

59

**AMENDMENT TO H.R. 4200, AS REPORTED
OFFERED BY MR. SMITH OF WASHINGTON**

At the end of part I of subtitle D of title XXVIII
(page 535, after line 7), insert the following new section:

1 **SEC. 28** ____ . **MODIFICATION OF LAND EXCHANGE AND CON-**
2 **SOLIDATION, FORT LEWIS, WASHINGTON.**

3 (a) **PROPERTY TO BE TRANSFERRED TO SECRETARY**
4 **OF THE INTERIOR IN TRUST.**—Subsection (a)(1) of sec-
5 tion 2837 of the Military Construction Authorization Act
6 for Fiscal Year 2002 (division B of Public Law 107–107;
7 115 Stat. 1315) is amended—

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

11 (2) by striking “Washington, in” and all that
12 follows through the period and inserting “Wash-
13 ington. The Secretary of the Army may make the
14 transfer under the preceding sentence, and the Sec-
15 retary of the Interior may accept the property trans-
16 ferred in trust for the Nisqually Tribe under the
17 preceding sentence, only in conjunction with the con-
18 veyance described in subsection (b)(2).”.



1 (b) INCREASE IN ACREAGE TO BE TRANSFERRED.—

2 Such subsection is further amended by striking “138
3 acres” and inserting “168 acres”.

4 (c) QUALIFICATION ON PROPERTY TO BE TRANS-
5 FERRED.—Subsection (a)(2) of such section is amended—

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

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

11 (d) CONSIDERATION.—Subsection (b) of such section
12 is amended—

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

15 (2) in paragraph (2), by striking “fee title over
16 the acquired property to the Secretary” and insert-
17 ing “to the United States fee title to the property
18 acquired under paragraph (1), free from all liens,
19 encumbrances or other interests other than those, if
20 any, acceptable to the Secretary of the Army”.

21 (e) TREATMENT OF EXISTING PERMIT RIGHTS;
22 GRANT OF EASEMENT.—Such section is further
23 amended—

24 (1) by redesignating subsections (d) and (e) as
25 subsections (e) and (f), respectively; and



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

3 “(d) TREATMENT OF EXISTING PERMIT RIGHTS;
4 GRANT OF EASEMENT.—(1) The transfer under sub-
5 section (a) recognizes and preserves to the Bonneville
6 Power Administration, in perpetuity and without the right
7 of revocation except as provided in paragraph (2), rights
8 in existence at the time of the conveyance under the per-
9 mit dated February 4, 1949, as amended January 4,
10 1952, between the Department of the Army and the Bon-
11 neville Power Administration with respect to any portion
12 of the property transferred under subsection (a) upon
13 which the Bonneville Power Administration retains trans-
14 mission facilities. The rights recognized and preserved in-
15 clude the right to upgrade those transmission facilities.

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

22 “(3) The Secretary of the Interior, as trustee for the
23 Nisqually Tribe, shall grant to the Bonneville Power Ad-
24 ministration, without consideration and subject to the
25 same rights recognized and preserved in paragraph (1),



1 such additional easements across the property transferred
2 under subsection (a) as the Bonneville Power Administra-
3 tion considers necessary to accommodate the relocation or
4 reconnection of Bonneville Power Administration trans-
5 mission facilities from property owned by the Tribe and
6 held by the Secretary of the Interior in trust for the
7 Tribe.”.

8 (f) CONFORMING AMENDMENTS—(1) Subsection (c)
9 of such section is amended by inserting “of the Army”
10 after “Secretary”.

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

13 (A) by striking “conveyed” and inserting
14 “transferred”;

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

17 (C) by striking “the recipient of the property
18 being surveyed” and inserting “the Tribe, in the
19 case of the transfer under subsection (a), and the
20 Secretary of the Army, in the case of the acquisition
21 under subsection (b)”.

22 (3) Subsection (f) of such section (as redesignated by
23 subsection (e)(1)) is amended—

24 (A) by inserting “of the Army” after “Sec-
25 retary” both place it appears; and



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

