

118TH CONGRESS
1ST SESSION

S. 1662

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.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. BARRASSO (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pilot Butte Power
5 Plant Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (2) DISTRICT.—The term “District” means the
5 Midvale Irrigation District located in Pavillion, Wyo-
6 ming.

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

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior, acting through the
19 Commissioner of Reclamation.

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

21 (a) AGREEMENT.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary shall enter
23 into good faith negotiations with the District to enter into
24 an agreement to determine the legal, institutional, and fi-

1 nancial terms for the conveyance of the Power Plant from
2 the Secretary to the District.

3 (b) CONVEYANCE.—

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

11 (A) subject to valid leases, permits, rights-
12 of-way, easements, and other existing rights;
13 and

14 (B) in accordance with—

15 (i) the terms and conditions described
16 in the Agreement; and

17 (ii) this Act.

18 (2) STATUS OF LAND.—Effective on the date of
19 the conveyance of the Power Plant to the District
20 under paragraph (1), the Power Plant shall not be
21 considered to be a part of a Federal reclamation
22 project.

23 (c) REPORT.—If the conveyance authorized under
24 subsection (b)(1) is not completed by the date that is 1
25 year after the date of enactment of this Act, the Secretary

1 shall submit to the Committee on Energy and Natural Re-
2 sources of the Senate and the Committee on Natural Re-
3 sources of the House of Representatives a report that de-
4 scribes—

5 (1) the status of the conveyance under that
6 subsection;

7 (2) any obstacles to completing the conveyance
8 under that subsection; and

9 (3) an anticipated date for the completion of
10 the conveyance under that subsection.

11 **SEC. 4. LIABILITY.**

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

20 (b) **TORTS CLAIMS.**—Nothing in this section in-
21 creases the liability of the United States beyond that pro-
22 vided in chapter 171 of title 28, United States Code (com-
23 monly known as the “Federal Tort Claims Act”).

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

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

6 (1) the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.);

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

10 (3) subtitle III of title 54, United States Code;

11 and

12 (4) any other applicable laws.

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

18 **SEC. 6. PAYMENT OF COSTS.**

19 (a) ADMINISTRATIVE COSTS.—Administrative costs
20 for the conveyance of the Power Plant to the District
21 under section 3(b)(1) shall be paid in equal shares by the
22 Secretary and the District.

23 (b) REAL ESTATE TRANSFER COSTS.—The costs of
24 all boundary surveys, title searches, cadastral surveys, ap-
25 praisals, and other real estate transactions required for
26 the conveyance of the Power Plant to the District under

1 section 3(b)(1) shall be paid in equal shares by the Sec-
2 retary and the District.

3 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—

4 The costs associated with any review required under the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.), the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.), subtitle III of title 54, United States
8 Code, or any other applicable laws for conveyance of the
9 Power Plant to the District under section 3(b)(1) shall
10 be paid in equal shares by the Secretary and the District.

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