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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

# H. R.

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To authorize the Secretary of the Interior to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LAMBORN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To authorize the Secretary of the Interior to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, 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 “Reclamation Title  
5 Transfer Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) SECRETARY.—The term “Secretary” means  
2 the Secretary of the Interior.

3           (2) ELIGIBLE FACILITY.—The term “eligible fa-  
4 cility” means a reclamation project or facility, or a  
5 portion of such a project or facility (which may in-  
6 clude dams and appurtenant works, water rights, in-  
7 frastructure, recreational facilities, buildings, dis-  
8 tribution and drainage works, and associated lands  
9 or interests in lands or water) that meets the cri-  
10 teria for potential transfer established pursuant to  
11 section 4.

12           (3) QUALIFYING ENTITY.—The term “quali-  
13 fying entity” means an agency of a State or local  
14 government or an Indian tribe, a municipal corpora-  
15 tion, public agency, or other entity such as a water  
16 district, that—

17                   (A) held or holds a water service contract,  
18 repayment contract, water rights settlement  
19 contract or exchange contract providing for  
20 water service from the eligible facility to be  
21 transferred; and

22                   (B) as determined by the Secretary, has  
23 the capacity to continue to manage the con-  
24 veyed property for the same purposes that the

1 property has been managed under reclamation  
2 law.

3 (4) CONVEYED PROPERTY.—The term “con-  
4 veyed property” means an eligible facility that has  
5 been transferred out of Federal ownership under  
6 this Act.

7 **SEC. 3. AUTHORIZATION OF TITLE TRANSFER.**

8 The Secretary, without further authorization from  
9 Congress and with the consent of the qualifying entity,  
10 is authorized to convey all right, title, and interest in any  
11 eligible facility to a qualifying entity under the following  
12 conditions:

13 (1) Interests in water shall be conveyed under  
14 this Act by a written Agreement between the Sec-  
15 retary and the qualifying entity.

16 (2) Interests in eligible facilities shall be con-  
17 veyed under this Act by a written Agreement be-  
18 tween the Secretary and the qualifying entity, devel-  
19 oped in consultation with any existing power cus-  
20 tomers of the eligible facility.

21 (3) Not less than 30 calendar days before a  
22 conveyance under this Act, the Secretary shall trans-  
23 mit written notice to the Committee on Natural Re-  
24 sources of the House of Representatives and the  
25 Committee on Energy and Natural Resources that—

- 1 (A) the Secretary supports the conveyance;
- 2 (B) the reasons for such support; and
- 3 (C) written consent from the qualifying en-
- 4 tity for the conveyance.

5 **SEC. 4. ELIGIBILITY CRITERIA FOR TITLE TRANSFER**  
6 **UNDER THIS ACT.**

7 Not later than one year after the date of the enact-  
8 ment of this Act, the Secretary shall establish criteria for  
9 determining whether facilities are eligible for title transfer  
10 under this Act. The criteria shall include the following  
11 minimum requirements:

12 (1) The qualifying entity agrees to accept title  
13 to the property proposed for transfer.

14 (2) The proposed title transfer will not have an  
15 unmitigated significant effect on the environment.

16 (3) The qualifying entity intends to use the  
17 property for substantially the same purposes the  
18 property is being used for at the time the Secretary  
19 evaluates the potential transfer.

20 (4) The transfer is consistent with the Sec-  
21 retary's responsibility to protect land and water re-  
22 sources held in trust for federally recognized Indian  
23 Tribes.

1           (5) The transfer is consistent with the Sec-  
2           retary's responsibility to ensure compliance with  
3           international treaties and interstate compacts.

4           (6) The qualifying entity agrees to provide, as  
5           consideration for the assets to be conveyed, com-  
6           pensation to the United States worth the equivalent  
7           of the present value of any repayment obligation to  
8           the United States or other income stream the United  
9           States derives from the assets to be transferred at  
10          the time of the transfer.

11 **SEC. 5. OTHER CONDITIONS FOR CONVEYANCES.**

12          (a) **POWER RATES.**—No conveyance under this Act  
13 may adversely impact power rates or repayment obliga-  
14 tions.

15          (b) **NEPA.**—The Secretary shall apply a categorical  
16 exclusion process under the National Environmental Pol-  
17 icy Act of 1969 (42 U.S.C. 4321 et seq.) on eligible facili-  
18 ties under this Act.

19 **SEC. 6. LIABILITY.**

20          Effective upon the date of conveyance of any eligible  
21 facility pursuant to this Act, the United States shall not  
22 be liable for damages of any kind arising out of any act,  
23 omission, or occurrence based on its prior ownership or  
24 operation of the conveyed property, except for damages  
25 caused by acts of negligence committed by the United

1 States or by its employees, agents, or contractors, prior  
2 to conveyance.

3 **SEC. 7. BENEFITS.**

4 After a conveyance of title under this Act—

5 (1) the conveyed property shall not be consid-  
6 ered to be a part of a Federal reclamation project;  
7 and

8 (2) in the event that a transfer of an entire  
9 project occurs, the entity to which the property is  
10 conveyed shall not be eligible to receive any benefits,  
11 including project power, with respect to the conveyed  
12 property, except benefits that would be available to  
13 a similarly situated entity with respect to property  
14 that is not part of a Federal reclamation project.

15 **SEC. 8. COMPLIANCE WITH OTHER LAWS.**

16 After a conveyance of title under this Act, the entity  
17 to which the property is conveyed shall comply with all  
18 applicable Federal, State, and local laws and regulations  
19 in its operation of the conveyed property.

20 **SEC. 9. NOTIFICATION.**

21 The Secretary shall submit, as part of its annual  
22 budget submission to Congress, a description of the ac-  
23 tions taken to implement this Act and a list of conveyances  
24 made or initiated under this Act.