

104TH CONGRESS
2D SESSION

H. R. 3822

To direct the Secretary of the Interior to transfer the Palmetto Bend Project.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1996

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

A BILL

To direct the Secretary of the Interior to transfer the
Palmetto Bend Project.

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 “Palmetto Bend Project
5 Title Transfer Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act—

8 (1) the term “Federal reclamation laws” means
9 the Act of June 17, 1902 (32 Stat. 388), and Acts
10 amendatory thereof or supplementary thereto;

1 (2) the term “project” means the Palmetto
2 Bend Project and includes all features, functions,
3 and property, real and personal, as authorized by
4 Congress for the Palmetto Bend Project in Texas
5 and constructed by the Bureau of Reclamation pur-
6 suant to Federal reclamation laws; and

7 (3) the term “Secretary” means the Secretary
8 of the Interior.

9 **SEC. 3. AGREEMENT FOR TITLE TRANSFER OF PALMETTO**
10 **BEND PROJECT.**

11 (a) AGREEMENT.—Not later than 6 months after the
12 date of enactment of this Act, the Secretary shall enter
13 into an agreement with the Lavaca Navidad River Author-
14 ity, individually, or both Lavaca Navidad River Authority
15 and Texas Water Development Board, if the project is
16 held jointly by them at the time the agreement is executed,
17 for the transfer of the Palmetto Bend Project, Texas, au-
18 thorized by Act approved October 12, 1968 (Public Law
19 90–562; 82 Stat. 999).

20 (b) CONSIDERATION.—

21 (1) AMOUNT.—The consideration for the trans-
22 fer of such project under subsection (a) is
23 \$39,904,260, adjusted in accordance with paragraph
24 (2), payable to the United States in cash.

1 (2) ADJUSTMENT TO REFLECT CURRENT DIS-
2 COUNT RATE.—The amount specified in paragraph
3 (1) shall be increased or decreased by the same per-
4 centage as the ratio that the United States Treasury
5 discount rate in effect on the date of enactment of
6 this Act bears to such discount rate in effect on the
7 date on which the agreement relating to such
8 amount is executed.

9 **SEC. 4. ASSUMPTION OF RESPONSIBILITIES AND LIABIL-**
10 **ITIES BY STATE OF TEXAS AND LOCAL ENTI-**
11 **TIES.**

12 The agreement entered into under section 3 shall be
13 subject to the following conditions:

14 (1) The State of Texas or the transferee of the
15 project shall assume the responsibility for implemen-
16 tation of Federal nonreimbursable aspects of the
17 project and shall agree to hold public hearings con-
18 cerning such implementation.

19 (2) The State of Texas or the transferee of the
20 project shall assume all liability for operation and
21 maintenance of the purchased project.

22 (3) The State of Texas or the transferee of the
23 project—

24 (A) shall assume sole responsibility and li-
25 ability for the project purchased (or portion

1 thereof) as of the date of conveyance of title,
2 and

3 (B) will hold the United States harmless
4 and indemnify the United States against any
5 and all claims of damage.

6 **SEC. 5. GENERAL PROVISIONS.**

7 (a) **TRANSFER OF TITLE.**—Upon payment of the
8 consideration for the project pursuant to section 3, the
9 Secretary shall convey to the transferee of the project, all
10 right, title, and interest of the United States in and to
11 all land and all improvements to the project.

12 (b) **RELIEF FROM OBLIGATION TO COMPLY WITH**
13 **FEDERAL RECLAMATION LAWS.**—Effective on the date of
14 transfer of the project under this Act—

15 (1) the State of Texas and the transferee of the
16 project are hereby relieved from any obligation arising
17 after such date to comply with the Federal reclamation
18 laws, and

19 (2) the project beneficiaries shall not thereafter
20 be eligible to receive reclamation benefits available
21 pursuant to the Federal reclamation laws unless otherwise
22 authorized by Congress.

23 (c) **COMPLIANCE WITH CURRENT LAW.**—The Con-
24 gress finds that the assumption of Federal nonreimburs-
25 able responsibility by the State of Texas and the trans-

1 free of the project is in compliance with the National En-
2 vironmental Policy Act of 1969, and therefore project pur-
3 chase review shall not be required pursuant thereto.

4 (d) LUMP SUM PAYMENTS.—Section 213(c) of the
5 Reclamation Reform Act of 1982 (43 U.S.C. 390mm(e))
6 shall not apply to the project.

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