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ARBUCKLE PROJECT MAINTENANCE COMPLEX AND DISTRICT OFFICE CONVEYANCE ACT OF 2017

NOVEMBER 15, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 132]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 132), 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, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 132 is to authorize the Secretary of the Interior (Secretary) to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District (AMCD).

BACKGROUND AND NEED

Construction of the Arbuckle Project in Oklahoma, which includes Arbuckle Dam and the Wynnewood Pumping Plant and Aqueduct, was authorized in 1962 and completed in 1966. Authorized project purposes include municipal water supply, flood control, recreation, and fish and wildlife.

The original authorizing legislation (Public Law 87-594) provided for conveyance of title to pipelines and related facilities to the operating entity, the AMCD, upon completion of their capital repayment. Repayment was completed in September 2012, and the Bu-

reau of Reclamation (Reclamation) transferred title to the Wynnewood Pumping Plant and Aqueduct in December 2012. As those facilities were transferred, the AMCD requested that the Arbuckle Maintenance Complex and Headquarter Office be included in the title transfer, but Reclamation determined it did not have the authority to do so based on its interpretation of the authorizing language. H.R. 132 authorizes the conveyance of these properties which total less than three acres.

LEGISLATIVE HISTORY

H.R. 132 was introduced by Congressman Cole on January 3, 2017. The House of Representatives passed the bill on March 15, 2017, by a vote of 407–1.

The Subcommittee on Water and Power held a hearing on the bill on June 13, 2018.

In the 114th Congress, a similar measure, H.R. 1219, was introduced by Congressman Cole in the House of Representatives on March 3, 2015. It was ordered reported, as amended, by the Committee on Natural Resources on November 19, 2016. On December 7, 2016, the House of Representatives passed H.R. 1219.

The Senate Committee on Energy and Natural Resources met in an open business session on October 2, 2018, and ordered H.R. 132 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 132.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 sets forth the short title of the Act.

Section 2. Conveyance of Maintenance Complex and District Office of the Arbuckle Project, Oklahoma

Subsection (a) directs the Secretary to transfer all right, title and interest of the United States in and to the Maintenance Complex and District Office of the Arbuckle Project to the AMCD in Murray County, Oklahoma.

Subsection (b) defines key terms.

Subsection (c) shields the United States from liability relating to the conveyed property.

Subsection (d) specifies that following the conveyance the property shall not be considered to be a part of any federal reclamation project or receive benefits that would not be available for similarly situated facilities.

Subsection (e) requires that the Department of the Interior submit an explanatory report to Congress if the conveyance is not completed within 12 months.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 132 would authorize the Bureau of Reclamation (BOR) to convey certain federal properties to the Arbuckle Master Conservancy District in Oklahoma for no consideration. Under current law, BOR is authorized to transfer ownership of pipelines and similar facilities associated with the Arbuckle project that are used to deliver water to users. In 2012, 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. 132 would authorize BOR to transfer those properties to the district.

Using information from 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.

Enacting H.R. 132 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 132 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 132 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 132. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 132, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 132, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the June 13, 2018, hearing on H.R. 132 follows:

STATEMENT OF TIMOTHY R. PETTY, PH.D., ASSISTANT SECRETARY FOR WATER AND SCIENCE, U.S. DEPARTMENT OF THE INTERIOR

Chairman Flake, Ranking Member Cortez Masto and members of the Subcommittee, I am Dr. Tim Petty, Assist-

ant Secretary for Water and Science at the U.S. Department of the Interior (Department). Thank you for the opportunity to provide the views of the Department on H.R. 132, the Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2017. For the reasons I will discuss below, the Department supports this bill.

H.R. 132 directs the Department of the Interior to convey to the Arbuckle Master Conservancy District in Murray County, Oklahoma, all right, title, and interest of the United States in and to the Maintenance Complex and District Office of the Arbuckle Project. The bill shields the federal government from being held liable by any court for damages arising out of any act, omission, or occurrence related to the complex and office, except for damages caused by acts of negligence by the government or government employees or agents prior to its conveyance.

After such conveyance: (1) the complex and office shall not be a part of a federal reclamation project; and (2) such district shall not be eligible to receive any benefits with respect to any facility comprising such complex and 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.

If the conveyance has not been completed within 12 months, Interior shall submit to Congress an explanation and the date by which the conveyance will be completed.

The Department has an active title transfer program and supports transferring certain Reclamation project facilities to non-Federal entities, particularly in cases where transfers could create opportunities, not just for those who receive title, but for other stakeholders and the public as well. This is also consistent with the broader aims of the Administration's Title Transfer legislative proposal, transmitted to Congress in February of this year.

The Arbuckle Project was authorized by the Act of August 24, 1962, Public Law 87-594, for municipal water supply, flood control, recreation, and fish and wildlife purposes. The Project was completed in 1966 and consists of Arbuckle Dam, Lake of the Arbuckles, and the Wynnewood Pumping Plant and Aqueduct.

Section 2(c) of the original authorizing language allowed for conveyance of title to pipelines and related facilities used solely for delivering project water to water users upon completion of their repayment. The District fulfilled its repayment obligation to the United States in September 2012, and Reclamation transferred title to the water conveyance facilities which consisted of the Wynnewood Pumping Plant and Aqueduct in December 2012.

As Reclamation was preparing to transfer title of the water conveyance facilities, the District requested that the Arbuckle Maintenance Complex and District Office be included in the title transfer. Reclamation determined that because these facilities were not used "solely for delivering project water to the water users" there was not sufficient

authority to accommodate this request. H.R. 132 would authorize the Secretary of the Interior to convey to the District all right, title, and interest of the United States in and to the Maintenance Complex and District Office. The Department is pleased to support this legislation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 132 as ordered reported.

