

NATIONAL BISON LEGACY ACT

APRIL 12, 2016.—Referred to the House Calendar and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 2908]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2908) to adopt the bison as the national mammal of the United States, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Bison Legacy Act”.

**SEC. 2. FINDINGS.**

Congress finds that—

- (1) bison are considered a historical symbol of the United States;

(2) bison were integrally linked with the economic and spiritual lives of many Indian tribes through trade and sacred ceremonies;

(3) there are more than 60 Indian tribes participating in the Intertribal Buffalo Council;

(4) numerous members of Indian tribes are involved in bison restoration on tribal land;

(5) members of Indian tribes have a combined herd on more than 1,000,000 acres of tribal land;

(6) the Intertribal Buffalo Council is a tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 477);

(7) bison can play an important role in improving the types of grasses found in landscapes to the benefit of grasslands;

(8) a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remnants of the decimated herds;

(9) bison hold significant economic value for private producers and rural communities;

(10) according to the 2012 Census of Agriculture of the Department of Agriculture, as of 2012, 162,110 head of bison were under the stewardship of private producers, creating jobs and providing a sustainable and healthy meat source contributing to the food security of the United States;

(11) on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

(12) on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the “Bronx Zoo”, to the first wildlife refuge in the United States, which was known as the “Wichita Mountains Wildlife Refuge”, resulting in the first successful reintroduction of a mammal species on the brink of extinction back into the natural habitat of the species;

(13) in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

(14) there are bison herds in National Wildlife Refuges and National Parks;

(15) there are bison in State-managed herds across 11 States;

(16) there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States;

(17) a bison is portrayed on 2 State flags;

(18) the bison has been adopted by 3 States as the official mammal or animal of those States;

(19) a bison has been depicted on the official seal of the Department of the Interior since 1912;

(20) the buffalo nickel played an important role in modernizing the currency of the United States;

(21) several sports teams have the bison as a mascot, which highlights the iconic significance of bison in the United States;

(22) in the 2nd session of the 113th Congress, 22 Senators led a successful effort to enact a resolution to designate November 1, 2014, as the third annual National Bison Day; and

(23) members of Indian tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have participated in the annual National Bison Day celebration at several events across the United States and are committed to continuing this tradition annually on the first Saturday of November.

**SEC. 3. ESTABLISHMENT AND ADOPTION OF THE NORTH AMERICAN BISON AS THE NATIONAL MAMMAL.**

(a) IN GENERAL.—The mammal commonly known as the “North American bison” is adopted as the national mammal of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or the adoption of the North American bison as the national mammal of the United States shall be construed or used as a reason to alter, change, modify, or otherwise affect any plan, policy, management decision, regulation, or other action by the Federal Government.

## COMMITTEE STATEMENT AND VIEWS

## PURPOSE AND SUMMARY

The National Bison Legacy Act adopts the bison as the national mammal of the United States.

## BACKGROUND AND NEED FOR LEGISLATION

The National Bison Legacy Act establishes the mammal commonly known as the “North American bison” as the national mammal of the United States. The bill contains 23 findings that identify the cultural, historical, and economic significance of the bison on the United States. H.R. 2908’s findings also specifically point out the significance of bison to American Indians and furthermore draw attention to historical conservation efforts that saved the bison from extinction.

## LEGISLATIVE HISTORY

H.R. 2908, the National Bison Legacy Act, was introduced on June 25, 2015 by Congressman William Lacy Clay (D–MO) and referred to the Committee on Oversight and Government Reform. On March 1, 2016, the Committee on Oversight and Government Reform ordered H.R. 2908 favorably reported, as amended.

Similar legislation has been introduced by Congressman Clay in the House two prior times, as H.R. 3400 in the 113th Congress and H.R. 6304 in the 112th Congresses. No further action was taken on either bill.

## SECTION-BY-SECTION

*Section 1. Short title*

Designates the short title of the bill as the “National Bison Legacy Act”.

*Section 2. Findings*

Makes 23 findings regarding the history of bison in the United States and its cultural and historical importance.

*Section 3. Establishment and adoption of the North American bison as the national mammal*

Subsection (a) adopts the mammal commonly known as the “North American bison” as the national mammal of the United States.

Subsection (b) contains a rule of construction stating that nothing in the Act is designed to otherwise alter federal policy regarding bison.

## EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, Congresswoman Cynthia Lummis (R–WY) offered an amendment in the nature of a substitute to include a rule of construction stating that nothing in the Act is designed to otherwise alter federal policy regarding bison. The Lummis amendment was adopted by unanimous consent.

## COMMITTEE CONSIDERATION

On March 1, 2016 the Committee met in open session and ordered reported favorably the bill, H.R. 2908, by unanimous consent, a quorum being present.

## ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 2908.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill adopts the bison as the national mammal of the United States. As such this bill does not relate to employment or access to public services and accommodations.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of the bill is to adopt the bison as the national mammal of the United States.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

*H.R. 2908—National Bison Legacy Act*

H.R. 2908 would establish the North American bison as the national mammal of the United States. The legislation would not change any plan, policy, management decision, or regulation of the federal government. Thus, CBO estimates that implementing the legislation would have no effect on the federal budget. Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2908 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 2908 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.