

**Calendar No. 356**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1662****[Report No. 118–165]**

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.

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**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

APRIL 9, 2024

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pilot Butte Power  
3 Plant Conveyance Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **AGREEMENT.**—The term “Agreement”  
7 means the agreement entered into under section  
8 3(a).

9 (2) **DISTRICT.**—The term “District” means the  
10 Midvale Irrigation District located in Pavillion, Wyo-  
11 ming.

12 (3) **POWER PLANT.**—The term “Power Plant”  
13 means the Pilot Butte Power Plant and other appur-  
14 tenant facilities in the State of Wyoming authorized  
15 under the Act of March 2, 1917 (39 Stat. 969,  
16 chapter 146), transferred to the jurisdiction of the  
17 Bureau of Reclamation under the Act of June 5,  
18 1920 (41 Stat. 874, chapter 235), and incorporated  
19 into the Riverton Unit of the Pick-Sloan Missouri  
20 Basin Program under Public Law 91-409 (84 Stat.  
21 861), including the underlying land.

22 (4) **SECRETARY.**—The term “Secretary” means  
23 the Secretary of the Interior, acting through the  
24 Commissioner of Reclamation.

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

2 (a) **AGREEMENT.**—Not later than 2 years after the  
 3 date of enactment of this Act, the Secretary shall enter  
 4 into good faith negotiations with the District to enter into  
 5 an agreement to determine the legal, institutional, and fi-  
 6 nancial terms for the conveyance of the Power Plant from  
 7 the Secretary to the District.

8 (b) **CONVEYANCE.**—

9 (1) **IN GENERAL.**—In consideration for the Dis-  
 10 trict assuming from the United States all liability  
 11 for the administration, operation, maintenance, and  
 12 replacement of the Power Plant, the Secretary shall  
 13 offer to convey and assign to the District all right,  
 14 title, and interest of the United States in and to the  
 15 Power Plant—

16 (A) subject to valid leases, permits, rights-  
 17 of-way, easements, and other existing rights;  
 18 and

19 (B) in accordance with—

20 (i) the terms and conditions described  
 21 in the Agreement; and

22 (ii) this Act.

23 (2) **STATUS OF LAND.**—Effective on the date of  
 24 the conveyance of the Power Plant to the District  
 25 under paragraph (1), the Power Plant shall not be

1 considered to be a part of a Federal reclamation  
2 project.

3 (c) REPORT.—If the conveyance authorized under  
4 subsection (b)(1) is not completed by the date that is 1  
5 year after the date of enactment of this Act, the Secretary  
6 shall submit to the Committee on Energy and Natural Re-  
7 sources of the Senate and the Committee on Natural Re-  
8 sources of the House of Representatives a report that de-  
9 scribes—

10 (1) the status of the conveyance under that  
11 subsection;

12 (2) any obstacles to completing the conveyance  
13 under that subsection; and

14 (3) an anticipated date for the completion of  
15 the conveyance under that subsection.

16 **SEC. 4. LIABILITY.**

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

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

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

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

10           (1) the National Environmental Policy Act of  
 11           1969 (42 U.S.C. 4321 et seq.);

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

14           (3) subtitle III of title 54, United States Code;  
 15           and

16           (4) any other applicable laws.

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

22 **SEC. 6. PAYMENT OF COSTS.**

23       (a) ADMINISTRATIVE COSTS.—Administrative costs  
 24 for the conveyance of the Power Plant to the District

1 under section 3(b)(1) shall be paid in equal shares by the  
 2 Secretary and the District.

3 (b) REAL ESTATE TRANSFER COSTS.—The costs of  
 4 all boundary surveys, title searches, cadastral surveys, ap-  
 5 praisals, and other real estate transactions required for  
 6 the conveyance of the Power Plant to the District under  
 7 section 3(b)(1) shall be paid in equal shares by the Sec-  
 8 retary and the District.

9 (c) COSTS OF COMPLIANCE WITH OTHER LAWS.—  
 10 The costs associated with any review required under the  
 11 National Environmental Policy Act of 1969 (42 U.S.C.  
 12 4321 et seq.); the Endangered Species Act of 1973 (16  
 13 U.S.C. 1531 et seq.); subtitle III of title 54, United States  
 14 Code; or any other applicable laws for conveyance of the  
 15 Power Plant to the District under section 3(b)(1) shall  
 16 be paid in equal shares by the Secretary and the District.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Pilot Butte Power Plant*  
 19 *Conveyance Act”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

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

1           (2) *DISTRICT*.—The term “District” means the  
2           *Midvale Irrigation District located in Pavillion, Wy-*  
3           *oming.*

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

14           (4) *SECRETARY*.—The term “Secretary” means  
15           *the Secretary of the Interior, acting through the Com-*  
16           *missioner of Reclamation.*

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

18           (a) *AGREEMENT*.—

19           (1) *IN GENERAL*.—Not later than 2 years after  
20           *the date of enactment of this Act, the Secretary shall*  
21           *enter into good faith negotiations with the District to*  
22           *enter into an agreement to determine the legal, insti-*  
23           *tutional, and financial terms for the conveyance of*  
24           *the Power Plant from the Secretary to the District.*

1           (2) *REQUIREMENT.*—*Notwithstanding section*  
2 *8002(3)(B) of the John D. Dingell, Jr. Conservation,*  
3 *Management, and Recreation Act (43 U.S.C.*  
4 *2902(3)(B)), the Secretary shall negotiate the agree-*  
5 *ment under paragraph (1) in accordance with the cri-*  
6 *teria, terms, and conditions described in subtitle A of*  
7 *title VIII of that Act (43 U.S.C. 2901 et seq.).*

8           (b) *CONVEYANCE.*—

9           (1) *IN GENERAL.*—*The Secretary shall offer to*  
10 *convey and assign to the District all right, title, and*  
11 *interest of the United States in and to the Power*  
12 *Plant—*

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

15                   (B) *in accordance with—*

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

18                           (ii) *this Act.*

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

24           (c) *REPORT.*—*If the conveyance authorized under sub-*  
25 *section (b)(1) is not completed by the date that is 1 year*



1 *after the date of enactment of this Act, the Secretary shall*  
2 *submit to the Committee on Energy and Natural Resources*  
3 *of the Senate and the Committee on Natural Resources of*  
4 *the House of Representatives a report that describes—*

5           (1) *the status of the conveyance under that sub-*  
6 *section;*

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

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

11 **SEC. 4. COMPLIANCE WITH OTHER LAWS.**

12       *Effective on the date of the conveyance of the Power*  
13 *Plant to the District under section 3(b)(1), the District shall*  
14 *comply with all applicable Federal, State, and local laws*  
15 *(including regulations) with respect to the operation of the*  
16 *Power Plant.*

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118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1662**

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## **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.

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Reported with an amendment