

104TH CONGRESS
1ST SESSION

H. R. 2136

To provide for the management, containment, and elimination of brucellosis from the Yellowstone area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1995

Mr. WILLIAMS introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the management, containment, and elimination of brucellosis from the Yellowstone area, and for other purposes.

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 “Bison Management
5 Improvement Act of 1995”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that:

1 (1) The natural resources of Yellowstone Na-
2 tional Park are unique to the world, and the free-
3 ranging wildlife found within and adjacent to the
4 park, including bison and elk, are of significant eco-
5 nomic, recreational, and esthetic value to the Amer-
6 ican people.

7 (2) The livestock industry is vital to the econ-
8 omy, culture, and lifestyle of the Yellowstone area.

9 (3) The ability of livestock producers in Mon-
10 tana, Wyoming, and Idaho to freely market cattle is
11 jeopardized by uncertainty concerning the applica-
12 tion of the Uniform Methods and Rules of the Na-
13 tional Brucellosis Eradication Program and by ac-
14 tions of other States.

15 (4) The containment and eventual elimination
16 of the disease brucellosis in the Yellowstone area is
17 important to the maintenance of State livestock-de-
18 pendent economies.

19 (5) Better scientific information is needed re-
20 garding the etiology of *Brucella abortus* in wildlife,
21 the potential for containment and eventual elimi-
22 nation of the disease, and the potential for trans-
23 mission between wildlife and domestic livestock.

24 (6) Bison are of significant cultural and spir-
25 itual value to Native Americans, and preservation

1 and restoration of buffalo to tribal lands is impor-
2 tant.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are to—

5 (1) provide a comprehensive framework to ad-
6 dress plans for the containment and eventual elimi-
7 nation of brucellosis from the Yellowstone area by
8 the year 2010;

9 (2) recognize the cultural, spiritual, and eco-
10 nomic value of bison to Native Americans and to
11 promote the restoration of these animals to tribal
12 lands;

13 (3) to support, promote, and coordinate sci-
14 entific research related to the management necessary
15 to achieve containment and eventual elimination of
16 brucellosis from the Yellowstone area;

17 (4) to provide economic stability to the livestock
18 producers in Montana, Idaho, and Wyoming by es-
19 tablishing criteria and regulatory guidelines for such
20 management;

21 (5) assure that brucellosis related management
22 recommendations and decisions are based on defen-
23 sible and factual scientific information; and

24 (6) to ensure that Yellowstone wildlife are man-
25 aged in a manner that allows bison and other

1 ungulates to range across jurisdictional boundaries
2 on public lands in the Yellowstone area.

3 **SEC. 4. DEFINITIONS.**

4 As used in this Act:

5 (1) The term “Yellowstone area” means the
6 area consisting of the lands, water, and interests
7 therein within the area generally depicted on the
8 map entitled “Boundary Map”, numbered
9 , and dated . The map
10 shall be on file and available for public inspection in
11 the offices of the Animal Plant Health Inspection
12 Service, United States Department of Agriculture
13 and the National Park Service, Department of the
14 Interior. The Secretaries may from time to time
15 make minor revisions in the boundary of the natural
16 area to promote management effectiveness and effi-
17 ciency in the furtherance of this Act.

18 (2) The term “brucellosis” means a disease
19 which causes abortion in cattle and some other
20 ungulates as a result of infection by *Brucella abortus*.
21

22 (3) The term “Yellowstone Interagency Brucel-
23 losis Committee” means the committee established
24 by States of Wyoming, Idaho, and Montana, and the
25 United States Department of Agriculture and the

1 United States Department of the Interior, signato-
2 ries to a Memorandum of Understanding.

3 (4) The term “surplus bison” means popu-
4 lations, subpopulations, or individual bison that are
5 located on or may enter on to private property
6 against the wishes of the landowner, come into con-
7 tract with or intermingle with the lawfully present
8 livestock on public lands, or that have exceeded the
9 numbers allowed under planning documents for dis-
10 crete geographic areas.

11 (5) The term “Secretaries” means the Sec-
12 retary of Agriculture and the Secretary of the Inte-
13 rior.

14 **SEC. 5. YELLOWSTONE BRUCELLOSIS FREE MANAGEMENT**
15 **AREA.**

16 For the purposes of protecting exceptional wildlife
17 and agricultural values, providing for better management
18 of Yellowstone National Park bison herds, and providing
19 a comprehensive approach to the management, contain-
20 ment, and eventual elimination of brucellosis from the Yel-
21 lowstone area, there is hereby established the Yellowstone
22 Brucellosis Free Management Area. This area is defined
23 in section 4 as “Yellowstone area”.

1 **SEC. 6. POWERS AND DUTIES OF SECRETARIES.**

2 (a) WITHIN YELLOWSTONE BRUCELLOSIS FREE
3 MANAGEMENT AREA.—Within the Yellowstone Brucellosis
4 Free Management Area, the Secretaries are authorized
5 and directed to develop joint bison and elk management
6 plans with the respective States of Montana, Wyoming,
7 and Idaho. Such plans shall provide for temporal and spa-
8 tial separation of bison from lawfully present cattle on
9 public lands unless the Secretary of Agriculture deter-
10 mines that currently available vaccination programs pro-
11 vide sufficient protection from *Brucella abortus* and that
12 cattle and bison can be present on the same lands concur-
13 rently. These plans shall allow for the seasonal migration
14 of elk and bison populations.

15 (b) TRANSPORT OF BISON TO TRIBAL LANDS.—The
16 Secretary of Agriculture shall develop plans and protocols
17 that will allow quarantine of surplus bison and following
18 quarantine transportation of such bison to tribal lands.

19 (c) WILDLIFE POPULATIONS.—The Secretary of Ag-
20 riculture shall develop and implement plans in cooperation
21 with the respective States for the elimination of *Brucella*
22 *abortus* from the wildlife populations of the Yellowstone
23 area. Such plans shall recognize the high public value as-
24 sociated with free-ranging ungulate herds.

25 (d) USE OF YELLOWSTONE INTERAGENCY BRUCEL-
26 LOSIS COMMITTEE.—Notwithstanding the Federal Advi-

1 sory Committee Act, the Secretaries may use the Yellow-
2 stone Interagency Brucellosis Committee, or any of its
3 subcommittees, to develop the plans and recommendations
4 necessary to achieve the purposes of this Act.

5 **SEC. 7. ADMINISTRATION.**

6 (a) IN GENERAL.—Based on the best scientific infor-
7 mation available, the Secretary of Agriculture is author-
8 ized, with the concurrence of the Secretary of the Interior,
9 to prescribe regulations necessary to carry out the pur-
10 poses and objectives of this Act.

11 (b) FACTORS.—In prescribing such regulations, the
12 Secretaries shall give full consideration to all factors which
13 affect the important ecological relationships of wildlife in
14 the Yellowstone area and the need to provide market sta-
15 bility for cattle producers, including but not limited to—

16 (1) providing reasonable and achievable trans-
17 portation protocols for the transportation, quar-
18 antine, and restoration of bison to Native American
19 lands;

20 (2) the need to provide the States of Montana,
21 Idaho, and Wyoming reasonable assurances regard-
22 ing their Class-Free Brucellosis Status and reduce
23 any unfair market barriers imposed by other States
24 as a result of free-ranging bison; and

1 (3) provide special rules under the National
2 Brucellosis Eradication Program that preserves the
3 Class-Free Brucellosis Status for Montana, Idaho,
4 and Wyoming outside of the Yellowstone area while
5 recognizing the special needs and considerations
6 within the Yellowstone Brucellosis Free Management
7 Area.

8 **SEC. 8. RESEARCH AUTHORIZATION.**

9 (a) IN GENERAL.—The Secretary of Agriculture shall
10 undertake a program of research through the Agricultural
11 Research Service to understand the etiology of *Brucella*
12 abortus in wild ungulate populations, brucellosis trans-
13 mission from wild ungulates to domestic livestock, and to
14 develop safe, effective vaccines and delivery systems that
15 will prevent the transmission of the disease between
16 ungulate species and ultimately eliminate the organism
17 from the Yellowstone area.

18 (b) GRANTS AND FINANCIAL ASSISTANCE.—The Sec-
19 retary of Agriculture and the Secretary of the Interior are
20 authorized to make grants, or to provide financial assist-
21 ance in such other form as they deem appropriate, to any
22 Federal or State agency, public or private institution, or
23 other person for the purpose of assisting such agency, in-
24 stitution, or person to undertake research in subjects

1 which are relevant to the management and elimination of
2 the disease brucellosis from the Yellowstone area.

3 **SEC. 9. DISPOSITION OF SURPLUS BISON.**

4 (a) GENERAL AUTHORIZATION.—The Secretaries
5 shall work with the States and Indian tribes in the man-
6 agement and disposition of bison determined by the Sec-
7 retary of the Interior to be surplus bison.

8 (b) FACILITIES.—The Secretaries are authorized to
9 construct temporary or permanent handling, capture,
10 quarantine, or testing facilities on or adjacent to Federal
11 lands. Such facilities shall be subject to full compliance
12 under the National Environmental Policy Act of 1969, the
13 Endangered Species Act of 1973, and applicable State
14 laws.

15 (c) DONATION, SALE, OR DISPOSAL OF BISON.—
16 (1)(A) The Secretary of the Interior is authorized in his
17 discretion under such conditions as he may prescribe to
18 give bison to Federal, State, county, and municipal au-
19 thorities for zoos, parks, or equivalent public purposes.
20 The Secretary may provide surplus bison to Native Amer-
21 ican tribes, tribal cooperatives, or other tribal organiza-
22 tions as he may prescribe.

23 (B) The transportation costs associated with receiv-
24 ing elk or bison under subparagraph (A) shall be recovered
25 from the benefiting organization.

1 (2) The Secretary may sell or otherwise dispose of
2 bison under such conditions as he may prescribe and all
3 monies received from the sale of any such surplus bison
4 shall be credited to the appropriation current at the time
5 to offset management costs.

6 **SEC. 10. USE AND ACQUISITION OF LANDS.**

7 Within the Yellowstone area, the Secretaries may ac-
8 quire lands or interest in lands for the purpose of carrying
9 out the provisions of this Act, including lands for han-
10 dling, capturing, testing, quarantining, or transporting.
11 Acquisition or use is authorized by lease, cooperative
12 agreement, donation, purchase with donated, or appro-
13 priated funds.

14 **SEC. 11. LIMITATION ON FEDERAL ACTION.**

15 The Secretary of Agriculture shall take no action to
16 downgrade the Class-Free Brucellosis Status of the states
17 of Montana, Wyoming, or Idaho under the rules of the
18 National Brucellosis Eradication Program as long as the
19 Interim Bison Management Plan currently in effect and
20 bison and elk management plans currently under develop-
21 ment continue to provide adequate temporary and spatial
22 separation between bison, elk, and livestock.

23 **SEC. 12. LIMITATION ON STATE ACTION.**

24 No State shall impose requirements on livestock origi-
25 nating from Montana, Wyoming, or Idaho, that it does

1 not impose on other States that have been designated Bru-
2 cellosis Class-Free as long as the United States Depart-
3 ment of Agriculture brucellosis free designation remains
4 in place.

5 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to the Department of the Interior and the Depart-
8 ment of Agriculture such sums as are necessary to carry
9 out the purposes of this Act.

10 (b) AVAILABILITY.—Funds appropriated for planning
11 or research shall remain available until expended.

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