

108TH CONGRESS  
2D SESSION

# H. R. 4272

To amend the Military Construction Authorization Act for Fiscal Year 2002 to modify the terms and scope of a land exchange involving Fort Lewis, Washington, authorized between the Secretary of the Army and the Nisqually Tribe and affecting the interests of the Bonneville Power Administration.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2004

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend the Military Construction Authorization Act for Fiscal Year 2002 to modify the terms and scope of a land exchange involving Fort Lewis, Washington, authorized between the Secretary of the Army and the Nisqually Tribe and affecting the interests of the Bonneville Power Administration.

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. MODIFICATION OF LAND EXCHANGE AND CON-**  
4       **SOLIDATION, FORT LEWIS, WASHINGTON.**

5       (a) PROPERTY TO BE TRANSFERRED TO SECRETARY  
6       OF THE INTERIOR IN TRUST.—Subsection (a)(1) of sec-

tion 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315) is amended—

(1) by striking “may convey to” and inserting “may transfer to the Secretary of the Interior, in trust for”; and

(2) by striking “Washington, in” and all that follows through the period and inserting “Washington. The Secretary of the Army may make the transfer under the preceding sentence, and the Secretary of the Interior may accept the property transferred in trust for the Nisqually Tribe under the preceding sentence, only in conjunction with the conveyance described in subsection (b)(2).”.

(b) INCREASE IN ACREAGE TO BE TRANSFERRED.—Such subsection is further amended by striking “138 acres” and inserting “168 acres”.

(c) QUALIFICATION ON PROPERTY TO BE TRANSFERRED.—Subsection (a)(2) of such section is amended—

(1) by striking “conveyance” and inserting “transfer”; and

(2) by striking “or the right of way described in subsection (c)” and inserting “located on the real property transferred under that paragraph”.

1 (d) CONSIDERATION.—Subsection (b) of such section  
2 is amended—

3 (1) in the matter preceding paragraph (1), by  
4 striking “conveyance” and inserting “transfer”; and

5 (2) in paragraph (2), by striking “fee title over  
6 the acquired property to the Secretary” and insert-  
7 ing “to the United States fee title to the property  
8 acquired under paragraph (1), free from all liens,  
9 encumbrances or other interests other than those, if  
10 any, acceptable to the Secretary of the Army”.

11 (e) TREATMENT OF EXISTING PERMIT RIGHTS;  
12 GRANT OF EASEMENT.—Such section is further amend-  
13 ed—

14 (1) by redesignating subsections (d) and (e) as  
15 subsections (e) and (f), respectively; and

16 (2) by inserting after subsection (c) the fol-  
17 lowing new subsection:

18 “(d) TREATMENT OF EXISTING PERMIT RIGHTS;  
19 GRANT OF EASEMENT.—(1) The transfer under sub-  
20 section (a) recognizes and preserves to the Bonneville  
21 Power Administration, in perpetuity and without the right  
22 of revocation except as provided in paragraph (2), rights  
23 in existence at the time of the conveyance under the per-  
24 mit dated February 4, 1949, as amended January 4,  
25 1952, between the Department of the Army and the Bon-

1 neville Power Administration with respect to any portion  
2 of the property transferred under subsection (a) upon  
3 which the Bonneville Power Administration retains trans-  
4 mission facilities. The rights recognized and preserved in-  
5 clude the right to upgrade those transmission facilities.

6 “(2) The permit rights recognized and preserved  
7 under paragraph (1) shall terminate only upon the Bonne-  
8 ville Power Administration’s relocation of the transmission  
9 facilities referred to in paragraph (1), and then only with  
10 respect to that portion of those transmission facilities that  
11 are relocated.

12 “(3) The Secretary of the Interior, as trustee for the  
13 Nisqually Tribe, shall grant to the Bonneville Power Ad-  
14 ministration, without consideration and subject to the  
15 same rights recognized and preserved in paragraph (1),  
16 such additional easements across the property transferred  
17 under subsection (a) as the Bonneville Power Administra-  
18 tion considers necessary to accommodate the relocation or  
19 reconnection of Bonneville Power Administration trans-  
20 mission facilities from property owned by the Tribe and  
21 held by the Secretary of the Interior in trust for the  
22 Tribe.”.

23 (f) CONFORMING AMENDMENTS.—(1) Subsection (c)  
24 of such section is amended by inserting “of the Army”  
25 after “Secretary”.

1       (2) Subsection (e) of such section (as redesignated  
2 by subsection (e)(1)) is amended—

3           (A) by striking “conveyed” and inserting  
4 “transferred”;

5           (B) by inserting “of the Army” after “Sec-  
6 retary”; and

7           (C) by striking “the recipient of the property  
8 being surveyed” and inserting “the Tribe, in the  
9 case of the transfer under subsection (a), and the  
10 Secretary of the Army, in the case of the acquisition  
11 under subsection (b)”.  
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13       (3) Subsection (f) of such section (as redesignated by  
14 subsection (e)(1)) is amended—

15           (A) by inserting “of the Army” after “Sec-  
16 retary” both places it appears; and

17           (B) by striking “conveyances under this sec-  
18 tion” and inserting “transfer under subsection (a)  
and conveyances under subsections (b)(2) and (c)”.

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