoming authorized
17 under the Act of March 2, 1917 (39 Stat. 969,
18 chapter 146), transferred to the jurisdiction of the
19 Bureau of Reclamation under the Act of June 5,
20 1920 (41 Stat. 874, chapter 235), and incorporated
21 into the Riverton Unit of the Pick-Sloan Missouri
22 Basin Program under Public Law 91–409 (84 Stat.
23 861), including the underlying land.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the
3 Commissioner of Reclamation.

4 **SEC. 3. AGREEMENT, CONVEYANCE, AND REPORT.**

5 (a) AGREEMENT.—Not later than 2 years after the
6 date of enactment of this Act, the Secretary shall enter
7 into good faith negotiations with the District to enter into
8 an agreement to determine the legal, institutional, and fi-
9 nancial terms for the conveyance of the Power Plant from
10 the Secretary to the District.

11 (b) CONVEYANCE.—

12 (1) IN GENERAL.—In consideration for the Dis-
13 trict assuming from the United States all liability
14 for the administration, operation, maintenance, and
15 replacement of the Power Plant, the Secretary shall
16 offer to convey and assign to the District all right,
17 title, and interest of the United States in and to the
18 Power Plant—

19 (A) subject to valid leases, permits, rights-
20 of-way, easements, and other existing rights;
21 and

22 (B) in accordance with—

23 (i) the terms and conditions described
24 in the Agreement; and

25 (ii) this Act.

1 (2) STATUS OF LAND.—Effective on the date of
2 the conveyance of the Power Plant to the District
3 under paragraph (1), the Power Plant shall not be
4 considered to be a part of a Federal reclamation
5 project.

6 (c) REPORT.—If the conveyance authorized under
7 subsection (b)(1) is not completed by the date that is 1
8 year after the date of enactment of this Act, the Secretary
9 shall submit to the Committee on Energy and Natural Re-
10 sources of the Senate and the Committee on Natural Re-
11 sources of the House of Representatives a report that de-
12 scribes—

13 (1) the status of the conveyance under that
14 subsection;

15 (2) any obstacles to completing the conveyance
16 under that subsection; and

17 (3) an anticipated date for the completion of
18 the conveyance under that subsection.

19 **SEC. 4. LIABILITY.**

20 (a) DAMAGES.—Except as otherwise provided by law
21 and for damages caused by acts of negligence committed
22 by the United States or by employees or agents of the
23 United States, effective on the date of the conveyance of
24 the Power Plant to the District under section 3(b)(1), the
25 United States shall not be held liable by any court for

1 damages of any kind arising out of any act, omission, or
2 occurrence relating to the Power Plant.

3 (b) TORTS CLAIMS.—Nothing in this section in-
4 creases the liability of the United States beyond that pro-
5 vided in chapter 171 of title 28, United States Code (com-
6 monly known as the “Federal Tort Claims Act”).

7 **SEC. 5. COMPLIANCE WITH OTHER LAWS.**

8 (a) COMPLIANCE WITH ENVIRONMENTAL AND HIS-
9 TORIC PRESERVATION LAWS.—Before making the convey-
10 ance authorized under section 3(b)(1), the Secretary shall
11 complete all actions required under—

12 (1) the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.);

14 (2) the Endangered Species Act of 1973 (16
15 U.S.C. 1531 et seq.);

16 (3) subtitle III of title 54, United States Code;
17 and

18 (4) any other applicable laws.

19 (b) COMPLIANCE BY THE DISTRICT.—Effective on
20 the date of the conveyance of the Power Plant to the Dis-
21 trict under section 3(b)(1), the District shall comply with
22 all applicable Federal, State, and local laws (including reg-
23 ulations) with respect to the operation of the Power Plant.

1 **SEC. 6. PAYMENT OF COSTS.**

2 (a) ADMINISTRATIVE COSTS.—Administrative costs
3 for the conveyance of the Power Plant to the District
4 under section 3(b)(1) shall be paid in equal shares by the
5 Secretary and the District.

6 (b) REAL ESTATE TRANSFER COSTS.—The costs of
7 all boundary surveys, title searches, cadastral surveys, ap-
8 praisals, and other real estate transactions required for
9 the conveyance of the Power Plant to the District under
10 section 3(b)(1) shall be paid in equal shares by the Sec-
11 retary and the District.

12 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—
13 The costs associated with any review required under the
14 National Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.), the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.), subtitle III of title 54, United States
17 Code, or any other applicable laws for conveyance of the
18 Power Plant to the District under section 3(b)(1) shall
19 be paid in equal shares by the Secretary and the District.