

114TH CONGRESS
2D SESSION

H. R. 6235

A bill to transfer certain land from the Secretary of the Army, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mr. CRAMER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

A bill to transfer certain land from the Secretary of the Army, 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. LAND TRANSFER.**

4 (a) IN GENERAL.—Subject to subsection (d), the Sec-
5 retary of the Army shall transfer the land described in
6 subsection (b) to the Secretary of the Interior to be held
7 in trust for the benefit of the Tribe, and subsection (c)
8 to the State of North Dakota.

9 (b) STANDING ROCK LAND TRANSFER.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 the Army shall transfer the covered property to the
4 Secretary of the Interior to be held in trust for the
5 benefit of the Tribe.

6 (2) DEFINITIONS.—In this subsection, the fol-
7 lowing definitions apply:

8 (A) COVERED PROPERTY.—The term “cov-
9 ered property” means all the property—

10 (i) within the exterior boundaries of
11 the Reservation within the State of North
12 Dakota;

13 (ii) acquired by the United States for
14 the Oahe Dam and Reservoir Project pur-
15 suant to Public Law 85–915 (72 Stat.
16 1762);

17 (iii) located above the top of the exclu-
18 sive flood pool of the Oahe Dam and Res-
19 ervoir Project, as determined by the Sec-
20 retary of the Army; and

21 (iv) under the administrative control
22 of the Corps of Engineers.

23 (B) RESERVATION.—The term “Reserva-
24 tion” means the Standing Rock Indian Reserva-
25 tion.

1 (C) TRIBE.—The term “Tribe” means the
2 Standing Rock Sioux Tribe of North and South
3 Dakota.

4 (c) TRANSFER OF PROPERTY TO NORTH DAKOTA.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 the Army shall convey to the State of North Dakota
8 all right, title, and interest of the United States in
9 and to the covered property.

10 (2) DEFINITION OF COVERED PROPERTY.—In
11 this subsection, the term “covered property” means
12 all property—

13 (A) in Burleigh County, Emmons County,
14 or Morton County in the State of North Da-
15 kota;

16 (B) acquired by the United States for the
17 Oahe Dam and Reservoir Project pursuant to
18 Public Law 85–915 (72 Stat. 1762);

19 (C) located above the top of the exclusive
20 flood pool of the Oahe Dam and Reservoir
21 Project, as determined by the Secretary of the
22 Army; and

23 (D) under the administrative control of the
24 Corps of Engineers.

25 (d) CONDITIONS OF TRANSFER.—

1 (1) AUTHORIZED PURPOSES.—The transfer of
2 land under this section shall not interfere with any
3 of the authorized purposes of the Oahe Dam and
4 Reservoir Project, any project of the Pick-Sloan Mis-
5 souri River Basin Program, or any applicable law.

6 (2) DEFINITION OF PICK-SLOAN MISSOURI
7 RIVER BASIN PROGRAM.—For purposes of this sub-
8 section, the term “Pick-Sloan Missouri River Basin
9 Program” means the Pick-Sloan Missouri River
10 Basin Program (authorized by section 9 of the Flood
11 Control Act of 1944) (58 Stat. 891, chapter 665).

12 (3) DAMAGE TO LAND.—The United States
13 shall not be responsible for any damage to the trans-
14 ferred land caused by flooding, sloughing, erosion, or
15 any other change to the transferred land as a result
16 of the operation of the Oahe Dam and Reservoir
17 Project or any project of the Pick-Sloan Missouri
18 River Basin Programs.

19 (4) RETAINED RIGHTS.—The Secretary of the
20 Army shall retain the right to inundate with water
21 or cause erosion to the transferred lands, as nec-
22 essary for the operation of the Oahe Dam and Res-
23 ervoir Project or any project of the Pick-Sloan Mis-
24 souri River Basin Programs.

1 (5) RETAINED PROPERTY INTERESTS.—Not-
2 withstanding subsections (b) and (c), the Secretary
3 of the Army shall retain any land, structures, ease-
4 ments or other property interests necessary to carry
5 out authorized purposes of the Oahe Dam and Res-
6 ervoir Project or any project of the Pick-Sloan Mis-
7 souri River Basin Programs.

8 (6) OTHER TERMS AND CONDITIONS.—The
9 transfer of land under this section shall be subject
10 to any other term or condition that the Secretary of
11 the Army determines to be appropriate to ensure the
12 continued operation of the Oahe Dam and Reservoir
13 or of any project of the Pick-Sloan Missouri River
14 Basin Program.

15 (7) EXISTING RIGHTS AND INTERESTS.—Noth-
16 ing in this Act deprives any person of any easement,
17 leasehold, or other right of interest that, as of the
18 date of enactment of this Act, the person may have
19 in the land to be transferred.

20 (e) MAP.—

21 (1) IN GENERAL.—The Secretary of the Army
22 shall prepare a map of the land transferred under
23 this section.

24 (2) LAND.—The map shall identify—

1 (A) land reasonably expected to be re-
2 quired for project purposes during the 20-year
3 period beginning on the date of enactment of
4 this Act; and

5 (B) dams and related structure which will
6 be retained by the Secretary of the Army.

7 (3) AVAILABILITY.—The map shall be on file in
8 the appropriate offices of the Secretary.

9 (f) COSTS.—The Standing Rock Sioux Tribe shall be
10 responsible for the payment of all costs and administrative
11 expenses associated with the transfer authorized by sub-
12 section (b) and the State of North Dakota shall be respon-
13 sible for the payment of all costs and administrative ex-
14 penses associated with the transfer authorized by sub-
15 section (c), including costs of survey compliance with the
16 National Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) and any coordination necessary with respect
18 to requirements related to endangered species, cultural re-
19 sources, and clean air.

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