

116TH CONGRESS
2D SESSION

H. R. 8951

To empower federally recognized Indian Tribes with the option to designate restricted fee Tribal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

Mr. YOUNG (for himself and Mr. COLE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To empower federally recognized Indian Tribes with the option to designate restricted fee Tribal lands, and for other purposes.

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 “American Indian Land
5 Empowerment Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INDIAN TRIBE.—The term “Indian Tribe”
9 means a federally recognized Indian Tribe.

1 (2) RESTRICTED FEE STATUS.—The term “re-
2 stricted fee status” means—

3 (A) owned in fee by the Indian Tribe by
4 aboriginal title or conveyance;

5 (B) part of the Indian Tribe’s reservation
6 and subject to its jurisdiction, or if the Indian
7 Tribe does not have a reservation, is located
8 within the census-designated place in which the
9 Indian Tribe is headquartered as of the date of
10 enactment of this Act;

11 (C) held by the Indian Tribe subject to a
12 restriction against alienation and taxation and
13 thus may not be sold by the Indian Tribe with-
14 out the consent of Congress (25 U.S.C. 177);

15 (D) not subject to taxation by a State or
16 local government other than the government of
17 the Indian Tribe, including any activities occur-
18 ring on the land;

19 (E) not subject to any provision of law
20 providing for the review or approval by the Sec-
21 retary before the Indian Tribe may use the land
22 for any purpose, directly or through agreement
23 with another party; and

24 (F) not considered as Federal public lands
25 for any purpose, nor subject to any provision of

1 law providing for the review or approval by the
2 Secretary before the Indian Tribe may use the
3 land for any purpose, directly or through agree-
4 ment with another party.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 **SEC. 3. TRIBAL OPTION TO DESIGNATE RESTRICTED FEE**
8 **TRIBAL LANDS.**

9 (a) CONVERSION OF TRIBAL TRUST OR FEE LANDS
10 TO RESTRICTED FEE LAND STATUS.—Notwithstanding
11 any other provision of law, not later than 90 days after
12 receipt by the Secretary of a written request adopted by
13 the governing body of an Indian Tribe, the Secretary
14 shall—

15 (1) convey to the Indian Tribe, subject to a re-
16 striction imposed by the United States against alien-
17 ation and taxation, all right, title, and interest held
18 by the United States in land specifically requested
19 by the Indian Tribe which the United States holds
20 in trust for that Indian Tribe; or

21 (2) in the case of land owned in fee by an In-
22 dian Tribe and located within the Indian Tribe’s res-
23 ervation or, if the Indian Tribe does not have a res-
24 ervation, located within the census-designated place
25 in which the Indian Tribe is headquartered as of the

1 date of enactment of this Act, designate such lands
2 as subject to a restriction imposed by the United
3 States against alienation and taxation.

4 (b) FEE TO RESTRICTED FEE PROCESS.—If the Sec-
5 retary has not rendered a decision within 90 days of re-
6 ceipt of the Indian Tribe’s request to convert trust or eligi-
7 ble fee land, the request shall be deemed approved and
8 the land shall automatically be considered as owned by the
9 Indian Tribe in restricted fee status.

10 (c) LAND MANAGEMENT.—

11 (1) WRITTEN REQUEST.—An Indian Tribe that
12 submits a written request for the Secretary to con-
13 vey trust land or eligible fee land under this section
14 to restricted fee status shall specify in the request
15 that either—

16 (A) the Indian Tribe has elected for the
17 Secretary to have responsibility for managing
18 land use; or

19 (B) the Indian Tribe has elected for the
20 Secretary to recognize the Indian Tribe’s re-
21 sponsibility for managing land use.

22 (2) TRANSFER.—If the Indian Tribe elects to
23 manage land use, the Secretary shall transfer any
24 Federal land management responsibilities to the In-

1 dian Tribe upon conveyance of the restricted fee sta-
2 tus.

3 (d) OPTION TO RESTORE TRUST STATUS.—An In-
4 dian Tribe that obtains restricted fee status to lands by
5 converting trust lands in accordance with this section may
6 restore the trust status of the land at its option on an
7 expedited basis. Notwithstanding any other provision of
8 law, not later than 90 days after receipt by the Secretary
9 of a written status restoration request adopted by the gov-
10 erning body of an Indian Tribe that received a conveyance
11 of land under this section, the Secretary shall take the
12 land into trust for that Indian Tribe. The Secretary’s trust
13 obligations with regard to the land—

14 (1) shall reflect the Secretary’s trust obligations
15 when the land was previously in trust;

16 (2) shall not be expanded based on any modi-
17 fications, changes, or contamination on the land that
18 occurred while the land was not in trust; and

19 (3) may be reassumed by the Secretary based
20 on circumstances that occur after the land is re-
21 turned to trust.

22 (e) LIABILITY LIMITATION.—The Federal Govern-
23 ment shall not be subject to liability arising from modifica-
24 tions, changes, or contamination on land returned to trust

1 under subsection (d) that occurred while the land was not
2 in trust.

3 (f) ALLOTMENTS NOT AFFECTED.—This Act shall be
4 inapplicable to trust allotments held by an Indian Tribe
5 or an Indian, unless agreed to by the affected Indian Tribe
6 or Indian owner of the allotment.

7 **SEC. 4. ADDITIONAL ATTRIBUTES OF RESTRICTED FEE**
8 **TRIBAL LANDS.**

9 (a) LONG-TERM LEASING.—Notwithstanding the
10 provisions of the Act of August 9, 1955 (25 U.S.C. 415;
11 commonly known as the “Long-Term Leasing Act”), an
12 Indian Tribe may lease land subject to a restriction im-
13 posed by the United States against alienation and tax-
14 ation, or grant an easement or right-of-way thereon, for
15 a period that does not exceed 99 years without review and
16 approval by the Secretary.

17 (b) TRIBAL LAND MANAGEMENT.—Real property law
18 enacted or established by an Indian Tribe shall—

19 (1) preempt any provision of Federal law or
20 regulation governing the use of such land, except as
21 set forth in this Act;

22 (2) be given preemptive effect only upon having
23 been first published in the Federal Register; and

24 (3) be published in the Federal Register by the
25 Secretary not later than 120 days after the Sec-

1 retary receives a copy of the Tribal law from the In-
2 dian Tribe.

3 (c) **APPLICABILITY OF THE INDIAN GAMING REGU-**
4 **LATORY ACT.**—Land subject to a restriction imposed by
5 the United States against alienation and taxation acquired
6 by an Indian Tribe under the provisions of this section
7 shall be treated as trust lands for purposes of the Indian
8 Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

9 **SEC. 5. RESPONSIBILITIES OF THE SECRETARY RELATING**
10 **TO RESTRICTED FEE TRIBAL LANDS.**

11 (a) **TRUST RESPONSIBILITY NOT DIMINISHED.**—
12 Nothing in this section shall be construed to diminish the
13 Federal trust responsibility to any Indian Tribe.

14 (b) **SECRETARY'S TRUST RESPONSIBILITY TO PRO-**
15 **TECT RESTRICTED FEE TRIBAL LANDS.**—With respect to
16 restricted fee status lands, the Secretary shall enforce the
17 provisions of the Act of June 30, 1834 (25 U.S.C. 177;
18 4 Stat. 730), to protect the Indian Tribe's title, ownership,
19 tax immunity, and Indian country status of such lands.

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