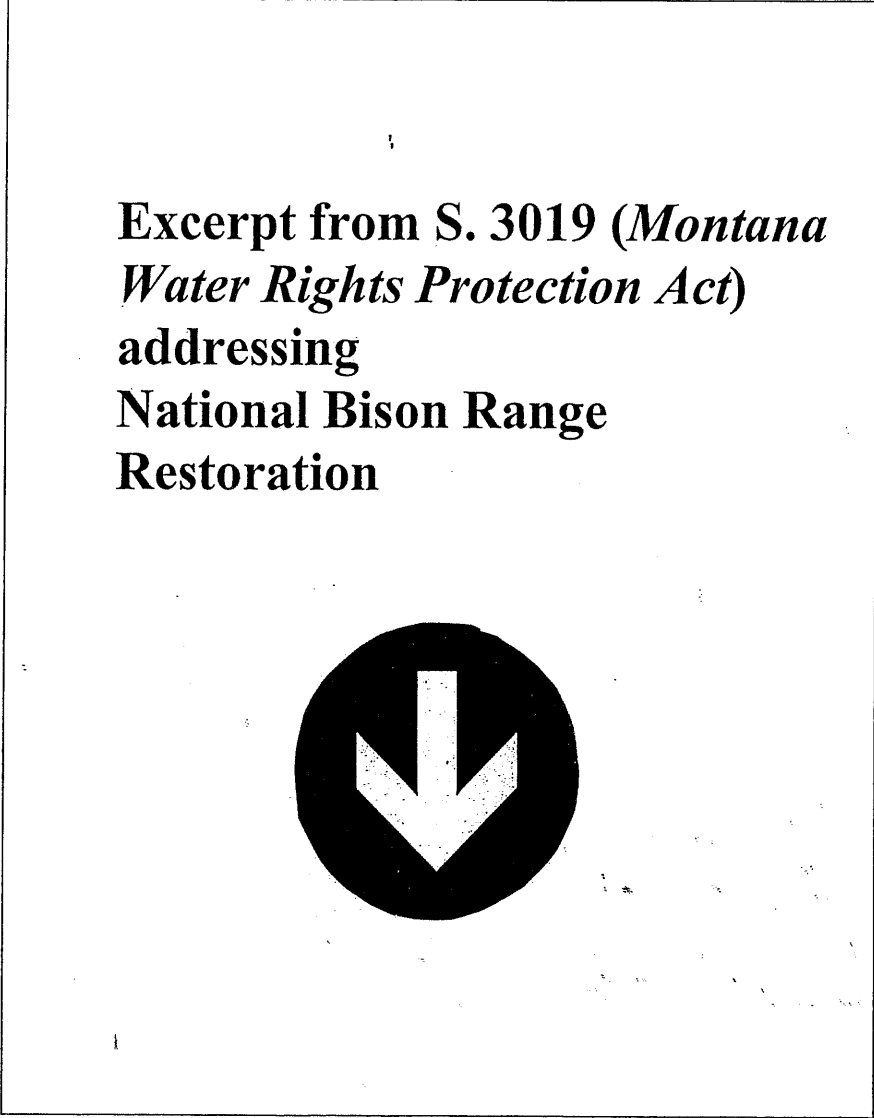


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23 **SEC. 13. NATIONAL BISON RANGE RESTORATION.**

24 (a) FINDINGS; PURPOSES.—

25 (1) FINDINGS.—Congress finds that—

1 (A) the Reservation was set aside for the  
2 Tribes in 1855 under the treaty between the  
3 United States and the Tribes concluded at Hell  
4 Gate on July 16, 1855 (12 Stat. 975);

5 (B) the National Bison Range was estab-  
6 lished as a conservation measure in 1908, a  
7 time when the bison were at grave risk of ex-  
8 tinction;

9 (C) the National Bison Range is located in  
10 the middle of the Reservation on land that was  
11 acquired by the United States in what was later  
12 held, in the civil action entitled “Confederated  
13 Salish and Kootenai Tribes of the Flathead In-  
14 dian Reservation, Montana v. United States”  
15 (437 F.2d 458 (Ct.Cl. 1971)), to be a taking  
16 under the Fifth Amendment to the Constitution  
17 of the United States;

18 (D) the Tribes never consented to the re-  
19 moval of the land described in subparagraph  
20 (C) from Tribal ownership;

21 (E) since time immemorial until the estab-  
22 lishment of the National Bison Range, the  
23 Tribes had used the land described in subpara-  
24 graph (C) for—

1 (i) hunting, fishing, and gathering;

2 and

3 (ii) cultural and many other purposes;

4 (F)(i) in the 1870s, when slaughter re-  
5 sulted in the risk of bison extinction, a Pend  
6 d'Oreille man named Little Falcon Robe re-  
7 ceived approval from leaders of the Tribes to  
8 bring orphaned bison calves across the Conti-  
9 nental Divide to the Reservation for purposes of  
10 starting a herd for subsistence and conservation  
11 purposes;

12 (ii) starting with just a few bison calves,  
13 the animals grew into a large herd under the  
14 stewardship of members of the Tribes, who  
15 later included Michel Pablo and Charles Allard;  
16 and

17 (iii) the Reservation was the home of that  
18 free-ranging herd of bison for decades before  
19 the establishment of the National Bison Range;

20 (G) when the Reservation was opened for  
21 homesteading, a free-ranging bison herd was no  
22 longer feasible, resulting in Michel Pablo selling  
23 the herd to off-Reservation interests;

24 (H) many of the bison, or their descend-  
25 ants, from the Tribal member-managed herd

1 were repurchased and brought back to the Res-  
2 ervation to form the original herd for the Na-  
3 tional Bison Range;

4 (I) the bison herd at the National Bison  
5 Range descends largely from a herd started and  
6 managed as described in subparagraph (F);

7 (J) the Tribes—

8 (i) have played a substantive role as  
9 conservation leaders, often in partnership  
10 with the National Bison Range;

11 (ii) have demonstrated a long-term  
12 commitment to responsible management of  
13 the land and resources surrounding the  
14 National Bison Range; and

15 (iii) desire to carry out the purposes  
16 for which the National Bison Range was  
17 established;

18 (K) the Tribes have extensive experience in  
19 wildlife and natural resources management, in-  
20 cluding—

21 (i) the establishment and management  
22 of the 91,000-acre Mission Mountains  
23 Tribal Wilderness, the first tribally des-  
24 ignated wilderness area in the United  
25 States;

1           (ii) special management districts for  
2           large animals, such as the Little Money  
3           Bighorn Sheep Management Area and the  
4           Ferry Basin Elk Management Area; and

5           (iii) the restoration and management  
6           of bighorn sheep populations, peregrine fal-  
7           cons, and trumpeter swans on the Reserva-  
8           tion;

9           (L) the Tribes have an extensive history of  
10          successful partnerships with Federal agencies  
11          with respect to issues such as—

12           (i) threatened and endangered species  
13          management;

14           (ii) migratory waterfowl management;  
15          and

16           (iii) wetland habitat management;

17          (M)(i) the Tribes have entered into prior  
18          management-related agreements relating to the  
19          National Bison Range under title IV of the In-  
20          dian Self-Determination and Education Assist-  
21          ance Act (25 U.S.C. 5361 et seq.); and

22           (ii) the Tribes and the United States de-  
23          sire to build on past and current partnerships,  
24          as well as honor and advance the Federal and

1 Tribal objectives of increasing Tribal autonomy  
2 and Tribal governmental capacity;

3 (N) since the establishment of the National  
4 Bison Range, additional herds of bison have  
5 been established on other national wildlife ref-  
6 uges and national parks;

7 (O) the facts and history regarding the  
8 Federal Government, the Tribes, the bison, and  
9 land on the Reservation acquired for the Na-  
10 tional Bison Range are exceptional cir-  
11 cumstances that warrant action by Congress;  
12 and

13 (P) the United States should hold title in  
14 and to the land comprising the National Bison  
15 Range, with beneficial title of the land being re-  
16 stored to the Tribes for—

17 (i) continued bison conservation;

18 (ii) other wildlife and natural resource  
19 management purposes; and

20 (iii) other nonconflicting purposes of  
21 the Tribes.

22 (2) PURPOSES.—The purposes of this section  
23 are—

24 (A) to acknowledge the history, culture,  
25 and ecological stewardship of the Tribes with

1           respect to the land on the Reservation acquired  
2           for the National Bison Range, bison, and other  
3           natural resources;

4           (B) to ensure that the land, bison, and  
5           other resources referred to in subparagraph (A)  
6           continue to be protected and enhanced;

7           (C) to continue public access and edu-  
8           cational opportunities; and

9           (D) to ensure a smooth transition for land,  
10          bison, and other natural resources as the land  
11          is restored to Federal trust ownership for the  
12          benefit of the Tribes.

13          (b) DEFINITION OF NATIONAL BISON RANGE.—In  
14          this section, the term “National Bison Range” means all  
15          land within the Reservation that was reserved for the na-  
16          tional bison range under the matter under the heading  
17          “NATIONAL BISON RANGE” under the heading “MIS-  
18          CELLANEOUS” under the heading “DEPARTMENT OF AG-  
19          RICULTURE” in the Act of May 23, 1908 (16 U.S.C. 671)  
20          (as in effect on the day before the date of enactment of  
21          this Act).

22          (c) RESTORATION OF LAND.—

23                 (1) IN GENERAL.—Notwithstanding any other  
24                 provision of law, for the purposes of conserving  
25                 bison, wildlife, and natural resources, and of safe-

1       guarding the interests of the Tribes in those re-  
2       sources and the traditional, cultural, and other inter-  
3       ests of the Tribes, all land comprising the National  
4       Bison Range (including all natural resources, inter-  
5       ests, and appurtenances of that land) shall be held  
6       in trust by the United States for the benefit of the  
7       Tribes.

8               (2) ADMINISTRATION.—The land restored by  
9       paragraph (1) shall be—

10               (A) a part of the Reservation;

11               (B) administered under the laws (including  
12       regulations) applicable to Indian trust land; and

13               (C) managed by the Tribes, in accordance  
14       with paragraph (3), solely for the care and  
15       maintenance of bison, wildlife, and other nat-  
16       ural resources, including designation or naming  
17       of the restored land.

18               (3) TRIBAL MANAGEMENT.—In managing the  
19       land restored by paragraph (1), the Tribes shall—

20               (A) provide public access and educational  
21       opportunities; and

22               (B) at all times, have a publicly available  
23       management plan for the land, bison, and nat-  
24       ural resources, which shall include actions to



1 address management and control of invasive  
2 weeds.

3 (d) CONVEYANCE OF BUILDINGS AND OTHER STRUC-  
4 TURES.—

5 (1) IN GENERAL.—The United States shall con-  
6 vey to the Tribes, to own in fee, all ownership inter-  
7 ests of the United States in all buildings, structures,  
8 improvements, and appurtenances located on the  
9 land restored by subsection (c)(1).

10 (2) PERSONAL PROPERTY.—The United States  
11 may convey to the Tribes any personal property  
12 owned by the United States and found on, or other-  
13 wise associated with, the land restored by subsection  
14 (c)(1).

15 (e) RELINQUISHMENT OF RIGHTS TO BISON.—The  
16 United States relinquishes to the Tribes all interests of  
17 United States in the bison on the land restored by sub-  
18 section (c)(1).

19 (f) TRANSITION.—

20 (1) IN GENERAL.—Notwithstanding any other  
21 provision of law, during the 2-year period beginning  
22 on the date of enactment of this Act, the Secretary  
23 shall cooperate with the Tribes in transition activi-  
24 ties regarding the management of land, bison, and  
25 other resources conveyed by this Act, including by

1 providing to the Tribes funds, personal property,  
2 equipment, or other resources determined to be ap-  
3 propriate by the Secretary for the performance of, or  
4 assistance with, the types of activities carried out by  
5 the Secretary at the National Bison Range as of the  
6 date of enactment of this Act.

7 (2) EFFECT.—Consistent with subsections (c),  
8 (d), and (e), nothing in this section authorizes the  
9 Director of the United States Fish and Wildlife  
10 Service to retain ownership or control of any real or  
11 personal property conveyed by this section, except as  
12 the Tribes may agree to in writing.

13 (g) REPEAL.—The matter under the heading “NA-  
14 TIONAL BISON RANGE” under the heading “MISCELLA-  
15 NEOUS” under the heading “DEPARTMENT OF AGRI-  
16 CULTURE” in the Act of May 23, 1908 (16 U.S.C. 671),  
17 is repealed.

18 (h) LIABILITY.—

19 (1) FUNDING FOR LIABILITY INSURANCE.—For  
20 the continued protection of the public, and as long  
21 as public visitation is required by Federal law for  
22 the land restored by this section, the Secretary shall  
23 provide to the Tribes funding sufficient to procure li-  
24 ability insurance covering tort actions filed by mem-  
25 bers of the public.

1           (2) LIABILITY OF TRIBES.—The Tribes shall  
2           not be liable for any land, soil, surface water,  
3           groundwater, or other contamination, injury, or  
4           damage resulting from the storage, disposal, release,  
5           or presence of any hazardous substance (as defined  
6           in section 101 of the Comprehensive Environmental  
7           Response, Compensation, and Liability Act of 1980  
8           (42 U.S.C. 9601)) on any portion of the land re-  
9           stored by this section on or before the date of the  
10          conveyance, unless the Tribes would otherwise have  
11          been responsible for the storage, disposal, release, or  
12          presence.

13          (i) CLAIMS AGAINST UNITED STATES.—No claim  
14          may be brought pursuant to chapter 7 of title 5, United  
15          States Code, or section 1491 or 1505 of title 28, United  
16          States Code, against the United States, or any agency,  
17          officer, or employee of the United States, concerning the  
18          preconveyance or postconveyance management of the land  
19          and other property conveyed by this section.

20          (j) EFFECT.—Nothing in this section relieves the  
21          United States of any obligation under section 120(h)(3)  
22          of the Comprehensive Environmental Response, Com-  
23          pensation, and Liability Act of 1980 (42 U.S.C.  
24          9620(h)(3)).

1 (k) NO PRECEDENT.—The provisions of this sec-  
2 tion—

3 (1) are uniquely suited to address the distinct  
4 circumstances, facts, history, and relationships in-  
5 volved with the bison, land, and Tribes; and

6 (2) are not intended, and shall not be inter-  
7 preted, to establish a precedent for any other situa-  
8 tion regarding Federal land, property, or facilities.

9 (l) INDIAN GAMING REGULATORY ACT.—The land  
10 restored by this section shall not be eligible or used for  
11 any gaming activity carried out under the Indian Gaming  
12 Regulatory Act (25 U.S.C. 2701 et seq.).