

# Calendar No. 561

118TH CONGRESS  
2D SESSION

# S. 2908

[Report No. 118–246]

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Mr. HEINRICH (for himself, Mr. MULLIN, Mr. TESTER, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

NOVEMBER 18, 2024

Reported by Mr. SCHATZ, with amendments

[Omit the parts struck through and insert the parts printed in *italic*]

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## A BILL

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

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”.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

15 (A) the reintroduction of buffalo into the  
16 diets of the members of the Indian Tribe;

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

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

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

25 (1) to fulfill the government-to-government rela-  
26 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 that is managed for buf-  
7 falo.

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.

25 (7) TRIBAL ORGANIZATION.—The term “Tribal  
26 organization” means a legally established organiza-

1 tion of Indians that is chartered under section 17 of  
2 the Act of June 18, 1934 (commonly known as the  
3 “Indian Reorganization Act”) (25 U.S.C. 5124) with  
4 demonstrable experience in the restoration of buffalo  
5 and buffalo habitat on Indian land.

6 (7) *TRIBAL ORGANIZATION.*—The term “Tribal  
7 organization” means any legally established organiza-  
8 tion of Indians that—

9 (A)(i) is chartered under section 17 of the  
10 Act of June 18, 1934, (commonly known as the  
11 “Indian Reorganization Act”; 25 U.S.C. 5124)  
12 and recognized by the governing body of one or  
13 more Indian Tribes; or

14 (ii) is a Tribal corporation federally char-  
15 tered under section 3 of the Oklahoma Indian  
16 Welfare Act (25 U.S.C. 5203); and

17 (B) has demonstrable experience in the res-  
18 toration of buffalo and buffalo habitat on Indian  
19 land.

20 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

21 (a) *PROGRAM ESTABLISHED.*—The Secretary shall  
22 establish a permanent program within the Department for  
23 the purposes of—

1           (1) promoting and developing the capacity of  
2 Indian Tribes and Tribal organizations to manage  
3 buffalo and buffalo habitat;

4           (2) promoting the ability of Indian Tribes and  
5 Tribal organizations to protect, conserve, and en-  
6 hance populations of buffalo that are owned by In-  
7 dian Tribes or Tribal organizations;

8           (3) promoting the development and use of buf-  
9 falo and buffalo habitat for the maximum prac-  
10 ticable benefit of Indian Tribes and Tribal organiza-  
11 tions; and

12           (4) promoting the inclusion of Indian Tribes  
13 and Tribal organizations in Department, inter-  
14 national, national, regional, and local decision mak-  
15 ing and forums regarding buffalo and buffalo habi-  
16 tat.

17 (b) CONTRACTS AND GRANTS AUTHORIZED.—

18           (1) IN GENERAL.—The Secretary shall enter  
19 into contracts and cooperative agreements with, and  
20 award grants to, Indian Tribes and Tribal organiza-  
21 tions to enable the Indian Tribes and Tribal organi-  
22 zations—

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

1 (B) to plan and execute commercial activi-  
2 ties related to buffalo or buffalo products; ~~or~~

3 (C) to support the use and deployment of  
4 mobile Tribal or Tribal organization meat proc-  
5 essing facilities; or

6 ~~(C)~~(D) to carry out other activities relating  
7 to buffalo restoration and management.

8 (2) NO DIMINISHMENT OF LAWS AND REGULA-  
9 TIONS.—Nothing in this subsection diminishes any  
10 Federal or State law (including regulations) regard-  
11 ing diseased buffalo or buffalo that escape from In-  
12 dian land.

13 (c) TECHNICAL ASSISTANCE.—The Secretary shall  
14 provide technical assistance to an Indian Tribe or Tribal  
15 organization that enters into a contract or cooperative  
16 agreement or receives a grant under this section to assist  
17 the Indian Tribe or Tribal organization in—

18 (1) carrying out the activities of a buffalo or  
19 buffalo habitat restoration or management program;  
20 and

21 (2) implementing the activities described in sub-  
22 paragraphs (A) through ~~(C)~~ (D) of subsection  
23 (b)(1).

1 **SEC. 5. CONSULTATION; COORDINATION.**

2 (a) CONSULTATION.—Not later than 1 year after the  
3 date of enactment of this Act, and on an ongoing basis  
4 thereafter, the Secretary shall consult with Indian Tribes  
5 and Tribal organizations on initiatives of the Department  
6 that affect buffalo or buffalo habitat, including efforts of  
7 the Department to contain or eradicate diseased buffalo.

8 (b) COORDINATION.—The Secretary shall develop a  
9 policy relating to buffalo and buffalo habitat management  
10 activities on Indian land, in accordance with—

11 (1) the goals and objectives described in buffalo  
12 management programs approved by Indian Tribes;  
13 and

14 (2) Tribal laws and ordinances.

15 **SEC. 6. PROTECTION OF INFORMATION.**

16 Notwithstanding any other provision of law, the Sec-  
17 retary shall not disclose or cause to be disclosed any infor-  
18 mation provided to the Secretary by an Indian Tribe or  
19 Tribal organization that is identified by the Indian Tribe  
20 or Tribal organization as culturally sensitive, proprietary,  
21 or otherwise confidential.

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

23 (a) IN GENERAL.—The Secretary may enter into an  
24 agreement with an Indian Tribe or Tribal organization to  
25 dispose of surplus buffalo on Federal land administered



1 by the Department, as applicable, by transporting such  
2 buffalo onto Indian land.

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

8 (c) WAIVER OF CHARGES.—The Secretary may waive  
9 any charges for the buffalo described in subsection (a),  
10 including any deposit or payment for services as described  
11 in section 10.2 of title 36, Code of Federal Regulations  
12 (or any successor regulation).

13 **SEC. 8. TREATY RIGHTS RETAINED.**

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

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Sec-  
18 retary to carry out this Act \$14,000,000 for fiscal year  
19 2024 and each fiscal year thereafter.

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