

Union Calendar No. 139

117TH CONGRESS
1ST SESSION

H. R. 2074

[Report No. 117–195]

To assist Tribal governments in the management of buffalo and buffalo habitat and for the reestablishment of buffalo on Indian lands.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. YOUNG (for himself and Mrs. TORRES of California) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 1, 2021

Additional sponsors: Mr. COLE, Ms. CRAIG, Mr. LAMALFA, Ms. LEGER FERNANDEZ, Mr. OBERNOLTE, Mr. HUFFMAN, Mr. MULLIN, Mr. TAKANO, Mrs. BICE of Oklahoma, Ms. BONAMICI, Mr. FORTENBERRY, Ms. DAVIDS of Kansas, and Ms. STANSBURY

DECEMBER 1, 2021

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 18, 2021]

A BILL

To assist Tribal governments in the management of buffalo and buffalo habitat and for the reestablishment of buffalo on Indian lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Indian Buffalo Manage-*
5 *ment Act”.*

6 **SEC. 2. FINDINGS; PURPOSES.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) buffalo sustained a majority of Indian Tribes*
9 *in North America for many centuries, before buffalo*
10 *were nearly exterminated by non-Indian hunters in*
11 *the mid-1800s;*

12 *(2) the historical, cultural, and spiritual connec-*
13 *tion between buffalo and Indian Tribes has not di-*
14 *minished over time;*

15 *(3) Indian Tribes have long desired the reestab-*
16 *lishment of buffalo throughout Indian country for cul-*
17 *tural, spiritual, and subsistence purposes; and*

18 *(4) the successful restoration of buffalo allows an*
19 *Indian Tribe to benefit from—*

20 *(A) the reintroduction of buffalo into the*
21 *diets of the members of the Indian Tribe;*

22 *(B) the rekindling of the spiritual and cul-*
23 *tural relationship between buffalo and the In-*
24 *dian Tribe; and*

1 (C) the use of buffalo for economic develop-
2 ment, in the case of an Indian Tribe that chooses
3 to use buffalo for economic development.

4 (b) *PURPOSES.*—The purposes of this Act are—

5 (1) to fulfill the government-to-government rela-
6 tionship between Tribal governments and the United
7 States in the management of buffalo and buffalo habi-
8 tat;

9 (2) to promote and develop the capacity of In-
10 dian Tribes and Tribal organizations to manage buf-
11 falo and buffalo habitat;

12 (3) to protect, conserve, and enhance Indian buf-
13 falo, which are important to the subsistence, culture,
14 and economic development of many Indian Tribes;

15 (4) to promote the development and use of buf-
16 falo and buffalo habitat for the maximum practicable
17 benefit of Indian Tribes and Tribal organizations,
18 through management of buffalo and buffalo habitats
19 in accordance with integrated resource management
20 plans developed by Indian Tribes and Tribal organi-
21 zations;

22 (5) to develop buffalo herds and increase produc-
23 tion of buffalo in order to meet Tribal subsistence,
24 health, cultural, and economic development needs; and

1 (6) *to promote the inclusion of Indian Tribes*
2 *and Tribal organizations in Department, local, re-*
3 *gional, national, or international—*

4 (A) *decision-making processes; or*

5 (B) *forums.*

6 **SEC. 3. DEFINITIONS.**

7 *In this Act:*

8 (1) *BUFFALO.—The term “buffalo” means an*
9 *animal of the subspecies *Bison bison bison*.*

10 (2) *BUFFALO HABITAT.—The term “buffalo habi-*
11 *tat” means Indian land, as defined in paragraph (4)*
12 *of this section, that is managed for buffalo.*

13 (3) *DEPARTMENT.—The term “Department”*
14 *means the Department of the Interior.*

15 (4) *INDIAN LAND.—The term “Indian land” has*
16 *the meaning given the term in paragraph (2) of sec-*
17 *tion 2601 of the Energy Policy Act of 1992 (25*
18 *U.S.C. 3501), except that, in that paragraph, the*
19 *term “Indian reservation” shall be considered to have*
20 *the meaning given the term “Indian reservation” in*
21 *paragraph (3) of that section, without regard to the*
22 *date specified in paragraph (3) of that section.*

23 (5) *INDIAN TRIBE.—The term “Indian Tribe”*
24 *has the meaning given the term (without regard to*
25 *capitalization) in section 4 of the Indian Self-Deter-*

1 *mination and Education Assistance Act (25 U.S.C.*
 2 *5304).*

3 (6) *SECRETARY.*—*The term “Secretary” means*
 4 *the Secretary of the Interior.*

5 (7) *TRIBAL ORGANIZATION.*—*The term “Tribal*
 6 *organization” means any legally established organiza-*
 7 *tion of Indians which is chartered under section 17*
 8 *of the Act of June 18, 1934 (commonly known as the*
 9 *“Indian Reorganization Act”)* (25 U.S.C. 5124), *by*
 10 *the recognized governing body of any Indian Tribe or*
 11 *Tribes, and with demonstrable experience in the res-*
 12 *toration of buffalo and buffalo habitat on Indian*
 13 *land.*

14 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

15 (a) *PROGRAM ESTABLISHED.*—*The Secretary shall es-*
 16 *tablish a permanent program within the Department of the*
 17 *Interior for the purpose of—*

18 (1) *promoting and developing the capacity of In-*
 19 *dian Tribes and Tribal organizations to manage buf-*
 20 *falo and buffalo habitat;*

21 (2) *promoting the ability of Indian Tribes and*
 22 *Tribal organizations to protect, conserve, and enhance*
 23 *populations of buffalo that are owned by Indian*
 24 *Tribes or Tribal organizations;*

1 (3) *promoting the development and use of buffalo*
 2 *and buffalo habitat for the maximum practicable ben-*
 3 *efit of Indian Tribes and Tribal organizations; and*

4 (4) *promoting the inclusion of Indian Tribes and*
 5 *Tribal organizations in Department, international,*
 6 *national, regional, and local decision making and fo-*
 7 *runs regarding buffalo and buffalo habitat.*

8 (b) *CONTRACTS AND GRANTS AUTHORIZED.—*

9 (1) *IN GENERAL.—The Secretary shall enter into*
 10 *contracts and cooperative agreements with, and*
 11 *award grants to, Indian Tribes and Tribal organiza-*
 12 *tions to enable the respective Indian Tribe or Tribal*
 13 *organization to—*

14 (A) *plan, conduct, or implement a buffalo*
 15 *restoration or management program;*

16 (B) *plan and execute commercial activities*
 17 *related to buffalo or buffalo products; or*

18 (C) *carry out other activities related to buf-*
 19 *falo restoration and management.*

20 (2) *NO DIMINISHMENT OF LAWS AND REGULA-*
 21 *TIONS.—Nothing in this subsection shall be inter-*
 22 *preted to diminish any Federal or State law or regu-*
 23 *lation of diseased buffalo or buffalo that escape from*
 24 *Indian land.*

1 (c) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
2 *provide technical assistance to an Indian Tribe or Tribal*
3 *organization that enters into a contract or cooperative*
4 *agreement or receives a grant under this section to assist*
5 *that Indian Tribe or Tribal organization in—*

6 (1) *carrying out the activities of a buffalo or buf-*
7 *falo habitat restoration or management program; and*

8 (2) *implementing the activities described in sub-*
9 *paragraphs (A) through (C) of subsection (b)(1).*

10 **SEC. 5. CONSULTATION; COORDINATION.**

11 (a) *CONSULTATION.*—*Not later than 1 year after the*
12 *date of the enactment of this Act, and on an ongoing basis*
13 *thereafter, the Secretary shall consult with Indian Tribes*
14 *and Tribal organizations on initiatives of the Department*
15 *that affect buffalo or buffalo habitat, including efforts of the*
16 *Department to contain or eradicate diseased buffalo.*

17 (b) *COORDINATION.*—*The Secretary shall develop a*
18 *policy relating to buffalo and buffalo habitat management*
19 *activities on Indian land, in accordance with—*

20 (1) *the goals and objectives set forth in buffalo*
21 *management programs approved by Indian Tribes;*
22 *and*

23 (2) *Tribal laws and ordinances.*

1 **SEC. 6. PROTECTION OF INFORMATION.**

2 *Notwithstanding any other provision of law, the Sec-*
3 *retary shall not disclose or cause to be disclosed any infor-*
4 *mation provided to the Secretary by an Indian Tribe or*
5 *Tribal organization that is identified by the Indian Tribe*
6 *or Tribal organization as culturally sensitive, proprietary,*
7 *or otherwise confidential.*

8 **SEC. 7. BUFFALO FROM FEDERAL LAND.**

9 *(a) IN GENERAL.—The Secretary may enter into an*
10 *agreement with an Indian Tribe or Tribal organization to*
11 *dispose of surplus buffalo on Federal land administered by*
12 *the Department applicable, by transporting such buffalo*
13 *onto Indian land.*

14 *(b) APPLICATION.—An Indian Tribe or Tribal organi-*
15 *zation may submit to the Secretary an application to re-*
16 *ceive buffalo described in subsection (a) at such time, in*
17 *such manner, and containing such information as the Sec-*
18 *retary may require.*

19 *(c) WAIVER OF CHARGES.—The Secretary may waive*
20 *any charges for the buffalo described in subsection (a), in-*
21 *cluding any deposit or payment for services as described*
22 *in section 10.2 of title 36, Code of Federal Regulation, or*
23 *any successor regulation.*

24 **SEC. 8. TREATY RIGHTS RETAINED.**

25 *Nothing in this Act alters, modifies, diminishes, or ex-*
26 *tinguishes the treaty rights of any Indian Tribe.*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to the Secretary*
3 *to carry out this Act, \$14,000,000 for the first fiscal year*
4 *beginning after the date of the enactment of this Act and*
5 *for each fiscal year thereafter.*

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