

# Union Calendar No. 346

108TH CONGRESS  
2D SESSION

# H. R. 4362

**[Report No. 108–582, Part I]**

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.

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## 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

JULY 6, 2004

Reported from the Committee on Resources

JULY 6, 2004

Referral to the Committee on Armed Services extended for a period ending not later than July 6, 2004

JULY 6, 2004

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## 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,*

3       **SECTION 1. ACCEPTANCE OF ADDITIONAL TRUST LANDS**

4                       **ON BEHALF OF NISQUALLY TRIBE, WASH-**  
 5                       **INGTON.**

6       (a) **AUTHORITY TO ACCEPT.**—The Secretary of the  
 7 Interior may accept, in trust for the Nisqually Tribe, a  
 8 federally recognized Indian tribe whose tribal lands are lo-  
 9 cated within the State of Washington, all right, title, and  
 10 interest of the United States in and to two parcels of real  
 11 property, including any improvements thereon, consisting  
 12 of approximately 168 acres at Fort Lewis, Washington.  
 13 The acceptance by the Secretary of the parcels in trust  
 14 for the Nisqually Tribe shall be in lieu of conveyance of  
 15 the parcels directly to the tribe under section 2837 of the  
 16 Military Construction Authorization Act for Fiscal Year  
 17 2002 (division B of Public Law 107–107; 115 Stat. 1315).

18       (b) **CONSIDERATION.**—As consideration for the real  
 19 property described in subsection (a), the Nisqually Tribe  
 20 shall continue to comply with subsection (b) of such sec-  
 21 tion 2837, except that the fee title acquired by the tribe  
 22 and conveyed under such subsection must be free from all

1 liens, encumbrances or other interests, other than those,  
2 if any, acceptable to the recipient.

3 (c) TREATMENT OF EXISTING PERMIT RIGHTS;  
4 GRANT OF EASEMENT.—(1) The acceptance of real prop-  
5 erty in trust for the Nisqually Tribe under subsection (a)  
6 shall recognize and preserve to the Bonneville Power Ad-  
7 ministration, in perpetuity and without the right of rev-  
8 ocation except as provided in paragraph (2), rights in ex-  
9 istence at the time of the conveyance under the permit  
10 dated February 4, 1949, as amended January 4, 1952,  
11 between the Department of the Army and the Bonneville  
12 Power Administration with respect to any portion of the  
13 property described in subsection (a) upon which the Bon-  
14 neville Power Administration retains transmission facili-  
15 ties. The rights recognized and preserved include the right  
16 to upgrade those transmission facilities.

17 (2) The permit rights recognized and preserved under  
18 paragraph (1) shall terminate only upon the Bonneville  
19 Power Administration's relocation of the transmission fa-  
20 cilities referred to in paragraph (1), and then only with  
21 respect to that portion of those transmission facilities that  
22 are relocated.

23 (3) The Secretary of the Interior, as trustee for the  
24 Nisqually Tribe, shall grant to the Bonneville Power Ad-  
25 ministration, without consideration and subject to the

1 same rights recognized and preserved in paragraph (1),  
2 such additional easements across the property described  
3 in subsection (a) as the Bonneville Power Administration  
4 considers necessary to accommodate the relocation or re-  
5 connection of Bonneville Power Administration trans-  
6 mission facilities from property owned by the Tribe and  
7 held by the Secretary of the Interior in trust for the Tribe.



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