

115TH CONGRESS
2D SESSION

S. 2599

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

MARCH 22, 2018

Ms. SMITH introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

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—

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

4 (A) beginning in 1948;

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

11 (C) ending in 1959, when the Secretary of
12 the Interior was—

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

15 (ii) ordered to cease conducting those
16 sales;

17 (2)(A) the applicable statute of limitations pro-
18 hibits individuals from pursuing through litigation
19 the return of the land taken as described in para-
20 graph (1); but

21 (B) a Federal judge ruled that the land could
22 be restored to the affected individuals through the
23 legislative process;

24 (3) a comprehensive review of the Federal land
25 demonstrated that—

1 (A) a large portion of the Federal land is
2 overloaded with—

3 (i) utility easements;

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

5 (iii) flowage and reservoir rights; and

6 (B) there are no cabins, campgrounds,
7 lodges, or resorts located on any portion of the
8 Federal land; and

9 (4) on reacquisition by the Tribe of the Federal
10 land, the Tribe—

11 (A) has pledged to respect the easements,
12 rights-of-way, and other rights described in
13 paragraph (3)(A); and

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

16 (ii) will keep the Federal land in tax-ex-
17 empt fee status as part of the Chippewa Na-
18 tional Forest until the Tribe develops a plan
19 that allows for a gradual subdivision of some
20 tracts for economic and residential development
21 by the Tribe.

22 (b) DEFINITIONS.—In this section:

23 (1) FEDERAL LAND.—

24 (A) IN GENERAL.—The term “Federal
25 land” means the approximately 11,760 acres of

1 Federal land located in the Chippewa National
2 Forest in Cass County, Minnesota, the bound-
3 aries of which shall be depicted on the map,
4 and described in the legal description, sub-
5 mitted under subsection (d)(1)(B).

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

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

11 (ii) any appurtenance to the Federal
12 land.

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

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

17 (c) TRANSFER TO RESERVATION.—

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

23 (2) TREATMENT.—Effective immediately on the
24 transfer under paragraph (1), the Federal land shall
25 be—

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

3 (B) considered to be a part of the reserva-
4 tion of the Tribe.

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

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

7 (A) not later than 180 days after the date
8 of enactment of this Act, complete a plan of
9 survey to establish the boundaries of the Fed-
10 eral land; and

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

14 (i) the Committee on Natural Re-
15 sources of the House of Representatives;
16 and

17 (ii) the Committee on Indian Affairs
18 of the Senate.

19 (2) FORCE AND EFFECT.—The map and legal
20 description submitted under paragraph (1)(B) shall
21 have the same force and effect as if included in this
22 Act, except that the Secretary may correct any cler-
23 ical or typographical error in the map or legal de-
24 scription.

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

5 (e) ADMINISTRATION.—

6 (1) IN GENERAL.—Except as otherwise ex-
7 pressly provided in this section, nothing in this sec-
8 tion affects any right or claim of the Tribe, as in ex-
9 istence on the date of enactment of this Act, to any
10 land or interest in land.

11 (2) PROHIBITIONS.—

12 (A) EXPORTS OF UNPROCESSED LOGS.—
13 Federal law (including regulations) relating to
14 the export of unprocessed logs harvested from
15 Federal land shall apply to any unprocessed
16 logs that are harvested from the Federal land.

17 (B) NON-PERMISSIBLE USE OF LAND.—
18 The Federal land shall not be eligible or used
19 for any gaming activity carried out under the
20 Indian Gaming Regulatory Act (25 U.S.C.
21 2701 et seq.).

22 (3) FOREST MANAGEMENT.—Any commercial
23 forestry activity carried out on the Federal land

- 1 shall be managed in accordance with applicable Fed-
- 2 eral law.

