

115TH CONGRESS
2D SESSION

H. R. 6652

To direct the Secretary of the Interior to convey certain facilities, easements, and rights-of-way to the Kennewick Irrigation District, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2018

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

A BILL

To direct the Secretary of the Interior to convey certain facilities, easements, and rights-of-way to the Kennewick Irrigation District, 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. DEFINITIONS.**

4 In this Act:

5 (1) AGREEMENT.—The term “Agreement”
6 means the agreement required under section 2(a).

7 (2) DISTRICT.—The term “District” means the
8 Kennewick Irrigation District, located in Benton
9 County, Washington, which operates and maintains

1 a portion of the Kennewick Division of the Yakima
2 Project constructed by the United States to enable
3 the Kennewick Irrigation District to carry out au-
4 thorized purposes pursuant to the Act of June 12,
5 1948 (62 Stat. 382).

6 (3) DIVISION.—The term “Division” means the
7 Kennewick Division, including the Transferred
8 Works.

9 (4) TRANSFERRED WORKS.—The term “Trans-
10 ferred Works” means the canals, laterals, and ap-
11 purtenant works and lands, which begin at the Dis-
12 trict’s head gate and extends approximately 40 miles
13 east to the Columbia River.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 2. AGREEMENT, CONVEYANCE, REPORT.**

17 (a) AGREEMENT.—Not later than 2 years after the
18 date of the enactment of this Act, the Secretary, acting
19 through the Bureau of Reclamation, shall enter into an
20 agreement with the District to determine the legal, institu-
21 tional, and financial terms related to the conveyance of
22 the Transferred Works. The Agreement shall be completed
23 after the requirements in section 5(a) are satisfied. This
24 Agreement shall be in accordance with and subject to

1 Memorandum of Agreement No: R18MA13703 between
2 the District and the Bureau of Reclamation.

3 (b) CONVEYANCE.—Subject to valid leases, permits,
4 rights-of-way, easements, and other existing rights and in
5 accordance the terms and conditions set forth in the
6 Agreement and this Act, the Secretary shall convey to the
7 District all right, title, and interest of the United States
8 in and to the Transferred Works.

9 (c) REPORT.—If the conveyance authorized by sub-
10 section (b) is not completed within 2 years after the date
11 of the enactment of this Act, the Secretary shall submit
12 to Congress a report that—

- 13 (1) describes the status of the conveyance;
14 (2) describes any obstacles to completing the
15 conveyance; and
16 (3) specifies an anticipated date for completion
17 of the conveyance.

18 **SEC. 3. LIABILITY.**

19 (a) DAMAGES.—Except as otherwise provided by law
20 and for damages caused by acts of negligence committed
21 by the United States or by its employees or agents, effec-
22 tive upon the date of the conveyance authorized by section
23 2, the United States shall not be held liable by any court
24 for damages of any kind arising out of any act, omission,
25 or occurrence relating to the Transferred Works.

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

5 **SEC. 4. BENEFITS.**

6 (a) STATUS OF LAND.—After conveyance of the
7 Transferred Works under this Act, the Transferred Works
8 shall not be considered to be a part of a Federal reclama-
9 tion project.

10 (b) BENEFITS IF ENTIRE DIVISION CONVEYED.—If
11 the entire Division is conveyed out of Federal ownership,
12 the District shall not be eligible to receive any benefits,
13 including project power, with respect to the conveyed Divi-
14 sion, except benefits that would be available to a similarly
15 situated entity with respect to property that is not part
16 of a Federal reclamation project.

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

18 (a) COMPLIANCE WITH ENVIRONMENTAL AND HIS-
19 TORIC PRESERVATION LAWS.—Before making the convey-
20 ance authorized by this Act, the Secretary shall complete
21 all actions required under the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endan-
23 gered Species Act of 1973 (16 U.S.C. 1531 et seq.), sub-
24 title III of title 54, United States Code, and all other ap-
25 plicable laws.

1 (b) COMPLIANCE BY THE DISTRICT.—After convey-
2 ance of the Transferred Works under this Act, the District
3 shall comply with all applicable Federal, State, and local
4 laws and regulations in its operation of the Transferred
5 Works.

6 (c) APPLICABLE AUTHORITY.—All provisions of Fed-
7 eral reclamation law (the Act of June 17, 1902 (43 U.S.C.
8 371 et seq.), and Acts supplemental to and amendatory
9 of that Act) shall continue to be applicable to project water
10 provided to the District.

11 **SEC. 6. PAYMENT.**

12 (a) ADMINISTRATIVE COSTS.—Except as provided in
13 subsection (b), administrative costs for conveyance of the
14 Transferred Works under this Act shall be paid in equal
15 shares by the Secretary and the District.

16 (b) REAL ESTATE TRANSFER COST.—Costs of all
17 boundary surveys, title searches, cadastral surveys, ap-
18 praisals, and other real estate transactions required for
19 the conveyance of the Transferred Works shall be paid by
20 the District.

21 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—
22 Costs associated with any review required under the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
24 et seq.), the Endangered Species Act of 1973 (16 U.S.C.
25 1531 et seq.), subtitle III of title 54, United States Code,

1 and all other applicable laws for conveyance of the Trans-
2 ferred Works shall be paid in equal shares by the Sec-
3 retary and the District.

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