

Union Calendar No. 549

116TH CONGRESS
2D SESSION

H. R. 733

[Report No. 116-665]

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 HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Ms. MCCOLLUM introduced the following bill; which was referred to the
Committee on Natural Resources

DECEMBER 18, 2020

Additional sponsors: Mr. COLE, Mr. COOK, Ms. DAVIDS of Kansas, Ms.
HAALAND, Mr. GALLEG0, Ms. MOORE, Mr. CÁRDENAS, and Mrs. TORRES
of California

DECEMBER 18, 2020

Reported from the Committee on Natural Resources; committed to the Com-
mittee of the Whole House on the State of the Union and ordered to be
printed

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”.

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

8 (a) FINDINGS.—Congress finds that—

9 (1) the Federal land described in subsection
10 (b)(1) was taken from members of the Leech Lake
11 Band of Ojibwe during a period—

12 (A) beginning in 1948;

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

19 (C) ending in 1959, when the Secretary of
20 the Interior was—

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

23 (ii) ordered to cease conducting those
24 sales;

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

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

10 (B) a Federal judge ruled that the land could
11 be restored to the affected individuals through the
12 legislative process;

13 (4) a comprehensive review of the Federal land
14 demonstrated that—

15 (A) a portion of the Federal land is en-
16 cumbered by—

17 (i) utility easements;

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

19 (iii) flowage and reservoir rights; and

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

23 (5) on reacquisition by the Tribe of the Federal
24 land, the Tribe—

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

(B)(i) does not intend immediately to modify the use of the Federal land; but

(ii) will keep the Federal land in tax-exempt fee status as part of the Chippewa National Forest until the Tribe develops a plan that allows for a gradual subdivision of some tracts for economic and residential development by the Tribe.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the approximately 11,760 acres of Federal land located in the Chippewa National Forest in Cass County, Minnesota, the boundaries of which shall be depicted on the map, and described in the legal description, submitted under subsection (d)(1)(B).

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

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

1 (ii) any appurtenance to the Federal
2 land.

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

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

7 (c) TRANSFER TO RESERVATION.—

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

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

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

18 (B) considered to be a part of the reserva-
19 tion of the Tribe.

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

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

22 (A) not later than 180 days after the date
23 of enactment of this Act, complete a plan of
24 survey to establish the boundaries of the Fed-
25 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.

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