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:

SEC. 1. LAND TRANSFER.

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

(b) STANDING ROCK LAND TRANSFER.—

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

(2) DEFINITIONS.—In this subsection, the following definitions apply:

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

(i) within the exterior boundaries of the Reservation within the State of North Dakota;
(ii) was acquired by the United States for the Oahe Dam and Reservoir Project pursuant to Public Law 85–915 (72 Stat. 1762);

(iii) is located above the top of the exclusive flood pool of the Oahe Dam and Reservoir Project, as determined by the Secretary of the Army; and

(iv) is under the administrative control of the Corps of Engineers.

(B) Reservation.—The term “Reservation” means the Standing Rock Indian Reservation.

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

(c) Transfer of Property to North Dakota.—

(1) In General.—Not later than one year after the date of enactment of this Act, the Secretary of the Army shall convey to the State of North Dakota all right, title, and interest of the United States in and to the covered property.

(2) Definitions.—In this subsection, the following definitions apply:
(A) COVERED PROPERTY.—The term “covered property” means all property—

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

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

(iii) is located above the top of the exclusive flood pool of the Oahe Dam and Reservoir Project, as determined by the Secretary of the Army; and

(iv) is under the administrative control of the Corps of Engineers.

(B) RESERVATION.—The term “Reservation” means the Standing Rock Indian Reservation.

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

(d) CONDITIONS OF TRANSFER.—

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

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

(3) RETAINED RIGHTS.—The Secretary of the Army shall retain the right to inundate with water or cause erosion to the transferred lands, as necessary for the operation of the Oahe Dam and Reservoir Project or any project of the Pick-Sloan Missouri River Basin Programs.

(4) RETAINED PROPERTY INTERESTS.—Notwithstanding subsections (b) and (c), the Secretary of the Army shall retain any land, structures, easements or other property interests necessary to carry out authorized purposes of the Oahe Dam and Reservoir Project or any project of the Pick-Sloan Missouri River Basin Programs.

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

(6) **EXISTING RIGHTS AND INTERESTS.**—Nothing in this Act deprives any person of any easement, leasehold, or other right of interest that, as of the date of enactment of this Act, the person may have in the land to be transferred.

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

(e) **MAP.**—

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

(2) **LAND.**—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and
(B) dams and related structure which will be retained by the Secretary of the Army.

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

(f) Costs.—The Standing Rock Sioux Tribe shall be responsible for the payment of all costs and administrative expenses associated with the transfer authorized by subsection (b) and the State of North Dakota shall be responsible for the payment of all costs and administrative expenses associated with the transfer authorized by subsection (c), including costs of survey; compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.); and any coordination necessary with respect to requirements related to endangered species, cultural resources, and clean air.