

116TH CONGRESS
1ST SESSION

S. 325

To require the Secretary of the Interior to convey the Garrison Diversion Unit Project Oakes Test Area in Dickey County, North Dakota, to the Dickey-Sargent Irrigation District, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2019

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

A BILL

To require the Secretary of the Interior to convey the Garrison Diversion Unit Project Oakes Test Area in Dickey County, North Dakota, to the Dickey-Sargent 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Garrison Diversion
5 Unit Project Oakes Test Area Conveyance Act of 2019”.

1 **SEC. 2. CONVEYANCE OF THE OAKES TEST AREA OF THE**
 2 **GARRISON DIVERSION UNIT PROJECT,**
 3 **NORTH DAKOTA.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGREEMENT.—The term “Agreement”
 6 means a title transfer agreement between the United
 7 States and the District—

8 (A) to determine the legal, operational, in-
 9 stitutional, and financial terms related to the
 10 conveyance of the Oakes Test Area as required
 11 under subsection (b); and

12 (B) to be entered into pursuant to the
 13 memorandum of agreement entitled “Memo-
 14 randum of Agreement Between United States
 15 of America Department of the Interior Bureau
 16 of Reclamation and Dickey-Sargent Irrigation
 17 District for the Purpose of Defining Roles and
 18 Responsibilities for Actions Required to Prepare
 19 for Title Transfer of Certain Facilities, Land,
 20 and Appurtenances at the Garrison Diversion
 21 Unit Project Oakes Test Area”, dated Decem-
 22 ber 18, 2018, and numbered 19AG620033.

23 (2) DISTRICT.—The term “District” means the
 24 Dickey-Sargent Irrigation District.

25 (3) OAKES TEST AREA.—The term “Oakes Test
 26 Area” means the facilities, land, and appurtenances

1 of the approximately 5,000-acre prototype irrigation
2 test area authorized as part of the Garrison Diver-
3 sion Unit Project in the James River Basin, as de-
4 scribed in the Agreement.

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (b) CONVEYANCE TO DISTRICT.—As soon as prac-
8 ticable after the date of enactment of this Act, the Sec-
9 retary shall convey to the District all right, title, and inter-
10 est of the United States in and to the Oakes Test Area,
11 consistent with the terms and conditions of the Agree-
12 ment.

13 (c) LIABILITY.—

14 (1) IN GENERAL.—Effective on the date of con-
15 veyance to the District of the Oakes Test Area
16 under this section, the United States shall not be
17 held liable by any court for damages of any kind
18 arising out of any act, omission, or occurrence relat-
19 ing to the Oakes Test Area, except for damages
20 caused by acts of negligence committed by the
21 United States or by an employee or agent of the
22 United States prior to the date of conveyance.

23 (2) APPLICABLE LAW.—Nothing in this section
24 increases the liability of the United States beyond
25 the liability provided in chapter 171 of title 28,

1 United States Code (commonly known as the “Fed-
2 eral Tort Claims Act”), on the date of enactment of
3 this Act.

4 (d) BENEFITS.—After the conveyance of the Oakes
5 Test Area to the District under this section—

6 (1) the Oakes Test Area shall not be considered
7 to be a part of a Federal reclamation project; and

8 (2) the District shall not be eligible to receive
9 any benefits with respect to any facility comprising
10 that Oakes Test Area, other than benefits that
11 would be available to a similarly situated person
12 with respect to a facility that is not part of a Fed-
13 eral reclamation project.

14 (e) COMMUNICATION.—If the Secretary has not com-
15 pleted the conveyance required under subsection (b) by the
16 date that is 1 year after the date of enactment of this
17 Act, the Secretary shall submit to Congress a letter with
18 sufficient detail that—

19 (1) explains the reasons the conveyance has not
20 been completed; and

21 (2) specifies the date by which the conveyance
22 will be completed.

○