

Public Law 116–255  
116th Congress

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.

Dec. 23, 2020  
[S. 199]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

Leech Lake Band  
of Ojibwe  
Reservation  
Restoration Act.

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. LEECH LAKE BAND OF OJIBWE RESERVATION RESTORATION.**

(a) FINDINGS.—Congress finds that—

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

(A) beginning in 1948;

(B) during which the Bureau of Indian Affairs incor-  
rectly interpreted an order of the Secretary of the Interior  
to mean that the Department of the Interior had the  
authority to sell tribal allotments without the consent of  
a majority of the rightful landowners; and

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

(i) advised that sales described in subparagraph

(B) were illegal; and

(ii) ordered to cease conducting those sales;

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

(3)(A) the applicable statute of limitations prohibits individ-  
uals from pursuing through litigation the return of the land  
taken as described in paragraph (1); but

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

(4) a comprehensive review of the Federal land dem-  
onstrated that—

(A) a portion of the Federal land is encumbered by—

(i) utility easements;

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

(iii) flowage and reservoir rights; and

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

(5) on reacquisition by the Tribe of the Federal 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  
(ii) any appurtenance to the Federal land.

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

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

(c) TRANSFER TO RESERVATION.—

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

Effective date.

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

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

(B) considered to be a part of the reservation of the Tribe.

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

Deadline.

(1) IN GENERAL.—The Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, complete a plan of survey to establish the boundaries of the Federal land; and

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

(i) the Committee on Natural Resources of the House of Representatives; and

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

(2) FORCE AND EFFECT.—The map and legal description submitted under paragraph (1)(B) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

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

## (e) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise expressly provided in this section, nothing in this section affects any right or claim of the Tribe, as in existence on the date of enactment of this Act, to any land or interest in land.

## (2) PROHIBITIONS.—

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

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

(3) FOREST MANAGEMENT.—Any commercial forestry activity carried out on the Federal land shall be managed in accordance with applicable Federal law.

Approved December 23, 2020.

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LEGISLATIVE HISTORY—S. 199 (H.R. 733):

HOUSE REPORTS: No. 116–665 (Comm. on Natural Resources) accompanying H.R. 733.

SENATE REPORTS: No. 116–3 (Comm. on Indian Affairs).

## CONGRESSIONAL RECORD:

Vol. 165 (2019): June 27, considered and passed Senate.

Vol. 166 (2020): Dec. 3, considered and passed House.

