

SEPTEMBER 5, 2012

RULES COMMITTEE PRINT 112-30
TEXT OF H.R. 5544, MINNESOTA EDUCATION
INVESTMENT AND EMPLOYMENT ACT

[Showing the text of H.R. 5544 as ordered reported by the
Committee on Natural Resources]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Minnesota Education
3 Investment and Employment Act”.

4 **SEC. 2. LAND EXCHANGE, BOUNDARY WATERS CANOE AREA**
5 **WILDERNESS AND SUPERIOR NATIONAL FOR-**
6 **EST, MINNESOTA.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The State of Minnesota owns multiple par-
10 cels of land in the Boundary Waters Canoe Area
11 Wilderness in the Superior National Forest that
12 were granted to the State through sections 16 and
13 36 of the Enabling Act of 1857 to be held in trust
14 for the benefit of the public school system in the
15 State (in this section referred to as “State trust
16 lands”).

17 (2) The State trust lands were acquired by the
18 State long before the establishment of either the Na-

1 tional Forest System or the wilderness area and are
2 scattered in a largely checkerboard fashion amid the
3 Superior National Forest and the wilderness area.

4 (3) The presence of State trust lands in the wil-
5 derness area makes land and resource management
6 in the wilderness area more difficult, costly, and con-
7 troversial for the United States and the State.

8 (4) Although the State trust lands were granted
9 to the State to generate financial support for the
10 public school system through the sale or development
11 of natural resources, development of those resources
12 in the wilderness area may be incompatible with
13 managing the wilderness area for recreational, nat-
14 ural, and conservation purposes.

15 (5) The United States owns land and interests
16 in land in other parts of the State that can be trans-
17 ferred to the State in exchange for the State trust
18 lands without jeopardizing Federal management ob-
19 jectives or needs.

20 (6) It is in the public interest to exchange, on
21 terms that are fair to the United States and the
22 State, National Forest System land in the State that
23 has limited recreational and conservation resources
24 for State trust lands located in the wilderness area
25 with important recreational, scenic, and conservation

1 resources for permanent public management and
2 use.

3 (7) The Legislature of the State of Minnesota,
4 meeting in its 87th Legislative Session, passed (and
5 on April 27, 2012, the Governor of Minnesota ap-
6 proved) S.F No. 1750 (Chapter 236), section 4 of
7 which adds section 92.80 to the Minnesota Statutes
8 to expedite the exchange of a portion of the State
9 trust lands located within the Boundary Waters
10 Canoe Area Wilderness.

11 (b) LAND EXCHANGE REQUIRED.—The Secretary of
12 Agriculture shall consummate a land exchange with the
13 State of Minnesota pursuant to section 4 of S.F No. 1750
14 (Chapter 236) of the Legislature of the State of Minnesota
15 (section 92.80 of the Minnesota Statutes) to acquire all
16 right, title, and interest of the State in and to certain
17 State trust lands identified as provided in such section in
18 exchange for all right, title, and interest of the United
19 States in and to National Forest System land in the State
20 for inclusion in the State trust lands.

21 (c) VALUATION OF LANDS FOR EXCHANGE.—Sub-
22 division 4 of section 4 of S.F No. 1750 (Chapter 236)
23 of the Legislature of the State of Minnesota (section 92.80
24 of the Minnesota Statutes) shall control for purposes of

1 the examination and value determination of the lands to
2 be exchanged.

3 (d) SURVEY AND ADMINISTRATIVE COSTS.—The
4 exact acreage and legal description of the land to be ex-
5 changed under subsection (b) shall be determined by a
6 survey satisfactory to the Secretary. The State of Min-
7 nesota shall be responsible for the costs of the survey and
8 all other administrative costs related to the land exchange.

9 (e) BOUNDARIES AND MANAGEMENT OF ACQUIRED
10 LAND.—

11 (1) LAND ACQUIRED BY SECRETARY.—

12 (A) IN GENERAL.—The land acquired by
13 the Secretary under subsection (b) shall be
14 added to and administered as part of the
15 Boundary Waters Canoe Area Wilderness estab-
16 lished pursuant to section 3 of the Wilderness
17 Act (16 U.S.C. 1132(a)), and the Secretary
18 shall modify the boundaries of the wilderness
19 area to reflect inclusion of the acquired lands.
20 Subject to subparagraph (B), the land acquired
21 by the Secretary shall be managed in accord-
22 ance with the Wilderness Act (16 U.S.C. 1131
23 et seq.) and other laws and regulations applica-
24 ble to the National Wilderness Preservation
25 System.

1 (B) NO EFFECT ON EXISTING FISHING
2 AND HUNTING RIGHTS.—The acquisition of
3 land by the United States under subsection (b)
4 and inclusion of the land in the Boundary
5 Waters Canoe Area Wilderness shall not alter
6 or otherwise affect—

7 (i) any fishing and hunting rights in
8 existence with respect to the land imme-
9 diately before the conveyance of the land to
10 the United States; or

11 (ii) the use of such rights after con-
12 veyance.

13 (2) LAND ACQUIRED BY STATE.—The land ac-
14 quired by the State of Minnesota under subsection
15 (b) shall be deemed to be State trust lands and shall
16 be held in trust for the benefit of the public school
17 system in the State. It is the sense of Congress that,
18 whenever the land acquired by the State of Min-
19 nesota under subsection (b) is not being used for
20 revenue-generating activities, the State should make
21 the land available for other compatible uses, includ-
22 ing hunting, fishing, hiking, biking, snowmobiling,
23 and trail riding.

24 (3) BOUNDARIES OF SUPERIOR NATIONAL FOR-
25 EST.—The Secretary shall modify the boundaries of

1 the Superior National Forest to reflect the land ex-
2 change conducted under this section.

3 (f) RELATION TO OTHER LAWS.—

4 (1) LAND AND WATER CONSERVATION FUND
5 ACT.—For purposes of section 7 of the Land and
6 Water Conservation Fund Act of 1965 (16 U.S.C.
7 4601–9), the boundaries of the Superior National
8 Forest, as modified by subsection (e)(3), shall be
9 considered to be boundaries of the Superior National
10 Forest as of January 1, 1965.

11 (2) NOT A MAJOR FEDERAL ACTION.—The land
12 exchange conducted under this section shall not be
13 considered to be a major Federal action.

14 (g) NO IMPACT ON OTHER LAND EXCHANGES.—The
15 land exchange described in subsection (b) does not affect
16 any land exchange involving National Forest System land
17 in the State of Minnesota underway as of the date of the
18 enactment of this Act.

19 (h) REPORT.—If the Secretary fails to complete the
20 land exchange described in subsection (b) before the end
21 of the 18-month period beginning on the date of the enact-
22 ment of this Act, the Secretary shall submit to Congress,
23 not later than 30 days after the end of such period, a re-
24 port—

- 1 (1) specifying the reasons why the exchange has
- 2 not been completed; and
- 3 (2) stating the date by which the Secretary an-
- 4 ticipates the conveyance will be completed.