

109TH CONGRESS  
1ST SESSION

# S. 2129

To authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2005

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

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## A BILL

To authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho.

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 “American Falls Res-  
5       ervoir District Number 2 Conveyance Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **AGREEMENT.**—The term “Agreement”  
9       means Agreement No. 5–07–10–L1688 between the

1 United States and the District, entitled “Agreement  
2 Between the United States and the American Falls  
3 Reservoir District No. 2 to Transfer Title to the  
4 Federally Owned Milner-Gooding Canal and Certain  
5 Property Rights, Title and Interest to the American  
6 Falls Reservoir District No. 2”.

7 (2) DISTRICT.—The term “District” means the  
8 American Falls Reservoir District No. 2, located in  
9 Jerome, Lincoln, and Gooding Counties, Idaho.

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 **SEC. 3. AUTHORITY TO CONVEY TITLE.**

13 (a) IN GENERAL.—In accordance with all applicable  
14 law and the terms and conditions set forth in the Agree-  
15 ment, the Secretary may convey—

16 (1) to the District all right, title, and interest  
17 in and to the land and improvements described in  
18 Appendix A of the Agreement, subject to valid exist-  
19 ing rights;

20 (2) to the city of Gooding, located in Gooding  
21 County, Idaho, all right, title, and interest in and to  
22 the 5.0 acres of land and improvements described in  
23 Appendix D of the Agreement; and

24 (3) to the Idaho Department of Fish and Game  
25 all right, title, and interest in and to the 39.72 acres

1 of land and improvements described in Appendix D  
2 of the Agreement.

3 (b) COMPLIANCE WITH AGREEMENT.—All parties to  
4 the conveyance under subsection (a) shall comply with the  
5 terms and conditions of the Agreement, to the extent con-  
6 sistent with this Act.

7 **SEC. 4. TRANSFER.**

8 As soon as practicable after the date of enactment  
9 of this Act, the Secretary shall direct the Director of the  
10 National Park Service to include in and manage as a part  
11 of the Minidoka Internment National Monument the  
12 10.18 acres of land and improvements described in Appen-  
13 dix D of the Agreement.

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

15 (a) IN GENERAL.—On conveyance of the land and  
16 improvements under section 3(a)(1), the District shall  
17 comply with all applicable Federal, State, and local laws  
18 (including regulations) in the operation of each facility  
19 transferred.

20 (b) APPLICABLE AUTHORITY.—Nothing in this Act  
21 modifies or otherwise affects the applicability of Federal  
22 reclamation law (the Act of June 17, 1902 (32 Stat. 388,  
23 chapter 1093), and Acts supplemental to and amendatory  
24 of that Act (43 U.S.C. 371 et seq.)) to project water pro-  
25 vided to the District.

1 **SEC. 6. REVOCATION OF WITHDRAWALS.**

2 (a) IN GENERAL.—The portions of the Secretarial  
3 Orders dated March 18, 1908, October 7, 1908, Sep-  
4 tember 29, 1919, October 22, 1925, March 29, 1927, July  
5 23, 1927, and May 7, 1963, withdrawing the approxi-  
6 mately 6,900 acres described in Appendix E of the Agree-  
7 ment for the purpose of the Gooding Division of the  
8 Minidoka Project, are revoked.

9 (b) MANAGEMENT OF WITHDRAWN LAND.—The Sec-  
10 retary, acting through the Director of the Bureau of Land  
11 Management, shall manage the withdrawn land described  
12 in subsection (a) subject to valid existing rights.

13 **SEC. 7. LIABILITY.**

14 (a) IN GENERAL.—Subject to subsection (b), upon  
15 completion of a conveyance under section 3, the United  
16 States shall not be liable for damages of any kind for any  
17 injury arising out of an act, omission, or occurrence relat-  
18 ing to the land (including any improvements to the land)  
19 conveyed under the conveyance.

20 (b) EXCEPTION.—Subsection (a) shall not apply to  
21 liability for damages resulting from an injury caused by  
22 any act of negligence committed by the United States (or  
23 by any officer, employee, or agent of the United States)  
24 before the date of completion of the conveyance.

25 (c) FEDERAL TORT CLAIMS ACT.—Nothing in this  
26 section increases the liability of the United States beyond

1 that provided in chapter 171 of title 28, United States  
2 Code.

3 **SEC. 8. FUTURE BENEFITS.**

4 (a) RESPONSIBILITY OF THE DISTRICT.—After com-  
5 pletion of the conveyance of land and improvements to the  
6 District under section 3(a)(1), and consistent with the  
7 Agreement, the District shall assume responsibility for all  
8 duties and costs associated with the operation, replace-  
9 ment, maintenance, enhancement, and betterment of the  
10 transferred land (including any improvements to the  
11 land).

12 (b) ELIGIBILITY FOR FEDERAL FUNDING.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), the District shall not be eligible to receive  
15 Federal funding to assist in any activity described in  
16 subsection (a) relating to land and improvements  
17 transferred under section 3(a)(1).

18 (2) EXCEPTION.—Paragraph (1) shall not  
19 apply to any funding that would be available to a  
20 similarly situated nonreclamation district, as deter-  
21 mined by the Secretary.

22 **SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.**

23 Before completing any conveyance under this Act, the  
24 Secretary shall complete all actions required under—

1           (1) the National Environmental Policy Act of  
2           1969 (42 U.S.C. 4321 et seq.);

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

5           (3) the National Historic Preservation Act (16  
6           U.S.C. 470 et seq.); and

7           (4) all other applicable laws (including regula-  
8           tions).

9   **SEC. 10. PAYMENT.**

10       (a) FAIR MARKET VALUE REQUIREMENT.—As a con-  
11       dition of the conveyance under section 3(a)(1), the District  
12       shall pay the fair market value for the withdrawn lands  
13       to be acquired by them, in accordance with the terms of  
14       the Agreement.

15       (b) GRANT FOR BUILDING REPLACEMENT.—As soon  
16       as practicable after the date of enactment of this Act, and  
17       in full satisfaction of the Federal obligation to the District  
18       for the replacement of the structure in existence on that  
19       date of enactment that is to be transferred to the National  
20       Park Service for inclusion in the Minidoka Internment  
21       National Monument, the Secretary, acting through the  
22       Commission of Reclamation, shall provide to the District  
23       a grant in the amount of \$52,996, in accordance with the  
24       terms of the Agreement.

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