

117TH CONGRESS
1ST SESSION

H. R. 2074

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2021

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Indian Buffalo Man-
3 agement Act”.

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

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

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

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

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

18 (A) the reintroduction of buffalo into the
19 diets of the members of the Indian Tribe;

20 (B) the rekindling of the spiritual and cul-
21 tural relationship between buffalo and the In-
22 dian Tribe; and

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

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

2 (1) to fulfill the government-to-government rela-
3 tionship between Tribal governments and the United
4 States in the management of buffalo and buffalo
5 habitat;

6 (2) to promote and develop the capacity of In-
7 dian Tribes and Tribal organizations to manage buf-
8 falo and buffalo habitat;

9 (3) to protect, conserve, and enhance buffalo,
10 which are important to the subsistence, culture, and
11 economic development of many Indian Tribes;

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

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

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

- 1 (A) decision-making processes; and
2 (B) forums.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

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

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

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

6 (A) is chartered under section 17 of the
7 Act of June 18, 1934, (commonly known as the
8 “Indian Reorganization Act”) (25 U.S.C.
9 5124), which is recognized by the governing
10 body of any Indian Tribe or Tribes; or

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

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

17 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

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

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

24 (2) promoting the ability of Indian Tribes and
25 Tribal organizations to protect, conserve, and en-

hance populations of buffalo that are owned by Indian Tribes or Tribal organizations;

(3) promoting the development and use of buffalo and buffalo habitat for the maximum practicable benefit of Indian Tribes and Tribal organizations; and

(4) promoting the inclusion of Indian Tribes and Tribal organizations in Department, international, national, regional, and local decision-making and forums regarding buffalo and buffalo habitat.

(b) CONTRACTS AND GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall enter into contracts and cooperative agreements with, and award grants to, Indian Tribes and Tribal organizations to enable the Indian Tribes and Tribal organizations—

(A) to plan, conduct, or implement a buffalo restoration or management program;

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

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

(2) NO DIMINISHMENT OF LAWS AND REGULATIONS.—Nothing in this subsection diminishes any

1 Federal or State law (including regulations) regard-
2 ing diseased buffalo or buffalo that escape from In-
3 dian land.

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

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

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

14 **SEC. 5. CONSULTATION; COORDINATION.**

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

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

1 (1) the goals and objectives described in buffalo
2 management programs approved by Indian Tribes;
3 and

4 (2) Tribal laws and ordinances.

5 **SEC. 6. PROTECTION OF INFORMATION.**

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

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

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

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

23 (c) WAIVER OF CHARGES.—The Secretary may waive
24 any charges for the buffalo described in subsection (a),
25 including any deposit or payment for services as described

1 in section 10.2 of title 36, Code of Federal Regulations
2 (or any successor regulation).

3 **SEC. 8. TREATY RIGHTS RETAINED.**

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

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Sec-
8 retary to carry out this Act \$14,000,000 for fiscal year
9 2022 and each fiscal year thereafter.

Passed the House of Representatives December 8,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.