

INDIAN BUFFALO MANAGEMENT ACT

DECEMBER 18, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 5153]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5153) to assist Tribal governments in the management of buffalo and buffalo habitat and for the reestablishment of buffalo on Indian lands, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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 “Indian Buffalo Management Act”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

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

(2) the historical, cultural, and spiritual connection between buffalo and Indian Tribes has not diminished over time;

(3) Indian Tribes have long desired the reestablishment of buffalo throughout Indian country for cultural, spiritual, and subsistence purposes; and

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

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

(B) the rekindling of the spiritual and cultural relationship between buffalo and the Indian Tribe; and

(C) the use of buffalo for economic development, in the case of an Indian Tribe that chooses to use buffalo for economic development.

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

(1) to fulfill the government-to-government relationship between Tribal governments and the United States in the management of buffalo and buffalo habitat;

(2) to promote and develop the capacity of Indian Tribes and Tribal organizations to manage buffalo and buffalo habitat;

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

(4) to promote the development and use of buffalo and buffalo habitat for the maximum practicable benefit of Indian Tribes and Tribal organizations, through management of buffalo and buffalo habitats in accordance with integrated resource management plans developed by Indian Tribes and Tribal organizations;

(5) to develop buffalo herds and increase production of buffalo in order to meet Tribal subsistence, health, cultural, and economic development needs; and

(6) to promote the inclusion of Indian Tribes and Tribal organizations in Department, local, regional, national, or international—

(A) decision-making processes; or

(B) forums.

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

(4) **INDIAN LAND.**—The term “Indian land” has the meaning given the term in paragraph (2) of section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501), except that, in that paragraph, the term “Indian reservation” shall be considered to have the meaning given the term “Indian reservation” in paragraph (3) of that section, without regard to the date specified in paragraph (3) of that section.

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

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

(7) **TRIBAL ORGANIZATION.**—The term “Tribal organization” means any legally established organization of Indians which is chartered under section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 5124), by the recognized governing body of any Indian Tribe or Tribes, and with demonstrable experience in the restoration of buffalo and buffalo habitat on Indian land.

SEC. 4. BUFFALO RESOURCE MANAGEMENT.

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

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

(2) promoting the ability of Indian Tribes and Tribal organizations to protect, conserve, and enhance 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 respective Indian Tribe or Tribal organization to—

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

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

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

(2) **NO DIMINISHMENT OF LAWS AND REGULATIONS.**—Nothing in this subsection shall be interpreted to diminish any Federal or State law or regulation of diseased buffalo or buffalo that escape from Indian land.

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

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

(2) implementing the activities described in subparagraphs (A) through (C) of subsection (b)(1).

SEC. 5. CONSULTATION; COORDINATION.

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

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

- (1) the goals and objectives set forth in buffalo management programs approved by Indian Tribes; and
- (2) Tribal laws and ordinances.

SEC. 6. PROTECTION OF INFORMATION.

Notwithstanding any other provision of law, the Secretary shall not disclose or cause to be disclosed any information provided to the Secretary by an Indian Tribe or Tribal organization that is identified by the Indian Tribe or Tribal organization as culturally sensitive, proprietary, or otherwise confidential.

SEC. 7. BUFFALO FROM FEDERAL LAND.

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

(b) **APPLICATION.**—An Indian Tribe or Tribal organization may submit to the Secretary an application to receive buffalo described in subsection (a) at such time, in such manner, and containing such information as the Secretary may require.

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary for grants to implement this Act, \$14,000,000 for the first fiscal year beginning after the date of the enactment of this Act and for each fiscal year thereafter.

PURPOSE OF THE BILL

The purpose of H.R. 5153 is to assist tribal governments in the management of buffalo and buffalo habitat and for the reestablishment of buffalo on Indian lands.

BACKGROUND AND NEED FOR LEGISLATION

Over the past few decades, tribal nations have actively worked toward the rehabilitation of the American buffalo population on their own lands by participating in inter-tribal alliances such as the InterTribal Buffalo Council (ITBC).¹ H.R. 5153 builds upon this existing initiative by establishing a permanent program within the Department of the Interior to help tribal nations develop and maintain buffalo herds on their own lands. Through this program, the Interior will award grants to and enter into contractual agreements with any tribal nation that plans to implement buffalo restoration programs and other commercial activities related to buffalo conservation. In addition, the program will enable the transportation of surplus buffalo from federal lands to tribal lands.

COMMITTEE ACTION

H.R. 5153 was introduced on November 18, 2019, by Representative Don Young (R-AK). The bill was referred solely to the Com-

¹ITBC is classified as a federally chartered Indian Organization under Section 17 of the Indian Reorganization Act and maintains a membership of 61 different tribal nations.

mittee on Natural Resources, and within the Committee to the Subcommittee for Indigenous Peoples of the United States. On February 5, 2020, the Subcommittee held a hearing on the bill. On September 30, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Young offered an amendment designated Young #1. The amendment was agreed to by unanimous consent. No additional amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 5153: legislative hearing by the Subcommittee for Indigenous Peoples of the United States held on February 5, 2020.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* 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 requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to assist tribal governments in the management of buffalo and buffalo habitat and for the reestablishment of buffalo on Indian lands.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The grants authorized by this bill are related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Partners for Fish and Wildlife (CFDA No. 15.631) and Tribal Wildlife Grants (CFDA No. 15.639).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.