

116TH CONGRESS
1ST SESSION

S. 199

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2019

Referred to the Committee on Natural Resources

AN ACT

To provide for the transfer of certain Federal land in the State of Minnesota for the benefit of the Leech Lake Band of Ojibwe.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Leech Lake Band of
3 Ojibwe Reservation Restoration Act”.

4 **SEC. 2. LEECH LAKE BAND OF OJIBWE RESERVATION RES-**
5 **TORATION.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Federal land described in subsection

8 (b)(1) was taken from members of the Leech Lake
9 Band of Ojibwe during a period—

10 (A) beginning in 1948;

11 (B) during which the Bureau of Indian Af-
12 fairs incorrectly interpreted an order of the Sec-
13 retary of the Interior to mean that the Depart-
14 ment of the Interior had the authority to sell
15 tribal allotments without the consent of a ma-
16 jority of the rightful landowners; and

17 (C) ending in 1959, when the Secretary of
18 the Interior was—

19 (i) advised that sales described in sub-
20 paragraph (B) were illegal; and

21 (ii) ordered to cease conducting those
22 sales;

23 (2) as a result of the Federal land described in
24 subsection (b)(1) being taken from members of the
25 Leech Lake Band of Ojibwe, the Leech Lake Band

1 of Ojibwe hold the smallest percentage of its original
2 reservation lands of any Ojibwe bands in Minnesota;

3 (3)(A) the applicable statute of limitations pro-
4 hibits individuals from pursuing through litigation
5 the return of the land taken as described in para-
6 graph (1); but

7 (B) a Federal judge ruled that the land could
8 be restored to the affected individuals through the
9 legislative process;

10 (4) a comprehensive review of the Federal land
11 demonstrated that—

12 (A) a portion of the Federal land is en-
13 cumbered by—

14 (i) utility easements;

15 (ii) rights-of-way for roads; and

16 (iii) flowage and reservoir rights; and

17 (B) there are no known cabins, camp-
18 grounds, lodges, or resorts located on any por-
19 tion of the Federal land; and

20 (5) on reacquisition by the Tribe of the Federal
21 land, the Tribe—

22 (A) has pledged to respect the easements,
23 rights-of-way, and other rights described in
24 paragraph (4)(A); and

1 (B)(i) does not intend immediately to mod-
2 ify the use of the Federal land; but

3 (ii) will keep the Federal land in tax-ex-
4 empt fee status as part of the Chippewa Na-
5 tional Forest until the Tribe develops a plan
6 that allows for a gradual subdivision of some
7 tracts for economic and residential development
8 by the Tribe.

9 (b) DEFINITIONS.—In this section:

10 (1) FEDERAL LAND.—

11 (A) IN GENERAL.—The term “Federal
12 land” means the approximately 11,760 acres of
13 Federal land located in the Chippewa National
14 Forest in Cass County, Minnesota, the bound-
15 aries of which shall be depicted on the map,
16 and described in the legal description, sub-
17 mitted under subsection (d)(1)(B).

18 (B) INCLUSIONS.—The term “Federal
19 land” includes—

20 (i) any improvement located on the
21 Federal land described in subparagraph

22 (A); and

23 (ii) any appurtenance to the Federal
24 land.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (3) TRIBE.—The term “Tribe” means the
4 Leech Lake Band of Ojibwe.

5 (c) TRANSFER TO RESERVATION.—

6 (1) IN GENERAL.—Subject to valid existing
7 rights and paragraph (2), the Secretary shall trans-
8 fer to the administrative jurisdiction of the Secretary
9 of the Interior all right, title, and interest of the
10 United States in and to the Federal land.

11 (2) TREATMENT.—Effective immediately on the
12 transfer under paragraph (1), the Federal land shall
13 be—

14 (A) held in trust by the United States for
15 the benefit of the Tribe; and

16 (B) considered to be a part of the reserva-
17 tion of the Tribe.

18 (d) SURVEY, MAP, AND LEGAL DESCRIPTION.—

19 (1) IN GENERAL.—The Secretary shall—

20 (A) not later than 180 days after the date
21 of enactment of this Act, complete a plan of
22 survey to establish the boundaries of the Fed-
23 eral land; and

1 (B) as soon as practicable after the date of
2 enactment of this Act, submit a map and legal
3 description of the Federal land to—

4 (i) the Committee on Natural Re-
5 sources of the House of Representatives;
6 and

7 (ii) the Committee on Indian Affairs
8 of the Senate.

9 (2) FORCE AND EFFECT.—The map and legal
10 description submitted under paragraph (1)(B) shall
11 have the same force and effect as if included in this
12 Act, except that the Secretary may correct any cler-
13 ical or typographical error in the map or legal de-
14 scription.

15 (3) PUBLIC AVAILABILITY.—The map and legal
16 description submitted under paragraph (1)(B) shall
17 be on file and available for public inspection in the
18 office of the Secretary.

19 (e) ADMINISTRATION.—

20 (1) IN GENERAL.—Except as otherwise ex-
21 pressly provided in this section, nothing in this sec-
22 tion affects any right or claim of the Tribe, as in ex-
23 istence on the date of enactment of this Act, to any
24 land or interest in land.

25 (2) PROHIBITIONS.—

1 (A) EXPORTS OF UNPROCESSED LOGS.—
2 Federal law (including regulations) relating to
3 the export of unprocessed logs harvested from
4 Federal land shall apply to any unprocessed
5 logs that are harvested from the Federal land.

6 (B) NON-PERMISSIBLE USE OF LAND.—
7 The Federal land shall not be eligible or used
8 for any gaming activity carried out under the
9 Indian Gaming Regulatory Act (25 U.S.C.
10 2701 et seq.).

11 (3) FOREST MANAGEMENT.—Any commercial
12 forestry activity carried out on the Federal land
13 shall be managed in accordance with applicable Fed-
14 eral law.

Passed the Senate June 27, 2019.

Attest:

JULIE E. ADAMS,
Secretary.