

Suspend the Rules And Pass the Bill, H.R. 2074, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

117TH CONGRESS
1ST SESSION

H. R. 2074

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

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 Man-
5 agement Act”.

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

7 (a) FINDINGS.—Congress finds that—

1 (1) buffalo sustained a majority of Indian
2 Tribes in North America for many centuries before
3 buffalo were nearly exterminated by non-Indian
4 hunters in the mid-1800s;

5 (2) the historical, cultural, and spiritual connec-
6 tion between buffalo and Indian Tribes has not di-
7 minished over time;

8 (3) Indian Tribes have long desired the reestab-
9 lishment of buffalo throughout Indian country for
10 cultural, spiritual, and subsistence purposes; and

11 (4) the successful restoration of buffalo would
12 allow an Indian Tribe to benefit from—

13 (A) the reintroduction of buffalo into the
14 diets of the members of the Indian Tribe;

15 (B) the rekindling of the spiritual and cul-
16 tural relationship between buffalo and the In-
17 dian Tribe; and

18 (C) the use of buffalo for economic devel-
19 opment, in the case of an Indian Tribe that
20 chooses to use buffalo for economic develop-
21 ment.

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

23 (1) to fulfill the government-to-government rela-
24 tionship between Tribal governments and the United

1 States in the management of buffalo and buffalo
2 habitat;

3 (2) to promote and develop the capacity of In-
4 dian Tribes and Tribal organizations to manage buf-
5 falo and buffalo habitat;

6 (3) to protect, conserve, and enhance buffalo,
7 which are important to the subsistence, culture, and
8 economic development of many Indian Tribes;

9 (4) to promote the development and use of buf-
10 falo and buffalo habitat for the maximum prac-
11 ticable benefit of Indian Tribes and Tribal organiza-
12 tions, through management of buffalo and buffalo
13 habitats in accordance with integrated resource
14 management plans developed by Indian Tribes and
15 Tribal organizations;

16 (5) to develop buffalo herds and increase pro-
17 duction of buffalo in order to meet Tribal subsist-
18 ence, health, cultural, and economic development
19 needs; and

20 (6) to promote the inclusion of Indian Tribes
21 and Tribal organizations in Department of the Inte-
22 rior, local, regional, national, or international—

23 (A) decision-making processes; and

24 (B) forums.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

5 (2) BUFFALO HABITAT.—The term “buffalo
6 habitat” means Indian land, as defined in paragraph
7 (4) of this section, that is managed for buffalo.

8 (3) DEPARTMENT.—The term “Department”
9 means the Department of the Interior.

10 (4) INDIAN LAND.—The term “Indian land”
11 has the meaning given the term in paragraph (2) of
12 section 2601 of the Energy Policy Act of 1992 (25
13 U.S.C. 3501), except that, in that paragraph, the
14 term “Indian reservation” shall be considered to
15 have the meaning given the term “Indian reserva-
16 tion” in paragraph (3) of that section, without re-
17 gard to the date specified in paragraph (3) of that
18 section.

19 (5) INDIAN TRIBE.—The term “Indian Tribe”
20 has the meaning given the term in section 4 of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 5304).

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (7) TRIBAL ORGANIZATION.—The term “Tribal
2 organization” means any legally established organi-
3 zation of Indians that—

4 (A) is chartered under section 17 of the
5 Act of June 18, 1934, (commonly known as the
6 “Indian Reorganization Act”) (25 U.S.C.
7 5124), which is recognized by the governing
8 body of any Indian Tribe or Tribes; or

9 (B) is a Tribal corporation federally char-
10 tered under section 3 of the Oklahoma Indian
11 Welfare Act (25 U.S.C. 5203); and

12 (C) has demonstrable experience in the
13 restoration of buffalo and buffalo habitat on In-
14 dian land.

15 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

16 (a) PROGRAM ESTABLISHED.—The Secretary shall
17 establish a permanent program within the Department of
18 the Interior for the purposes of—

19 (1) promoting and developing the capacity of
20 Indian Tribes and Tribal organizations to manage
21 buffalo and buffalo habitat;

22 (2) promoting the ability of Indian Tribes and
23 Tribal organizations to protect, conserve, and en-
24 hance populations of buffalo that are owned by In-
25 dian Tribes or Tribal organizations;

1 (3) promoting the development and use of buf-
2 falo and buffalo habitat for the maximum prac-
3 ticable benefit of Indian Tribes and Tribal organiza-
4 tions; and

5 (4) promoting the inclusion of Indian Tribes
6 and Tribal organizations in Department, inter-
7 national, national, regional, and local decision-mak-
8 ing and forums regarding buffalo and buffalo habi-
9 tat.

10 (b) CONTRACTS AND GRANTS AUTHORIZED.—

11 (1) IN GENERAL.—The Secretary shall enter
12 into contracts and cooperative agreements with, and
13 award grants to, Indian Tribes and Tribal organiza-
14 tions to enable the Indian Tribes and Tribal organi-
15 zations—

16 (A) to plan, conduct, or implement a buf-
17 falo restoration or management program;

18 (B) to plan and execute commercial activi-
19 ties related to buffalo or buffalo products; or

20 (C) to carry out other activities relating to
21 buffalo restoration and management.

22 (2) NO DIMINISHMENT OF LAWS AND REGULA-
23 TIONS.—Nothing in this subsection diminishes any
24 Federal or State law (including regulations) regard-

1 ing diseased buffalo or buffalo that escape from In-
2 dian land.

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

8 (1) carrying out the activities of a buffalo or
9 buffalo habitat restoration or management program;
10 and

11 (2) implementing the activities described in sub-
12 paragraphs (A) through (C) of subsection (b)(1).

13 **SEC. 5. CONSULTATION; COORDINATION.**

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

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

23 (1) the goals and objectives described in buffalo
24 management programs approved by Indian Tribes;
25 and

1 (2) Tribal laws and ordinances.

2 **SEC. 6. PROTECTION OF INFORMATION.**

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

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

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

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

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

1 **SEC. 8. TREATY RIGHTS RETAINED.**

2 Nothing in this Act alters, modifies, diminishes, or
3 extinguishes the treaty rights of any Indian Tribe.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Sec-
6 retary to carry out this Act \$14,000,000 for fiscal year
7 2022 and each fiscal year thereafter.

 Amend the title so as to read: “A bill To assist Trib-
al governments in the management of buffalo and buffalo
habitat and the reestablishment of buffalo on Indian
land.”.