

AMENDMENT TO RULES COMM. PRINT 116-57

OFFERED BY MR. HECK OF WASHINGTON

H.R. 6395, National Defense Authorization Bill

At the end of subtitle D of title XXVIII, add the following new section:

1 **SEC. 28___ . LAND EXCHANGE, JOINT BASE LEWIS-**
2 **MCCHORD IN THE STATE OF WASHINGTON.**

3 (a) TRANSFER OF FEDERAL PROPERTY AUTHOR-
4 IZED.—The Secretary of the Army may transfer to the
5 Secretary of the Interior, in trust for the Nisqually Tribe,
6 a federally recognized Indian tribe whose tribal lands are
7 located within the State of Washington, a parcel of real
8 property, including any improvements thereon, consisting
9 of approximately 112 acres at Joint Base Lewis-McChord
10 in the State of Washington.

11 (b) CONSIDERATION.—

12 (1) CONVEYANCE OF PROPERTY.—Upon accept-
13 ance by the Secretary of the Interior on behalf of
14 the Nisqually Tribe of the real property to be trans-
15 ferred under subsection (a), the Nisqually Tribe
16 shall convey to the Secretary of the Army all right,
17 title, and interest of the Nisqually Tribe in and to
18 one or more parcels—

1 (A) that are acceptable to the Secretary of
2 the Army; and

3 (B) whose fair-market value is at least
4 equal to the fair-market value of the real prop-
5 erty transferred under subsection (a), as deter-
6 mined by appraisals acceptable to the Secretary
7 of the Army.

8 (2) TREATMENT OF CONVEYED PROPERTY.—

9 The real property received by the Secretary of the
10 Army as consideration under this subsection shall—

11 (A) remain under the administrative juris-
12 diction of the Secretary; and

13 (B) be administered as part of Joint Base
14 Lewis-McChord.

15 (c) TREATMENT OF EXISTING PERMIT RIGHTS AND

16 EASEMENTS ON TRANSFERRED PROPERTY.—The parcel

17 of real property transferred to the Secretary of the Inte-

18 rior under subsection (a) to be held in trust for the

19 Nisqually Tribe is transferred subject to any permits,

20 easements, or rights-of-way in existence on the date of the

21 transfer. The transfer shall not impact or change any such

22 permit, easement, or right-of-way.

23 (d) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of

25 the Army shall require the Nisqually Tribe to cover

1 costs to be incurred by the Secretary, or to reim-
2 burse the Secretary for such costs incurred by the
3 Secretary, to carry out the transfer under subsection
4 (a) and the conveyance under subsection (b), includ-
5 ing survey costs. If amounts are collected from the
6 Nisqually Tribe in advance of the Secretary incur-
7 ring the actual costs, and the amount collected ex-
8 ceeds the costs actually incurred by the Secretary to
9 carry out the transfer and conveyance, the Secretary
10 shall refund the excess amount to the Nisqually
11 Tribe.

12 (2) TREATMENT OF AMOUNTS RECEIVED.—
13 Amounts received as reimbursement under para-
14 graph (1) shall be credited to the fund or account
15 that was used to cover those costs incurred by the
16 Secretary of the Army in carrying out the transfer
17 and conveyance or, if the period of availability for
18 obligations for that appropriation has expired, to the
19 fund or account currently available to the Secretary
20 for the same purpose. Amounts so credited shall be
21 merged with amounts in such fund or account, and
22 shall be available for the same purposes, and subject
23 to the same conditions and limitations, as amounts
24 in such fund or account.

1 (e) DESCRIPTION OF PROPERTIES.—The exact acre-
2 age and legal description of the real property to be trans-
3 ferred under subsection (a) and conveyed under subsection
4 (b) shall be determined by surveys satisfactory to the Sec-
5 retary of the Army and the Nisqually Tribe.

6 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
7 retary of the Army may require such additional terms and
8 conditions in connection with the transfer under sub-
9 section (a) and the conveyance under subsection (b) as the
10 Secretary considers appropriate to protect the interests of
11 the United States.

