

115TH CONGRESS
2D SESSION

S. 3752

To require the transfer of certain land to be held in trust for the benefit of the Standing Rock Sioux Tribe of North and South Dakota, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2018

Ms. HEITKAMP introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the transfer of certain land to be held in trust for the benefit of the Standing Rock Sioux Tribe of North and South Dakota, 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. SHORT TITLE.**

4 This Act may be cited as the “Standing Rock Sioux
5 Tribe Land Restoration Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) 56,000 acres of the Standing Rock Sioux
9 Reservation were acquired for the Oahe Dam and

1 Reservoir, a component of the Pick-Sloan Missouri
2 River Basin program;

3 (2) the land acquired was fertile, wooded bot-
4 tomland, comprising the most productive agricul-
5 tural and pastoral land of the Tribe, with arable
6 soils, abundant timber and wildlife, and important
7 medicinal plants of the Tribe;

8 (3) the Joint Tribal Advisory Committee (re-
9 ferred to in this section as the “Committee”) was es-
10 tablished by the Secretary of the Interior on May
11 10, 1985, to assess the impacts of the Pick-Sloan
12 Missouri River Basin program on the Tribe; and

13 (4) the Committee issued a final report on May
14 23, 1986, in which the Committee recommended the
15 transfer to the Tribe of the Oahe project land within
16 the exterior boundaries of the Reservation that are
17 located above 1620 mean sea level.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) PICK-SLOAN MISSOURI RIVER BASIN PRO-
21 GRAM.—The term “Pick-Sloan Missouri River Basin
22 program” means the Pick-Sloan Missouri River
23 Basin Program (authorized by section 9 of the Act
24 of December 22, 1944 (commonly known as the

1 “Flood Control Act of 1944”) (58 Stat. 891, chapter
2 665)).

3 (2) RESERVATION.—The term “Reservation”
4 means the Standing Rock Indian Reservation.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (4) TRIBE.—The term “Tribe” means the
8 Standing Rock Sioux Tribe of North and South Da-
9 kota.

10 **SEC. 4. LAND TRANSFER.**

11 (a) IN GENERAL.—Subject to subsection (c), the Sec-
12 retary of the Army shall transfer the land described in
13 subsection (b) to the Secretary to be held in trust for the
14 benefit of the Tribe.

15 (b) LAND TO BE TRANSFERRED.—The land that
16 shall be transferred under this section is the Federal land
17 that—

18 (1) lies within the exterior boundaries of the
19 Reservation;

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

23 (3) is located above the top of the exclusive
24 flood pool of the Oahe Dam and Reservoir Project,
25 as determined by the Secretary of the Army.

1 (c) CONDITIONS OF TRANSFER.—

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

8 (2) RETAINED RIGHTS.—The Secretary of the
9 Army shall retain the right to inundate with water
10 or cause erosion to the transferred land, as nec-
11 essary for the operation of the Oahe Dam and Res-
12 ervoir Project or of any project of the Pick Sloan
13 Missouri River Basin program.

14 (3) RETAINED PROPERTY INTERESTS.—Not-
15 withstanding subsection (b), the Secretary of the
16 Army shall retain any land, structures, easements,
17 or other property interests necessary to carry out
18 authorized purposes of the Oahe Dam and Reservoir
19 Project or of any project of the Pick-Sloan Missouri
20 River Basin program.

21 (4) OTHER TERMS AND CONDITIONS.—The
22 transfer of land under this section shall be subject
23 to any other term or condition that the Secretary of
24 the Army determines to be appropriate to ensure the
25 continued operation of the Oahe Dam and Reservoir

1 Project or of any project of the Pick-Sloan Missouri
2 River Basin program.

3 (d) EXISTING RIGHTS AND INTERESTS.—Nothing in
4 this Act deprives any person of any easement, leasehold,
5 or other right or interest that, as of the date of enactment
6 of this Act, the person may have in the land to be trans-
7 ferred.

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