

Calendar No. 33

116TH CONGRESS
1ST SESSION

S. 199

[Report No. 116–3]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Ms. SMITH (for herself and Ms. KLOBUCHAR) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

MARCH 7, 2019

Reported by Mr. HOEVEN, without amendment

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) FINDINGS.—Congress finds that—

4 (1) the Federal land described in subsection
5 (b)(1) was taken from members of the Leech Lake
6 Band of Ojibwe during a period—

7 (A) beginning in 1948;

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

14 (C) ending in 1959, when the Secretary of
15 the Interior was—

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

18 (ii) ordered to cease conducting those
19 sales;

20 (2) as a result of the Federal land described in
21 subsection (b)(1) being taken from members of the
22 Leech Lake Band of Ojibwe, the Leech Lake Band
23 of Ojibwe hold the smallest percentage of its original
24 reservation lands of any Ojibwe bands in Minnesota;

25 (3)(A) the applicable statute of limitations pro-
26 hibits individuals from pursuing through litigation

1 the return of the land taken as described in para-
2 graph (1); but

3 (B) a Federal judge ruled that the land could
4 be restored to the affected individuals through the
5 legislative process;

6 (4) a comprehensive review of the Federal land
7 demonstrated that—

8 (A) a portion of the Federal land is en-
9 cumbered by—

10 (i) utility easements;

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

12 (iii) flowage and reservoir rights; and

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

16 (5) on reacquisition by the Tribe of the Federal
17 land, the Tribe—

18 (A) has pledged to respect the easements,
19 rights-of-way, and other rights described in
20 paragraph (4)(A); and

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

23 (ii) will keep the Federal land in tax-ex-
24 empt fee status as part of the Chippewa Na-
25 tional Forest until the Tribe develops a plan

1 that allows for a gradual subdivision of some
 2 tracts for economic and residential development
 3 by the Tribe.

4 (b) DEFINITIONS.—In this section:

5 (1) FEDERAL LAND.—

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

13 (B) INCLUSIONS.—The term “Federal
 14 land” includes—

15 (i) any improvement located on the
 16 Federal land described in subparagraph
 17 (A); and

18 (ii) any appurtenance to the Federal
 19 land.

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

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

24 (c) TRANSFER TO RESERVATION.—

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

6 (2) TREATMENT.—Effective immediately on the
7 transfer under paragraph (1), the Federal land shall
8 be—

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

11 (B) considered to be a part of the reserva-
12 tion of the Tribe.

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

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

15 (A) not later than 180 days after the date
16 of enactment of this Act, complete a plan of
17 survey to establish the boundaries of the Fed-
18 eral land; and

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

22 (i) the Committee on Natural Re-
23 sources of the House of Representatives;
24 and

1 (ii) the Committee on Indian Affairs
2 of the Senate.

3 (2) FORCE AND EFFECT.—The map and legal
4 description submitted under paragraph (1)(B) shall
5 have the same force and effect as if included in this
6 Act, except that the Secretary may correct any cler-
7 ical or typographical error in the map or legal de-
8 scription.

9 (3) PUBLIC AVAILABILITY.—The map and legal
10 description submitted under paragraph (1)(B) shall
11 be on file and available for public inspection in the
12 office of the Secretary.

13 (e) ADMINISTRATION.—

14 (1) IN GENERAL.—Except as otherwise ex-
15 pressly provided in this section, nothing in this sec-
16 tion affects any right or claim of the Tribe, as in ex-
17 istence on the date of enactment of this Act, to any
18 land or interest in land.

19 (2) PROHIBITIONS.—

20 (A) EXPORTS OF UNPROCESSED LOGS.—
21 Federal law (including regulations) relating to
22 the export of unprocessed logs harvested from
23 Federal land shall apply to any unprocessed
24 logs that are harvested from the Federal land.

1 (B) NON-PERMISSIBLE USE OF LAND.—

2 The Federal land shall not be eligible or used
3 for any gaming activity carried out under the
4 Indian Gaming Regulatory Act (25 U.S.C.
5 2701 et seq.).

6 (3) FOREST MANAGEMENT.—Any commercial
7 forestry activity carried out on the Federal land
8 shall be managed in accordance with applicable Fed-
9 eral law.

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