

116TH CONGRESS  
1ST SESSION

# H. R. 5153

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2019

Mr. YOUNG (for himself, Ms. HAALAND, and Mr. COLE) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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—

8                   (1) buffalo sustained a majority of Indian  
9                   Tribes in North America for many centuries, before

1       buffalo were nearly exterminated by non-Indian  
2       hunters in the mid-1800s;

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

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

9                 (4) the successful restoration of buffalo allows  
10      an Indian Tribe to benefit from—

11                     (A) the reintroduction of buffalo into the  
12      diets of the members of the Indian Tribe;

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

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

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

21                     (1) to fulfill the government-to-government rela-  
22      tionship between Tribal governments and the United  
23      States in the management of buffalo and buffalo  
24      habitat;

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

22 (A) decision-making processes; or  
23 (B) forums.

24 SEC. 3. DEFINITIONS.

25 In this Act:

1                             (1) BUFFALO.—The term “buffalo” means an  
2                             animal of the genus *Bison*.

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

6                             (3) DEPARTMENT.—The term “Department”  
7                             means the Department of the Interior.

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

17                           (5) INDIAN TRIBE.—The term “Indian Tribe”  
18                             has the meaning given the term (without regard to  
19                             capitalization) in section 4 of the Indian Self-Deter-  
20                           mination and Education Assistance Act (25 U.S.C.  
21                           5304).

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

24                           (7) TRIBAL ORGANIZATION.—The term “Tribal  
25                           organization” means any legally established organi-

1 zation of Indians which is chartered under section  
2 17 of the Act of June 18, 1934 (commonly known  
3 as the “Indian Reorganization Act”) (25 U.S.C.  
4 5124), by the recognized governing body of any In-  
5 dian Tribe or Tribes, and with demonstrable experi-  
6 ence in the restoration of buffalo and buffalo habitat  
7 on Indian land.

8 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

9 (a) PROGRAM ESTABLISHED.—The Secretary shall  
10 establish a permanent program within the Department of  
11 the Interior for the purpose of—

12 (1) promoting and developing the capacity of  
13 Indian Tribes and Tribal organizations to manage  
14 buffalo and buffalo habitat;

15 (2) promoting the ability of Indian Tribes and  
16 Tribal organizations to protect, conserve, and en-  
17 hance populations of buffalo that are owned by In-  
18 dian Tribes or Tribal organizations;

19 (3) promoting the development and use of buf-  
20 falo and buffalo habitat for the maximum prac-  
21 ticable benefit of Indian Tribes and Tribal organiza-  
22 tions; and

23 (4) promoting the inclusion of Indian Tribes  
24 and Tribal organizations in Department, inter-  
25 national, national, regional, and local decision mak-

1       ing and forums regarding buffalo and buffalo habi-  
2       tat.

3       (b) CONTRACTS AND GRANTS AUTHORIZED.—

4           (1) IN GENERAL.—The Secretary shall enter  
5       into contracts and cooperative agreements with, and  
6       award grants to, Indian Tribes and Tribal organiza-  
7       tions to enable the respective Indian Tribe or Tribal  
8       organization to—

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

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

13              (C) carry out other activities related to  
14       buffalo restoration and management.

15           (2) NO DIMINISHMENT OF LAWS AND REGULA-  
16       TIONS.—Nothing in this subsection shall be inter-  
17       preted to diminish any Federal or State law or regu-  
18       lation of diseased buffalo.

19       (c) TECHNICAL ASSISTANCE.—The Secretary shall  
20       provide technical assistance to an Indian Tribe or Tribal  
21       organization that enters into a contract or cooperative  
22       agreement or receives a grant under this section to assist  
23       that Indian Tribe or Tribal organization in—

1                   (1) carrying out the activities of a buffalo or  
2                   buffalo habitat restoration or management program;  
3                   and

4                   (2) implementing the activities described in  
5                   paragraphs (1) through (3) of subsection (b).

6 **SEC. 5. CONSULTATION; COORDINATION.**

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

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

16                   (1) the goals and objectives set forth in buffalo  
17                   management programs approved by Indian Tribes;  
18                   and

19                   (2) Tribal laws and ordinances.

20 **SEC. 6. PROTECTION OF INFORMATION.**

21                  Notwithstanding any other provision of law, the Sec-  
22                  retary shall not disclose or cause to be disclosed any infor-  
23                  mation provided to the Secretary by an Indian Tribe or  
24                  Tribal organization that is identified by the Indian Tribe

1 or Tribal organization as culturally sensitive, proprietary,  
2 or otherwise confidential.

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

4 (a) IN GENERAL.—The Secretary may enter into an  
5 agreement with an Indian Tribe or Tribal organization to  
6 dispose of surplus buffalo on Federal land administered  
7 by the Department applicable, by transporting such buf-  
8 falo onto Indian land.

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

14 (c) WAIVER OF CHARGES.—The Secretary may waive  
15 any charges for the buffalo described in subsection (a),  
16 including any deposit or payment for services as described  
17 in section 10.2 of title 36, Code of Federal Regulation,  
18 or any successor regulation.

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Sec-  
21 retary for grants to implement this Act, \$14,000,000 for  
22 the first fiscal year beginning after the date of the enact-  
23 ment of this Act and for each fiscal year thereafter.

