

Calendar No. 310

116TH CONGRESS
1ST SESSION

S. 1882

[Report No. 116–161]

To make available the continued use of Pick-Sloan Missouri Basin Program project use power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2019

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2019

Reported by Ms. MURKOWSKI, with an amendment

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

A BILL

To make available the continued use of Pick-Sloan Missouri Basin Program project use power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, 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. CONTINUED USE OF PICK-SLOAN MISSOURI**
2 **BASIN PROGRAM PROJECT USE POWER BY**
3 **THE KINSEY IRRIGATION COMPANY AND THE**
4 **SIDNEY WATER USERS IRRIGATION DISTRICT.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Act of May 18, 1938 (52 Stat. 403,
7 chapter 250; 16 U.S.C. 833 et seq.), authorized the
8 completion, maintenance, and operation of the Fort
9 Peck project;

10 (2) section 2 of that Act (52 Stat. 404, chapter
11 250; 16 U.S.C. 833a) authorized and directed the
12 Bureau of Reclamation—

13 (A) to transmit and sell electric energy
14 generated by the Fort Peck project; and

15 (B) “to interconnect the Fort Peck project
16 with either private or with other Federal
17 projects and publicly owned power systems now
18 or hereafter constructed.”;

19 (3) section 9 of the Act of December 22, 1944
20 (commonly known as the “Flood Control Act of
21 1944”) (58 Stat. 891, chapter 665)—

22 (A) authorized the Missouri River Basin
23 Project, now known as the “Pick-Sloan Mis-
24 souri Basin Program” (referred to in this sec-
25 tion as the “Program”);

1 (B) approved the comprehensive plan for
2 the Program set forth in Senate Document 191
3 and House Document 475, as revised and co-
4 ordinated by Senate Document 247, 78th Con-
5 gress;

6 (C) established a permanent administra-
7 tion for the development of the Missouri River
8 Basin; and

9 (D) incorporated the Fort Peck project as
10 part of the Program;

11 (4) in 1946, the Bureau of Reclamation entered
12 into project use power contracts to provide the
13 Kinsey Irrigation Company and the predecessor of
14 the Sidney Water Users Irrigation District electrical
15 service under the authority of the Act of May 18,
16 1938 (52 Stat. 403, chapter 250; 16 U.S.C. 833 et
17 seq.);

18 (5) since 1946, the Bureau of Reclamation has
19 approved 9 modifications to the project use power
20 contracts between the Bureau of Reclamation, the
21 Kinsey Irrigation Company, and the Sidney Water
22 Users Irrigation District;

23 (6) the project use power contracts in effect on
24 the date of enactment of this Act provide electric
25 service to the Kinsey Irrigation Company and the

1 Sidney Water Users Irrigation District at the Pro-
 2 gram rate of 2.5 mills per kilowatt-hour, including
 3 wheeling, through 2020; and

4 (7) the Kinsey Irrigation Company and the Sid-
 5 ney Water Users Irrigation District have reasonably
 6 relied on the authority of the Act of May 18, 1938
 7 (52 Stat. 403, chapter 250; 16 U.S.C. 833 et seq.);
 8 and the fact that the Bureau of Reclamation has
 9 treated the Kinsey Irrigation Company and the Sid-
 10 ney Water Users Irrigation District as irrigation
 11 pumping units of the Program for more than 74
 12 years.

13 (b) AUTHORIZATION.—Notwithstanding any other
 14 provision of law and subject to subsection (c), the Sec-
 15 retary of the Interior (acting through the Commissioner
 16 of Reclamation) shall continue to treat the irrigation
 17 pumping units known as the “Kinsey Irrigation Com-
 18 pany” in Custer County, Montana and the “Sidney Water
 19 Users Irrigation District” in Richland County, Montana;
 20 or any successor to the Kinsey Irrigation Company or Sid-
 21 ney Water Users Irrigation District, as irrigation pumping
 22 units of the Program for the purposes of wheeling, admin-
 23 istration, and payment of project use power.

24 (c) LIMITATION.—The quantity of power to be pro-
 25 vided to the Kinsey Irrigation Company and the Sidney

1 Water Users Irrigation District (including any successor
 2 to the Kinsey Irrigation Company or the Sidney Water
 3 Users Irrigation District) under subsection (b) may not
 4 exceed the maximum quantity of power provided to the
 5 Kinsey Irrigation Company and the Sidney Water Users
 6 Irrigation District under the applicable contract for elec-
 7 tric service in effect on the date of enactment of this Act.

8 **SECTION 1. CONTINUED USE OF PICK-SLOAN MISSOURI**
 9 **BASIN PROGRAM PROJECT USE POWER BY**
 10 **THE KINSEY IRRIGATION COMPANY AND THE**
 11 **SIDNEY WATER USERS IRRIGATION DISTRICT.**

12 (a) *AUTHORIZATION.*—Notwithstanding any other
 13 provision of law and subject to subsection (b), the Secretary
 14 of the Interior (acting through the Commissioner of Rec-
 15 lamation) shall continue to treat the irrigation pumping
 16 units known as the “Kinsey Irrigation Company” in Custer
 17 County, Montana and the “Sidney Water Users Irrigation
 18 District” in Richland County, Montana, or any successor
 19 to the Kinsey Irrigation Company or Sidney Water Users
 20 Irrigation District, as irrigation pumping units of the
 21 Pick-Sloan Missouri Basin Program for the purposes of
 22 wheeling, administration, and payment of project use
 23 power, including the applicability of provisions relating to
 24 the treatment of costs beyond the ability to pay under sec-
 25 tion 9 of the Act of December 22, 1944 (commonly known

1 as the “Flood Control Act of 1944”) (58 Stat. 891, chapter
2 665).

3 (b) *LIMITATION.*—*The quantity of power to be pro-*
4 *vided to the Kinsey Irrigation Company and the Sidney*
5 *Water Users Irrigation District (including any successor to*
6 *the Kinsey Irrigation Company or the Sidney Water Users*
7 *Irrigation District) under subsection (a) may not exceed the*
8 *maximum quantity of power provided to the Kinsey Irriga-*
9 *tion Company and the Sidney Water Users Irrigation Dis-*
10 *trict under the applicable contract for electric service in ef-*
11 *fect on the date of enactment of this Act.*

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