

Calendar No. 817

110TH CONGRESS  
2D SESSION**H. R. 2085****[Report No. 110-385]**

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2007

Received; read twice and referred to the Committee on Energy and Natural  
Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, without amendment

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**AN ACT**

To authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, 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 “McGee Creek Project  
5 Pipeline and Associated Facilities Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) AGREEMENT.—The term “Agreement”  
2 means the agreement numbered 06–AG–60–2115  
3 and entitled “Agreement Between the United States  
4 of America and McGee Creek Authority for the Pur-  
5 pose of Defining Responsibilities Related to and Im-  
6 plementing the Title Transfer of Certain Facilities  
7 at the McGee Creek Project, Oklahoma”.

8           (2) AUTHORITY.—The term “Authority” means  
9 the McGee Creek Authority located in Oklahoma  
10 City, Oklahoma.

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

13 **SEC. 3. CONVEYANCE OF MCGEE CREEK PROJECT PIPE-**  
14 **LINE AND ASSOCIATED FACILITIES.**

15 (a) AUTHORITY TO CONVEY.—

16           (1) IN GENERAL.—In accordance with all appli-  
17 cable laws and consistent with any terms and condi-  
18 tions provided in the Agreement, the Secretary may  
19 convey to the Authority all right, title, and interest  
20 of the United States in and to the pipeline and any  
21 associated facilities described in the Agreement, in-  
22 cluding—

23                   (A) the pumping plant;

1 (B) the raw water pipeline from the McGee  
2 Creek pumping plant to the rate of flow control  
3 station at Lake Atoka;

4 (C) the surge tank;

5 (D) the regulating tank;

6 (E) the McGee Creek operation and main-  
7 tenance complex, maintenance shop, and pole  
8 barn; and

9 (F) any other appurtenances, easements,  
10 and fee title land associated with the facilities  
11 described in subparagraphs (A) through (E), in  
12 accordance with the Agreement.

13 (2) EXCLUSION OF MINERAL ESTATE FROM  
14 CONVEYANCE.—

15 (A) IN GENERAL.—The mineral estate  
16 shall be excluded from the conveyance of any  
17 land or facilities under paragraph (1).

18 (B) MANAGEMENT.—Any mineral interests  
19 retained by the United States under this Act  
20 shall be managed—

21 (i) consistent with Federal law; and

22 (ii) in a manner that would not inter-  
23 fere with the purposes for which the  
24 McGee Creek Project was authorized.

1           (3) COMPLIANCE WITH AGREEMENT; APPLICA-  
2           BLE LAW.—

3           (A) AGREEMENT.—All parties to the con-  
4           veyance under paragraph (1) shall comply with  
5           the terms and conditions of the Agreement, to  
6           the extent consistent with this Act.

7           (B) APPLICABLE LAW.—Before any con-  
8           veyance under paragraph (1), the Secretary  
9           shall complete any actions required under—

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

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

14                   (iii) the National Historic Preserva-  
15                   tion Act (16 U.S.C. 470 et seq.); and

16                   (iv) any other applicable laws.

17           (b) OPERATION OF TRANSFERRED FACILITIES.—

18           (1) IN GENERAL.—On the conveyance of the  
19           land and facilities under subsection (a)(1), the Au-  
20           thority shall comply with all applicable Federal,  
21           State, and local laws (including regulations) in the  
22           operation of any transferred facilities.

23           (2) OPERATION AND MAINTENANCE COSTS.—

24           (A) IN GENERAL.—After the conveyance of  
25           the land and facilities under subsection (a)(1)

1 and consistent with the Agreement, the Author-  
2 ity shall be responsible for all duties and costs  
3 associated with the operation, replacement,  
4 maintenance, enhancement, and betterment of  
5 the transferred land and facilities.

6 (B) LIMITATION ON FUNDING.—The Au-  
7 thority shall not be eligible to receive any Fed-  
8 eral funding to assist in the operation, replace-  
9 ment, maintenance, enhancement, and better-  
10 ment of the transferred land and facilities, ex-  
11 cept for funding that would be available to any  
12 comparable entity that is not subject to rec-  
13 lamation laws.

14 (c) RELEASE FROM LIABILITY.—

15 (1) IN GENERAL.—Effective beginning on the  
16 date of the conveyance of the land and facilities  
17 under subsection (a)(1), the United States shall not  
18 be liable for damages of any kind arising out of any  
19 act, omission, or occurrence relating to any land or  
20 facilities conveyed, except for damages caused by  
21 acts of negligence committed by the United States  
22 (including any employee or agent of the United  
23 States) before the date of the conveyance.

24 (2) NO ADDITIONAL LIABILITY.—Nothing in  
25 this subsection adds to any liability that the United

1 States may have under chapter 171 of title 28,  
2 United States Code.

3 (d) CONTRACTUAL OBLIGATIONS.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), any rights and obligations under the con-  
6 tract numbered 0–07–50–X0822 and dated October  
7 11, 1979, between the Authority and the United  
8 States for the construction, operation, and mainte-  
9 nance of the McGee Creek Project, shall remain in  
10 full force and effect.

11 (2) AMENDMENTS.—With the consent of the  
12 Authority, the Secretary may amend the contract de-  
13 scribed in paragraph (1) to reflect the conveyance of  
14 the land and facilities under subsection (a)(1).

15 (e) APPLICABILITY OF THE RECLAMATION LAWS.—  
16 Notwithstanding the conveyance of the land and facilities  
17 under subsection (a)(1), the reclamation laws shall con-  
18 tinue to apply to any project water provided to the Author-  
19 ity.



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