

PRE-DECISIONAL DRAFT

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.”

~~SECTION 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 (Tribes) 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.2. 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.

Comment [DM1]: This text has no legally binding effect. Suggest to that this information be included in supporting material, i.e. report language.

Formatted: Font: Bold

PRE-DECISIONAL DRAFT

~~SECTION~~ **SEC. 23. TRANSFER OF THE NATIONAL BISON RANGE UNIT OF THE NATIONAL WILDLIFE REFUGE SYSTEM.**

Formatted: Font: Bold

(a) TRANSFER OF LAND TO BE HELD IN TRUST. ~~Effective 90 days after enactment of this section, a~~ All lands comprising the National Bison Range 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, shall be transferred from the Refuge System by the Secretary of the Interior 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. ~~Effective 90 days after enactment of this section,~~
(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. ~~In addition,~~
(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 that she determines is appropriate.

(c) MANAGEMENT. ~~The Tribes shall~~

(1) manage the lands transferred in subsection (a) 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) manage the property, including the herd of bison, transferred in subsection (b) in a manner that is consistent with the management directives in subparagraph (1) of this subsection; and

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

(d) NO LIABILITY.

(1) No claims may be brought against the United States, its agencies, or its employees concerning the pre-transfer or post-transfer management of the lands and other property transferred under ~~this section~~ subsections (a) and (b). ~~Furthermore,~~

(2) ~~Nothing~~ Nothing in this ~~section~~ Act establishes a substantive right or a cause of action by the Tribes against the United States that would be cognizable in the United States Court of Federal Claims pursuant to 28 U.S.C. § 1491 or 28 U.S.C. § 1505.

(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) ~~; nor shall anything in this section be~~ cited as precedent for management of any other area within the National Wildlife Refuge System.

Formatted: Small caps

SEC. 3. EFFECTIVE DATE.

PRE-DECISIONAL DRAFT

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

DRAFT

PRE-DECISIONAL DRAFT

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.”

~~SECTION 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 (Tribes) 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.2. 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.

Comment [DM1]: This text has no legally binding effect. Suggest to that this information be included in supporting material, i.e. report language.

Formatted: Font: Bold

PRE-DECISIONAL DRAFT

~~SECTION~~ **SEC. 23. TRANSFER OF THE NATIONAL BISON RANGE UNIT OF THE NATIONAL WILDLIFE REFUGE SYSTEM.**

Formatted: Font: Bold

(a) TRANSFER OF LAND TO BE HELD IN TRUST. ~~Effective 90 days after enactment of this section, a~~ All lands comprising the National Bison Range 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, shall be transferred from the Refuge System by the Secretary of the Interior 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. ~~Effective 90 days after enactment of this section,~~
(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. ~~In addition,~~
(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 that she determines is appropriate.

(c) MANAGEMENT. ~~The Tribes shall~~
(1) manage the lands and property transferred in subsection (a) 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) manage the property, including the herd of bison, transferred in subsection (b) in a manner that is consistent with the management directives in subparagraph (1) of this subsection; and
(3) provide for public visitation and education opportunities on the lands and other property transferred under this section Act.

(d) NO LIABILITY. ~~The Tribes shall~~
(1) No claims may be brought against the United States, its agencies, or its employees concerning the pre-transfer or post-transfer management of the lands and other property transferred under this sections subsections (a) and (b). ~~Furthermore,~~
(2) Nothing in this section Act establishes a substantive right or a cause of action by the Tribes against the United States that would be cognizable in the United States Court of Federal Claims pursuant to 28 U.S.C. § 1491 or 28 U.S.C. § 1505.

Comment [DM2]: Is this standard for transfers of land into trust? What is the rationale for this provision?

(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) nor shall anything in this section be cited as precedent for management of any other area within the National Wildlife Refuge System.

Formatted: Small caps

SEC.3. EFFECTIVE DATE.

PRE-DECISIONAL DRAFT

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

DRAFT

PRE-DECISIONAL DRAFT

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.”

~~SECTION 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 (Tribes) 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.2. 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.

Comment [DM1]: This text has no legally binding effect. Suggest to that this information be included in supporting material, i.e. report language.

Formatted: Font: Bold

PRE-DECISIONAL DRAFT

~~SECTION~~ **SEC. 23. TRANSFER OF THE NATIONAL BISON RANGE UNIT OF THE NATIONAL WILDLIFE REFUGE SYSTEM.**

Formatted: Font: Bold

(a) TRANSFER OF LAND TO BE HELD IN TRUST. ~~Effective 90 days after enactment of this section, a~~ All lands comprising the National Bison Range 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, shall be transferred from the Refuge System by the Secretary of the Interior 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. ~~Effective 90 days after enactment of this section,~~
(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. ~~In addition,~~
(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 that she determines is appropriate.

(c) MANAGEMENT. ~~The Tribes shall~~
(1) manage the lands and property transferred in subsection (a) 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) manage the property, including the herd of bison, transferred in subsection (b) in a manner that is consistent with the management directives in subparagraph (1) of this subsection; and
(3) provide for public visitation and education opportunities on the lands and other property transferred under this section Act.

(d) NO LIABILITY. ~~The Tribes shall~~
(1) No claims may be brought against the United States, its agencies, or its employees concerning the pre-transfer or post-transfer management of the lands and other property transferred under this sections subsections (a) and (b). Furthermore,
(2) Nothing in this section Act establishes a substantive right or a cause of action by the Tribes against the United States that would be cognizable in the United States Court of Federal Claims pursuant to 28 U.S.C. § 1491 or 28 U.S.C. § 1505.

Comment [DM2]: Is this standard for transfers of land into trust? What is the rationale for this provision?

(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) nor shall anything in this section be cited as precedent for management of any other area within the National Wildlife Refuge System.

Formatted: Small caps

SEC.3. EFFECTIVE DATE.

PRE-DECISIONAL DRAFT

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

DRAFT