

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 5303  
OFFERED BY MR. CRAMER OF NORTH DAKOTA**

At the end of title I, add the following:

1 **SEC. 1 \_\_\_\_ . LAND TRANSFER.**

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

7 (b) STANDING ROCK LAND TRANSFER.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of enactment of this Act, the Sec-  
10 retary of the Army shall transfer the covered prop-  
11 erty to the Secretary of the Interior to be held in  
12 trust for the benefit of the Tribe.

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

15 (A) Covered property – The term “covered  
16 property” means all the property—

17 (i) within the exterior boundaries of  
18 the Reservation within the State of North  
19 Dakota;

1 (ii) was acquired by the United States  
2 for the Oahe Dam and Reservoir Project  
3 pursuant to Public Law 85–915 (72 Stat.  
4 1762);

5 (iii) is located above the top of the ex-  
6 clusive flood pool of the Oahe Dam and  
7 Reservoir Project, as determined by the  
8 Secretary of the Army; and

9 (iv) is under the administrative con-  
10 trol of the Corps of Engineers.

11 (B) RESERVATION.—The term “Reserva-  
12 tion” means the Standing Rock Indian Reserva-  
13 tion.

14 (C) TRIBE.—The term “Tribe” means the  
15 Standing Rock Sioux Tribe of North and South  
16 Dakota.

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

18 (1) IN GENERAL.—Not later than one year  
19 after the date of enactment of this Act, the Sec-  
20 retary of the Army shall convey to the State of  
21 North Dakota all right, title, and interest of the  
22 United States in and to the covered property.

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

1 (A) COVERED PROPERTY.—The term  
2 “covered property” means all property—

3 (i) in Burleigh County, Emmons  
4 County, or Morton County in the State of  
5 North Dakota;

6 (ii) was acquired by the United States  
7 for the Oahe Dam and Reservoir Project  
8 pursuant to Public Law 85–915 (72 Stat.  
9 1762);

10 (iii) is located above the top of the ex-  
11 clusive flood pool of the Oahe Dam and  
12 Reservoir Project, as determined by the  
13 Secretary of the Army; and

14 (iv) is under the administrative con-  
15 trol of the Corps of Engineers.

16 (B) RESERVATION.—The term “Reserva-  
17 tion” means the Standing Rock Indian Reserva-  
18 tion.

19 (C) TRIBE.—The term “Tribe” means the  
20 Standing Rock Sioux Tribe of North and South  
21 Dakota.

22 (d) CONDITIONS OF TRANSFER.—

23 (1) AUTHORIZED PURPOSES.—The transfer of  
24 land under this section shall not interfere with any  
25 of the authorized purposes of the Oahe Dam and

1 Reservoir Project, any project of the Pick-Sloan Mis-  
2 souri River Basin Program, or any other applicable  
3 law.

4 (2) DAMAGE TO LAND.—The United States  
5 shall not be responsible for any damage to the trans-  
6 ferred land caused by flooding, sloughing, erosion, or  
7 any other change to the transferred land as a result  
8 of the operation of the Oahe Dam and Reservoir  
9 Project or any project of the Pick-Sloan Missouri  
10 River Basin Programs.

11 (3) RETAINED RIGHTS.—The Secretary of the  
12 Army shall retain the right to inundate with water  
13 or cause erosion to the transferred lands, as nec-  
14 essary for the operation of the Oahe Dam and Res-  
15 ervoir Project or any project of the Pick-Sloan Mis-  
16 souri River Basin Programs.

17 (4) RETAINED PROPERTY INTERESTS.—Not-  
18 withstanding subsections (b) and (c), the Secretary  
19 of the Army shall retain any land, structures, ease-  
20 ments or other property interests necessary to carry  
21 out authorized purposes of the Oahe Dam and Res-  
22 ervoir Project or any project of the Pick-Sloan Mis-  
23 souri River Basin Programs.

24 (5) OTHER TERMS AND CONDITIONS.—The  
25 transfer of land under this section shall be subject

1 to any other term or condition that the Secretary of  
2 the Army determines to be appropriate to ensure the  
3 continued operation of the Oahe Dam and Reservoir  
4 or of any project of the Pick-Sloan Missouri River  
5 Basin Program.

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

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

17 (e) MAP.—

18 (1) IN GENERAL.—The Secretary of the Army  
19 shall prepare a map of the land transferred under  
20 this section.

21 (2) LAND.—The map shall identify—

22 (A) land reasonably expected to be re-  
23 quired for project purposes during the 20-year  
24 period beginning on the date of enactment of  
25 this Act; and

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

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

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

