



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 08 2016

The Honorable Jon Tester
United States Senate
Washington, DC 20510

Dear Senator Tester:

In accordance with your request to the Department of the Interior of March 3, 2016, the Department has prepared the enclosed draft bill, "To transfer the lands comprising the National Bison Range unit of the National Wildlife Refuge System to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, to be held in trust by the Secretary of the Interior for the benefit of the Confederated Salish and Kootenai Tribes."

This draft has been prepared as a service to you. It has not been reviewed within the Department or cleared by the Office of Management and Budget. We can, therefore, make no commitment at this time concerning the position of the Department on this matter.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

A BILL

To transfer the lands comprising the National Bison Range unit of the National Wildlife Refuge System to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, to be held in trust by the Secretary of the Interior for the benefit of the Confederated Salish and Kootenai Tribes.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Bison Range Transfer Act of 2016.”

SEC. 2. FINDINGS.

The Congress finds and declares that –

(a) Native American tribes, including those of the Flathead Indian Reservation, have for centuries recognized bison as significant to their history, culture, religion, and ways of life;

(b) the lands comprising the National Bison Range unit of the National Wildlife Refuge System were purchased from a portion of the Flathead Indian Reservation under authority of the Act of May 23, 1908, 35 Stat. 267, as amended, for the explicit purpose of conserving and managing bison, a critically imperiled species at the time of establishment of the National Bison Range;

(c) the Confederated Salish and Kootenai Tribes of the Flathead Reservation have played a substantive role as conservation leaders, often in partnership with the National Bison Range;

(d) the Tribes have demonstrated a long term commitment to responsible management of the lands and resources surrounding the National Bison Range and desire to carry out the purposes for which the Range was established by Congress;

(e) bison are no longer critically imperiled, as they were at the time the National Bison Range was established; and

(f) the facts and history regarding the federal government, the Tribes, the subject bison and lands, are exceptional circumstances that warrant action by Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term “National Bison Range” means all lands comprising the unit of the National Wildlife Refuge System which were reserved and excepted from the unallotted lands within the Flathead Indian Reservation under the provisions of the Act of May 23, 1908, 35 Stat. 267, as amended 16 U.S.C. § 671.

(2) The term “Secretary” means the Secretary of the Department of the Interior.

(3) The term “Tribes” means the Confederated Salish and Kootenai Tribes of the Flathead Reservation in the State of Montana.

SEC. 4. TRANSFER OF THE NATIONAL BISON RANGE.

(a) **TRANSFER OF LAND TO BE HELD IN TRUST.**—No later than 90 after enactment of this Act, all lands comprising the National Bison Range shall be transferred by the Secretary to be held in trust for the benefit of the Tribes and shall be part of the Flathead Indian Reservation.

(b) **TRANSFER OF OTHER PROPERTY.**—

(1) The United States' interests in and ownership of, all buildings, structures, improvements and appurtenances located on the lands transferred pursuant to section (a) shall be transferred to the Tribes to own in fee.

(2) The Secretary shall relinquish to the Tribes any and all interests of the United States in the herd of bison located upon the transferred lands and may transfer such personal property at the site as appropriate.

(c) **MANAGEMENT.**—The Tribes shall—

(1) manage the lands and property transferred in this Act solely for the care and maintenance of the herd of bison transferred in subsection (b), in accordance with the purposes of the Act of May 23, 1908, as amended, and to conserve the natural resources of such lands; and

(2) provide for public visitation and education opportunities on the lands and other property transferred under this Act.

(d) **NO LIABILITY.**— No claims may be brought pursuant to 28 U.S.C. § 1491, 28 U.S.C. § 1505, or 5 U.S.C. §§ 701-708 *et seq.*, against the United States, its agencies, its officials, or its employees concerning the pre-transfer or post-transfer management of the lands and other property transferred under subsections (a) and (b).

(e) **SAVINGS CLAUSE.**—Nothing in this section shall be—

(1) construed to have any application to a location other than the National Bison Range, or

(2) cited as precedent for management of any other area within the National Wildlife Refuge System.

SEC. 5. EFFECTIVE DATE.

The requirements of this Act shall take effect 90 days after enactment



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