

ARBUCKLE PROJECT MAINTENANCE COMPLEX AND
DISTRICT OFFICE CONVEYANCE ACT OF 2016

NOVEMBER 29, 2016.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1219]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1219) to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2016”.

SEC. 2. CONVEYANCE OF MAINTENANCE COMPLEX AND DISTRICT OFFICE OF THE ARBUCKLE PROJECT, OKLAHOMA.

(a) **IN GENERAL.**—The Secretary of the Interior shall, as soon as practicable, convey to the Arbuckle Master Conservancy District, located in Murray County, Oklahoma, all right, title, and interest of the United States in and to the Maintenance Complex and District Office, Arbuckle Project, Oklahoma, consistent with the terms and conditions set forth in the Agreement between the United States and the Arbuckle Master Conservancy District.

(b) **DEFINITIONS.**—

(1) **AGREEMENT.**—The term “Agreement” means the Agreement between the United States and the Arbuckle Master Conservancy District for Transferring Title to the Federally Owned Maintenance Complex and District Office to the Arbuckle Master Conservancy District (Agreement No. 14AG640141).

(2) **DISTRICT OFFICE.**—The term “District Office” means the headquarters building located at 2440 East Main, Davis, Oklahoma, and the approximately 0.83 acres described in the Agreement.

(3) **MAINTENANCE COMPLEX.**—The term “Maintenance Complex” means the caretakers residence, shop buildings, and any appurtenances located on the

lands described in the Agreement, to include approximately 2.00 acres, more or less.

(c) **LIABILITY.**—Effective upon the date of conveyance of the Maintenance Complex and District Office under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Maintenance Complex and District Office, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the “Federal Tort Claims Act”) on the date of the enactment of this Act.

(d) **BENEFITS.**—After conveyance of the Maintenance Complex and District Office to the Arbuckle Master Conservancy District—

(1) the Maintenance Complex and District Office shall not be considered to be a part of a Federal reclamation project; and

(2) such water district shall not be eligible to receive any benefits with respect to any facility comprising that Maintenance Complex and District Office, except benefits that would be available to a similarly situated person with respect to such a facility that is not part of a Federal reclamation project.

(e) **COMMUNICATION.**—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a letter with sufficient detail that explains the reasons the conveyance has not been completed and stating the date by which the conveyance will be completed.

PURPOSE OF THE BILL

The purpose of H.R. 1219 is to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1219, as amended, authorizes the Secretary of the Interior to convey all the United States’ right, title and interest in the Maintenance Complex and District Office of the federal Arbuckle water project in Oklahoma to the Arbuckle Master Conservancy District in Murray County, Oklahoma.

Authorized in 1962 by Public Law 87–594, the Bureau of Reclamation’s Arbuckle Project in south-central Oklahoma provides a number of benefits, including flood control, municipal water supply, recreation and fish and wildlife purposes. The Arbuckle Master Conservancy District contracted with the federal government for the payment of the reimbursable costs for construction and operation and maintenance of the Project.

The Project’s authorizing statute allowed for the conveyance of title to “pipelines and related facilities as are used solely for delivering project water to the water users” upon completion of the District’s repayment obligations. The District completed repayment of its capital costs for the Project in September 2012 and title to the Wynnewood Pumping Plant and Aqueduct was transferred from Reclamation to the District in December 2012. The District also requested that the Maintenance Complex and District Office be included in the transfer, as it had operated and maintained these facilities since January 1968. However, according to District officials, Reclamation indicated that there was insufficient authority to complete this request since the facilities were not used solely for the purpose of delivering project water.

H.R. 1219 authorizes the Secretary of the Interior to convey all right, title and interest related to the Maintenance Complex and District Office and their associated approximately 2.83 acres to the

District. As amended, the bill directs the Secretary to transfer title to the aforementioned facilities and land as soon as practicable, and requires the Secretary to provide in writing why the transfer has not taken place if it does not occur within twelve months after the date of enactment of this Act. The goals of the legislation, based on the longstanding precedent of prior federal laws authorizing such title transfers, are to allow the District to reduce federal paperwork requirements and relieve the federal government of all future liability and financial responsibilities.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. This section establishes the short title of the bill as the “Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2016”.

Section 2. Conveyance of maintenance complex and district office of the Arbuckle Project, Oklahoma. This section of the bill, as amended, directs the Interior Secretary to, as soon as practicable, convey to the District all right, title and interest of the Maintenance Complex and District Office of the Arbuckle Project per Agreement No. 14AG640141, as defined in the legislation. Once conveyed, the United States will be relieved of all future liability and financial responsibilities related to the Maintenance Complex and District Office, and will only be held liable for damages caused by acts of negligence committed by the United States or by its employees prior to the date of conveyance. If the transfer has not been completed within twelve months after date of enactment of this Act, the Secretary is directed to submit a letter to Congress detailing why the transfer has not taken place and stating the anticipated completion date of the conveyance.

COMMITTEE ACTION

H.R. 1219 was introduced on March 3, 2015, by Congressman Tom Cole (R–OK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Power and Oceans. On October 28, 2015, the Subcommittee held a hearing on the bill. On November 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman John Fleming (R–LA) offered an amendment designated #1 to the bill; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on November 16, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Com-

mittee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 28, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1219, the Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aurora Swanson.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1219—Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2016

H.R. 1219 would authorize the Bureau of Reclamation (BOR) to convey certain federal properties to the Arbuckle Master Conservancy District in Oklahoma for no consideration. Based on information from the BOR, CBO estimates that enacting the legislation would have no significant effect on the federal budget. The properties that would be transferred generate no income for the government and are not expected to be sold in the next several years. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

Under current law, the BOR is authorized to transfer ownership of pipelines and similar facilities that are used to deliver project water to users. In 2012, the BOR transferred the conveyance facilities of the Arbuckle project to the district. At that time, the district expressed interest in receiving title to additional properties, including the Arbuckle maintenance complex and the district office building. H.R. 1219 would authorize the BOR to transfer those additional properties to the district.

CBO estimates that enacting H.R. 1219 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 1219 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the Arbuckle Master Conservancy District of Oklahoma. Any costs incurred by the district associated with the conveyance would result from conditions of receiving federal assistance.

The CBO staff contact for this estimate is Aurora Swanson. This estimate was approved by H. Samuel Papenfuss, Deputy Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

