

118TH CONGRESS
2D SESSION

H. R. 3415

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 7), 2024

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pilot Butte Power
3 Plant Conveyance Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

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

22 (4) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior, acting through the
24 Commissioner of Reclamation.

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

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

8 (b) CONVEYANCE.—

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

16 (A) subject to valid leases, permits, rights-
17 of-way, easements, and other existing rights;
18 and

19 (B) in accordance with—

20 (i) the terms and conditions described
21 in the Agreement; and

22 (ii) this Act.

23 (2) STATUS OF LAND.—Effective on the date of
24 the conveyance of the Power Plant to the District
25 under paragraph (1), the Power Plant shall not be

1 considered to be a part of a Federal reclamation
2 project.

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

10 (1) the status of the conveyance under that
11 subsection;

12 (2) any obstacles to completing the conveyance
13 under that subsection; and

14 (3) an anticipated date for the completion of
15 the conveyance under that subsection.

16 **SEC. 4. LIABILITY.**

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

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 (com-
4 monly known as the “Federal Tort Claims Act”).

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

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

10 (1) the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.);

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

14 (3) subtitle III of title 54, United States Code;
15 and

16 (4) any other applicable laws.

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

22 **SEC. 6. PAYMENT OF COSTS.**

23 (a) ADMINISTRATIVE COSTS.—Administrative costs
24 for the conveyance of the Power Plant to the District

1 under section 3(b)(1) shall be paid in equal shares by the
2 Secretary and the District.

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

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

Passed the House of Representatives February 7,
2024.

Attest:

KEVIN F. MCCUMBER,

Clerk.