

118TH CONGRESS
1ST SESSION

S. 2908

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

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

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”.

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 would
10 allow 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;

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

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

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

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

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

21 (A) decision-making processes; and

22 (B) forums.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

3 (2) BUFFALO HABITAT.—The term “buffalo
4 habitat” means Indian land that is managed for buf-
5 falo.

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 in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5304).

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

23 (7) TRIBAL ORGANIZATION.—The term “Tribal
24 organization” means a legally established organiza-
25 tion of Indians that is chartered under section 17 of

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

5 **SEC. 4. BUFFALO RESOURCE MANAGEMENT.**

6 (a) PROGRAM ESTABLISHED.—The Secretary shall
7 establish a permanent program within the Department for
8 the purposes of—

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

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

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

20 (4) promoting the inclusion of Indian Tribes
21 and Tribal organizations in Department, inter-
22 national, national, regional, and local decision mak-
23 ing and forums regarding buffalo and buffalo habi-
24 tat.

25 (b) CONTRACTS AND GRANTS AUTHORIZED.—

1 (1) IN GENERAL.—The Secretary shall enter
2 into contracts and cooperative agreements with, and
3 award grants to, Indian Tribes and Tribal organiza-
4 tions to enable the Indian Tribes and Tribal organi-
5 zations—

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

8 (B) to plan and execute commercial activi-
9 ties related to buffalo or buffalo products; or

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

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

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

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

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

3 **SEC. 5. CONSULTATION; COORDINATION.**

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

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

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

16 (2) Tribal laws and ordinances.

17 **SEC. 6. PROTECTION OF INFORMATION.**

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

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

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

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

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

17 **SEC. 8. TREATY RIGHTS RETAINED.**

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

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Sec-
22 retary to carry out this Act \$14,000,000 for fiscal year
23 2024 and each fiscal year thereafter.

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