

- (bb) any user of the Tribal Water Right;
- or
- (II) any other matter covered by subsection (a)(3); or
- (ii) in any future settlement of water rights of the Tribes or an allottee.

SEC. 11. SATISFACTION OF CLAIMS.

(a) **TRIBAL CLAIMS.**—The benefits realized by the Tribes under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Tribes against the United States waived and released pursuant to paragraphs (1) and (3) of section 10(a).

(b) **ALLOTTEE CLAIMS.**—The benefits realized by allottees under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released pursuant to section 10(a)(2); and

(2) any claims of an allottee against the United States that an allottee asserted or could have asserted that are similar in nature to a claim described in section 10(a)(2).

SEC. 12. NATIONAL BISON RANGE RESTORATION.

(a) **FINDINGS; PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

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

(B) the National Bison Range was established as a conservation measure in 1908, a time when the bison were at grave risk of extinction;

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

(D) the Tribes never consented to the removal of the land described in subparagraph (C) from Tribal ownership;

(E) since time immemorial until the establishment of the National Bison Range, the Tribes had used the land described in subparagraph (C) for—

(i) hunting, fishing, and gathering; and

(ii) cultural and many other purposes;

(F)(i) in the 1870s, when slaughter resulted in the risk of bison extinction, a Pend d’Oreille man named Little Falcon Robe received approval from leaders of the Tribes to bring orphaned bison calves across the Continental Divide to the Reservation for purposes of starting a herd for subsistence and conservation purposes;

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

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

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

(H) many of the bison, or their descendants, from the Tribal member-managed herd were repurchased and brought back to the Reservation to form the original herd for the National Bison Range;

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

(J) the Tribes—

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

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

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

(K) the Tribes have extensive experience in wildlife and natural resources management, including—

(i) the establishment and management of the 91,000-acre Mission Mountains Tribal Wilderness, the first tribally designated wilderness area in the United States;

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

(iii) the restoration and management of bighorn sheep populations, peregrine falcons, and trumpeter swans on the Reservation;

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

(i) threatened and endangered species management;

(ii) migratory waterfowl management; and

(iii) wetland habitat management;

(M)(i) the Tribes have entered into prior management-related agreements relating to the National Bison Range under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.); and

(ii) the Tribes and the United States desire to build on past and current partnerships, as well as honor and advance the Federal and Tribal objectives of increasing Tribal autonomy and Tribal governmental capacity;

(N) since the establishment of the National Bison Range, additional herds of bison have been established on other national wildlife refuges and national parks;

(O) the facts and history regarding the Federal Government, the Tribes, the bison, and land on the Reservation acquired for the National Bison Range are exceptional circumstances that warrant action by Congress; and

(P) the United States should hold title in and to the land comprising the National Bison Range, with beneficial title of the land being restored to the Tribes for—

- (i) continued bison conservation;
- (ii) other wildlife and natural resource management purposes; and
- (iii) other nonconflicting purposes of the Tribes.

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

(A) to acknowledge the history, culture, and ecological stewardship of the Tribes with respect to the land on the Reservation acquired for the National Bison Range, bison, and other natural resources;

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

(C) to continue public access and educational opportunities; and

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

(b) DEFINITION OF NATIONAL BISON RANGE.—In this section, the term “National Bison Range” means all land within the Reservation that was reserved for the national bison range under the matter under the heading “NATIONAL BISON RANGE” under the heading “MISCELLANEOUS” under the heading “DEPARTMENT OF AGRICULTURE” in the Act of May 23, 1908 (16 U.S.C. 671) (as in effect on the day before the date of enactment of this Act).

(c) RESTORATION OF LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of conserving bison, wildlife, and natural resources, and of safeguarding the interests of the Tribes in those resources and the traditional, cultural, and other interests of the Tribes, all land comprising the National Bison Range (including all natural resources, interests, and appurtenances of that land) shall be held in trust by the United States for the benefit of the Tribes.

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

(A) a part of the Reservation;

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

(C) managed by the Tribes, in accordance with paragraph (3), solely for the care and maintenance of bison, wildlife, and other natural resources, including designation or naming of the restored land.

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

(A) provide public access and educational opportunities; and

(B) at all times, have a publicly available management plan for the land, bison, and natural resources, which shall include actions to address management and control of invasive weeds.

(d) CONVEYANCE OF BUILDINGS AND OTHER STRUCTURES.—

(1) IN GENERAL.—The United States shall convey to the Tribes, to own in fee, all ownership interests of the United

States in all buildings, structures, improvements, and appurtenances located on the land restored by subsection (c)(1).

(2) **PERSONAL PROPERTY.**—The United States may convey to the Tribes any personal property owned by the United States and found on, or otherwise associated with, the land restored by subsection (c)(1).

(e) **RELINQUISHMENT OF RIGHTS TO BISON.**—The United States relinquishes to the Tribes all interests of United States in the bison on the land restored by subsection (c)(1).

(f) **TRANSITION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall cooperate with the Tribes in transition activities regarding the management of land, bison, and other resources conveyed by this Act, including by providing to the Tribes, as determined to be appropriate by the Secretary, funds, personal property, equipment, or other resources for the performance of, or assistance with, the types of activities carried out by the Secretary at the National Bison Range as of the date of enactment of this Act.

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

(g) **REPEAL.**—The matter under the heading “NATIONAL BISON RANGE” under the heading “MISCELLANEOUS” under the heading “DEPARTMENT OF AGRICULTURE” in the Act of May 23, 1908 (16 U.S.C. 671), is repealed.

(h) **LIABILITY.**—The Tribes shall not be liable for any land, soil, surface water, groundwater, or other contamination, injury, or damage resulting from the storage, disposal, release, or presence of any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) on any portion of the land restored by this section on or before the date of the conveyance, unless the Tribes would otherwise have been responsible for the storage, disposal, release, or presence.

(i) **CLAIMS AGAINST UNITED STATES.**—No claim may be brought pursuant to chapter 7 of title 5, United States Code, or section 1491 or 1505 of title 28, United States Code, against the United States, or any agency, officer, or employee of the United States, concerning the pre-conveyance or post-conveyance management of the land and other property conveyed by this section.

(j) **EFFECT.**—Nothing in this section relieves the United States of any obligation under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(k) **NO PRECEDENT.**—The provisions of this section—

(1) are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the bison, land, and Tribes; and

(2) are not intended, and shall not be interpreted, to establish a precedent for any other situation regarding Federal land, property, or facilities.

(l) **INDIAN GAMING REGULATORY ACT.**—The land restored by this section shall not be eligible or used for any gaming activity

carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS.—

(1) ACT OF APRIL 23, 1904.—Section 9 of the Act of April 23, 1904 (33 Stat. 304, chapter 1495; 35 Stat. 450, chapter 216), is amended by striking the seventh undesignated paragraph.

(2) ACT OF MAY 25, 1948.—Section 2 of the Act of May 25, 1948 (62 Stat. 269, chapter 340), is amended—

(A) in subsection (h), by striking paragraph (6) and inserting the following:

“(6) To enhance fisheries habitat or to improve water conservation management of the project.”; and

(B) by adding at the end the following:

“(k) MISSION VALLEY DIVISION.—

“(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ‘Secretary’), or the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana acting on behalf of the Secretary, as the entity with the legal authority and responsibility to operate the Mission Valley division of the project (referred to in this subsection as the ‘project operator’), may allocate revenues derived from the Mission Valley division in accordance with paragraph (2) for the purposes described in subsection (h)(6).

“(2) ALLOCATION.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the revenues described in paragraph (1) shall be allocated by providing—

“(i) \$100,000 to the Tribes; and

“(ii) \$100,000 to the project operator.

“(B) NEGOTIATION.—Effective beginning on October 1 of the tenth calendar year beginning after the date of enactment of the Montana Water Rights Protection Act, the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana, the State of Montana, and the Secretary may negotiate for an appropriate allocation that differs from the allocation described in subparagraph (A).

“(C) CARRYOVER.—If the project operator does not use the full allocation of the project operator under this paragraph for a fiscal year, an amount equal to the difference between the full allocation and the amount used by the project operator shall be set aside and accumulated for expenditure during subsequent fiscal years for the purposes described in subsection (h)(6).”

(3) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(b)(4) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(b)(4)) is amended—

(A) in subparagraph (A), by adding “and” at the end;

(B) in subparagraph (B), by striking “and” at the end;

and

(C) by striking subparagraph (C).