

108TH CONGRESS
2D SESSION

H. R. 4362

To authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2004

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, 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. ACCEPTANCE OF ADDITIONAL TRUST LANDS**
2 **ON BEHALF OF NISQUALLY TRIBE, WASH-**
3 **INGTON.**

4 (a) **AUTHORITY TO ACCEPT.**—The Secretary of the
5 Interior may accept, in trust for the Nisqually Tribe, a
6 federally recognized Indian tribe whose tribal lands are lo-
7 cated within the State of Washington, all right, title, and
8 interest of the United States in and to two parcels of real
9 property, including any improvements thereon, consisting
10 of approximately 168 acres at Fort Lewis, Washington.
11 The acceptance by the Secretary of the parcels in trust
12 for the Nisqually Tribe shall be in lieu of conveyance of
13 the parcels directly to the tribe under section 2837 of the
14 Military Construction Authorization Act for Fiscal Year
15 2002 (division B of Public Law 107–107; 115 Stat. 1315).

16 (b) **CONSIDERATION.**—As consideration for the real
17 property described in subsection (a), the Nisqually Tribe
18 shall continue to comply with subsection (b) of such sec-
19 tion 2837, except that the fee title acquired by the tribe
20 and conveyed under such subsection must be free from all
21 liens, encumbrances or other interests, other than those,
22 if any, acceptable to the recipient.

23 (c) **TREATMENT OF EXISTING PERMIT RIGHTS;**
24 **GRANT OF EASEMENT.**—(1) The acceptance of real prop-
25 erty in trust for the Nisqually Tribe under subsection (a)
26 shall recognize and preserve to the Bonneville Power Ad-

1 ministration, in perpetuity and without the right of rev-
2 ocation except as provided in paragraph (2), rights in ex-
3 istence at the time of the conveyance under the permit
4 dated February 4, 1949, as amended January 4, 1952,
5 between the Department of the Army and the Bonneville
6 Power Administration with respect to any portion of the
7 property described in subsection (a) upon which the Bon-
8 neville Power Administration retains transmission facili-
9 ties. The rights recognized and preserved include the right
10 to upgrade those transmission facilities.

11 (2) The permit rights recognized and preserved under
12 paragraph (1) shall terminate only upon the Bonneville
13 Power Administration's relocation of the transmission fa-
14 cilities referred to in paragraph (1), and then only with
15 respect to that portion of those transmission facilities that
16 are relocated.

17 (3) The Secretary of the Interior, as trustee for the
18 Nisqually Tribe, shall grant to the Bonneville Power Ad-
19 ministration, without consideration and subject to the
20 same rights recognized and preserved in paragraph (1),
21 such additional easements across the property described
22 in subsection (a) as the Bonneville Power Administration
23 considers necessary to accommodate the relocation or re-
24 connection of Bonneville Power Administration trans-

- 1 mission facilities from property owned by the Tribe and
- 2 held by the Secretary of the Interior in trust for the Tribe.

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