

117TH CONGRESS
2D SESSION

S. 4421

To protect Native cultural sites located on Federal land, to improve consultation with Indian Tribes, to bring parity to Indian Tribes with regard to Federal public land management laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2022

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To protect Native cultural sites located on Federal land, to improve consultation with Indian Tribes, to bring parity to Indian Tribes with regard to Federal public land management laws, 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 “Advancing Tribal Par-
5 ity on Public Land Act”.

6 **SEC. 2. PREVENTING DISPOSAL OF CULTURAL SITES.**

7 (a) IN GENERAL.—

8 (1) DEFINITIONS.—In this subsection:

1 (A) CULTURAL SITE.—The term “cultural
2 site” means—

3 (i) a sacred site;

4 (ii) a historic property (as defined in
5 section 800.16 of title 36, Code of Federal
6 Regulations (as in effect on the date of en-
7 actment of this Act)); or

8 (iii) a landform or landscape that—

9 (I) is the site of important cus-
10 toms, practices, objects, places, reli-
11 gions, or ceremonies of Indian Tribes;

12 (II) is important to an Indian
13 Tribe for the undertaking of religious,
14 cultural, spiritual, or traditional prac-
15 tices;

16 (III) is connected through fea-
17 tures or ceremonies to other sites or a
18 larger sacred landscape, as deter-
19 mined by an Indian Tribe; or

20 (IV) contains unique or impor-
21 tant traditional Tribal food, medicinal,
22 or material gathering areas.

23 (B) FORMER RESERVATION.—The term
24 “former reservation” means land that is within
25 the exterior boundaries of any previous reserva-

tion that was established by treaty, Executive order, or Secretarial order for an Indian Tribe.

(C) INDIAN TRIBE.—The term “Indian Tribe” means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(D) INTERESTED INDIAN TRIBE.—The term “interested Indian Tribe”, with respect to a tract of public land subject to proposed disposition by the Secretary concerned under, as applicable, section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), section 503(a) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109–54), or section 2(a)(1) of Public Law 97–465 (commonly known as the “Small Tract Act of 1983”) (16 U.S.C. 521d(a)(1)), means an Indian Tribe with—

1 (i) historic, precontact, cultural, or re-
2 ligious connection to a cultural site located
3 on the tract of public land;

4 (ii) a former reservation located on
5 the tract of public land; or

6 (iii) treaty rights or other reserved
7 rights associated with the tract of public
8 land.

9 (E) PUBLIC LAND.—The term “public
10 land” means—

11 (i) public lands (as defined in section
12 103 of the Federal Land Policy and Man-
13 agement Act of 1976 (43 U.S.C. 1702));
14 and

15 (ii) National Forest System land.

16 (F) SACRED SITE.—The term “sacred
17 site” means a specific, discrete, narrowly delin-
18 eated site on public land that is identified by an
19 Indian Tribe as sacred by virtue of the estab-
20 lished religious significance of the site to, or
21 ceremonial or medicinal use of the site by, an
22 Indian Tribe.

23 (G) SECRETARY CONCERNED.—The term
24 “Secretary concerned” means—

1 (i) with respect to public land de-
2 scribed in subparagraph (E)(i), the Sec-
3 retary of the Interior; and

4 (ii) with respect to public land de-
5 scribed in subparagraph (E)(ii), the Sec-
6 retary of Agriculture.

7 (2) CONSIDERATION OF TRIBAL INTERESTS.—

8 The Secretary concerned may not dispose of a tract
9 of public land under, as applicable, section 203 of
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1713), section 503(a) of the Forest
12 Service Facility Realignment and Enhancement Act
13 of 2005 (16 U.S.C. 580d note; Public Law 109–54),
14 or section 2(a)(1) of Public Law 97–465 (commonly
15 known as the “Small Tract Act of 1983”) (16
16 U.S.C. 521d(a)(1)) unless the Secretary concerned
17 determines, through consultation with any interested
18 Indian Tribes, as evidenced by a written correspond-
19 ence signed by the Secretary concerned and all inter-
20 ested Indian Tribes, that disposal of the tract—

21 (A) would not impact the rights and inter-
22 ests of any interested Indian Tribe; and

23 (B) would not impair access to a reserva-
24 tion.

1 (3) NOTIFICATION.—If the Secretary concerned
2 determines under paragraph (2) that disposal of a
3 tract of public land under that paragraph would not
4 impact the rights and interests of an interested In-
5 dian Tribe and would not impair access to a reserva-
6 tion, prior to conducting a sale of the tract of public
7 land, the Secretary concerned shall notify all Indian
8 Tribes of the availability of the tract for sale—

9 (A) in accordance with—

10 (i) Executive Order 13175 (25 U.S.C.
11 5301 note; relating to consultation and co-
12 ordination with Indian tribal governments);

13 (ii) chapter 1780 of the Bureau of
14 Land Management Manual (or successor
15 regulations), with respect to public land
16 described in paragraph (1)(E)(i); and

17 (iii) chapter 1563 of the Forest Serv-
18 ice Manual (or successor regulations), with
19 respect to public land described in para-
20 graph (1)(E)(ii); and

21 (B) in a manner that—

22 (i) the Secretary concerned deter-
23 mines provides adequate notice to each In-
24 dian Tribe of the availability of the tract
25 for sale; and

1 (ii) uses any methods or modes of
 2 communication by which an Indian Tribe
 3 has requested to be notified of the avail-
 4 ability of the tract for sale.

5 (4) TRIBAL RIGHT OF FIRST REFUSAL.—

6 (A) SALE TO INDIAN TRIBE.—If an inter-
 7 ested Indian Tribe notified of the proposed sale
 8 of a tract of public land under paragraph (3)
 9 submits to the Secretary concerned a bid to buy
 10 the tract for fair market value by not later than
 11 60 days after receiving the notification, the Sec-
 12 retary concerned shall sell the tract to the inter-
 13 ested Indian Tribe.

14 (B) MULTIPLE BIDS.—

15 (i) IN GENERAL.—If more than 1 in-
 16 terested Indian Tribe submits a bid to pur-
 17 chase a tract of public land under subpara-
 18 graph (A), the Secretary concerned shall
 19 defer the sale of the tract for a period of
 20 not more than 180 days, unless an exten-
 21 sion is agreed to by the interested Indian
 22 Tribes that submitted bids and the Sec-
 23 retary concerned, to allow the Secretary
 24 concerned and interested Indian Tribes to
 25 develop a mutually agreeable sale of the

1 tract to 1 or more interested Indian
2 Tribes.

3 (ii) AGREEMENT.—If the Secretary
4 concerned and the interested Indian Tribes
5 reach an agreement under clause (i), the
6 Secretary shall execute the terms of that
7 agreement in accordance with applicable
8 law (including regulations).

9 (iii) FAILURE TO REACH AGREE-
10 MENT.—If, at the end of, as applicable, the
11 180-day period described in clause (i) or
12 any extended period agreed to under that
13 clause, the Secretary concerned and the in-
14 terested Indian Tribes fail to reach an
15 agreement regarding the sale of the appli-
16 cable tract of public land, the Secretary
17 concerned shall not, for a period of 5 years
18 following the end of that 180-day period,
19 offer the tract for sale.

20 (C) MANDATORY TRUST ACQUISITION.—A
21 tract of public land acquired by an interested
22 Indian Tribe under this paragraph shall be
23 taken into and held in trust by the Secretary of
24 the Interior for the benefit of the interested In-
25 dian Tribe.

1 (5) APPRAISAL STANDARDS.—The fair market
2 value of a tract of public land to be sold under this
3 subsection shall be determined pursuant to an ap-
4 praisal conducted in accordance with—

5 (A) the Uniform Appraisal Standards for
6 Federal Land Acquisitions; and

7 (B) the Uniform Standards of Professional
8 Appraisal Practice.

9 (b) FEDERAL LAND POLICY AND MANAGEMENT ACT
10 OF 1976 AMENDMENTS.—

11 (1) EXCHANGES.—Section 206(a) of the Fed-
12 eral Land Policy and Management Act of 1976 (43
13 U.S.C. 1716(a)) is amended—

14 (A) by inserting “, the interests of Indian
15 Tribes,” after “better Federal land manage-
16 ment”; and

17 (B) by striking “(a) A tract” and inserting
18 the following:

19 “(a) AUTHORIZATION.—

20 “(1) DEFINITION OF INDIAN TRIBE.—In this
21 subsection, the term ‘Indian Tribe’ means the gov-
22 erning body of any Indian or Alaska Native tribe,
23 band, nation, pueblo, village, community, component
24 band, or component reservation individually identi-
25 fied (including parenthetically) on the list published

1 by the Secretary under section 104 of the Federally
 2 Recognized Indian Tribe List Act of 1994 (25
 3 U.S.C. 5131).

4 “(2) AUTHORIZATION.—A tract”.

5 (2) COORDINATION WITH STATE, LOCAL, AND
 6 TRIBAL GOVERNMENTS.—

7 (A) IN GENERAL.—Section 210 of the Fed-
 8 eral Land Policy and Management Act of 1976
 9 (43 U.S.C. 1720) is amended—

10 (i) in the first sentence—

11 (I) by striking “are located and
 12 the head” and inserting “are located,
 13 the head”; and

14 (II) by inserting “and interested
 15 Indian Tribes” after “area within
 16 which such lands are located,”; and

17 (ii) by striking the section heading
 18 and designation and all that follows
 19 through “At least sixty” in the first sen-
 20 tence and inserting the following:

21 **“SEC. 210. COORDINATION WITH STATE, LOCAL, AND TRIB-**
 22 **AL GOVERNMENTS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) CULTURAL SITE.—The term ‘cultural site’
 25 means—

1 “(A) a sacred site;

2 “(B) a historic property (as defined in sec-
3 tion 800.16 of title 36, Code of Federal Regula-
4 tions (as in effect on the date of enactment of
5 the Advancing Tribal Parity on Public Land
6 Act)); or

7 “(C) a landform or landscape that—

8 “(i) is the site of important customs,
9 practices, objects, places, religions, or cere-
10 monies of Indian Tribes;

11 “(ii) is important to an Indian Tribe
12 for the undertaking of religious, cultural,
13 spiritual, or traditional practices;

14 “(iii) is connected through features or
15 ceremonies to other sites or a larger sacred
16 landscape, as determined by an Indian
17 Tribe; or

18 “(iv) contains unique or important
19 traditional Tribal food, medicinal, or mate-
20 rial gathering areas.

21 “(2) FORMER RESERVATION.—The term
22 ‘former reservation’ means land that is within the
23 exterior boundaries of any previous reservation that
24 was established by treaty, Executive order, or Secre-
25 tarial order for an Indian Tribe.

1 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
 2 means the governing body of any Indian or Alaska
 3 Native tribe, band, nation, pueblo, village, commu-
 4 nity, component band, or component reservation in-
 5 dividually identified (including parenthetically) on
 6 the list published by the Secretary under section 104
 7 of the Federally Recognized Indian Tribe List Act of
 8 1994 (25 U.S.C. 5131).

9 “(4) INTERESTED INDIAN TRIBE.—The term
 10 ‘interested Indian Tribe’, with respect to a tract of
 11 public lands the offer for sale or conveyance of which
 12 is subject to notification under subsection (b), means
 13 an Indian Tribe with—

14 “(A) historic, precontact, cultural, or reli-
 15 gious connection to a cultural site located on
 16 the tract of public lands;

17 “(B) a former reservation located on the
 18 tract of public lands; or

19 “(C) treaty rights or other reserved rights
 20 that can be exercised on the tract of public
 21 lands.

22 “(5) SACRED SITE.—The term ‘sacred site’
 23 means a specific, discrete, narrowly delineated site
 24 on public lands that is identified by an Indian Tribe
 25 as sacred by virtue of the established religious sig-

nificance of the site to, or ceremonial or medicinal use of the site by, an Indian Tribe.

“(b) NOTIFICATION.—At least 60”.

(B) CONFORMING AMENDMENT.—The table of contents for the Federal Land Policy and Management Act of 1976 (Public Law 94–579; 90 Stat. 2743) is amended by striking the item relating to section 210 and inserting the following:

“Sec. 210. Coordination with State, local, and Tribal governments.”.

(c) FEDERAL LAND TRANSACTION FACILITATION ACT AMENDMENTS.—

(1) DEFINITIONS.—Section 203 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2302) is amended—

(A) in paragraph (1)—

(i) by inserting “, including sacred sites and land that affect the exercise of treaty or other reserved rights,” after “value”; and

(ii) by striking “Federal, State, or local” and inserting “Federal, State, Tribal, or local”;

(B) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (5), (7), (9), and (11), respectively;

1 (C) by inserting before paragraph (2) (as
2 so redesignated) the following:

3 “(1) CULTURAL SITE.—The term ‘cultural site’
4 means—

5 “(A) a sacred site;

6 “(B) a historic property (as defined in sec-
7 tion 800.16 of title 36, Code of Federal Regula-
8 tions (as in effect on the date of enactment of
9 the Advancing Tribal Parity on Public Land
10 Act)); and

11 “(C) a landform or landscape that—

12 “(i) is the site of important customs,
13 practices, objects, places, religions, or cere-
14 monies of Indian Tribes;

15 “(ii) is important to an Indian Tribe
16 for the undertaking of religious, cultural,
17 spiritual, or traditional practices;

18 “(iii) is connected through features or
19 ceremonies to other sites or a larger sacred
20 landscape, as determined by an Indian
21 Tribe; or

22 “(iv) contains unique or important
23 traditional Tribal food, medicinal, or mate-
24 rial gathering areas.”;

1 (D) by inserting after paragraph (3) (as so
2 redesignated) the following:

3 “(4) FORMER RESERVATION.—The term
4 ‘former reservation’ means land that is within the
5 exterior boundaries of any previous reservation that
6 was established by treaty, Executive order, or Secre-
7 tarial order for an Indian Tribe.”;

8 (E) by inserting after paragraph (5) (as so
9 redesignated) the following:

10 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
11 means the governing body of any Indian or Alaska
12 Native tribe, band, nation, pueblo, village, commu-
13 nity, component band, or component reservation in-
14 dividually identified (including parenthetically) on
15 the list published by the Secretary under section 104
16 of the Federally Recognized Indian Tribe List Act of
17 1994 (25 U.S.C. 5131).”;

18 (F) by inserting after paragraph (7) (as so
19 redesignated) the following:

20 “(8) INTERESTED INDIAN TRIBE.—The term
21 ‘interested Indian Tribe’, with respect to an
22 inholding identified under section 204(a)(1), means
23 an Indian Tribe with—

1 “(A) historic, precontact, cultural, or reli-
 2 gious connection to a cultural site located on
 3 the inholding;

4 “(B) a former reservation located on the
 5 inholding; or

6 “(C) treaty rights or other reserved rights
 7 that can be exercised on the inholding.”; and

8 (G) by inserting after paragraph (9) (as so
 9 redesignated) the following:

10 “(10) SACRED SITE.—The term ‘sacred site’
 11 means a specific, discrete, narrowly delineated site
 12 that is identified by an Indian Tribe as sacred by
 13 virtue of the established religious significance of the
 14 site to, or ceremonial or medicinal use of the site by,
 15 an Indian Tribe.”.

16 (2) PUBLIC NOTICE OF INHOLDINGS PROCE-
 17 DURES.—Section 204(b) of the Federal Land Trans-
 18 action Facilitation Act (43 U.S.C. 2303(b)) is
 19 amended, in the first sentence, by inserting “, in-
 20 cluding notice to all interested Indian Tribes,” after
 21 “public notice”.

22 (3) FEDERAL LAND DISPOSAL ACCOUNT.—Sec-
 23 tion 206(c)(3) of the Federal Land Transaction Fa-
 24 cilitation Act (43 U.S.C. 2305(c)(3)) is amended—

1 (A) by redesignating subparagraphs (C)
 2 and (D) as subparagraphs (D) and (E), respec-
 3 tively; and

4 (B) by inserting after subparagraph (B)
 5 the following:

6 “(C) the extent to which the acquisition of
 7 the land or interest therein will uphold the
 8 United States treaty and trust obligations to
 9 Indian Tribes and the preservation of Native
 10 American culture and religion;”.

11 (d) RECREATION AND PUBLIC PURPOSES ACT
 12 AMENDMENTS.—

13 (1) IN GENERAL.—The first section of the Act
 14 of June 14, 1926 (commonly known as the “Recre-
 15 ation and Public Purposes Act”) (44 Stat. 741,
 16 chapter 578; 68 Stat. 174, chapter 263; 43 U.S.C.
 17 869), is amended—

18 (A) by striking the section designation and
 19 all that follows through “(a) The Secretary”
 20 and inserting the following:

21 **“SECTION 1. DISPOSAL OF LANDS FOR PUBLIC OR REC-**
 22 **REATIONAL PURPOSES.**

23 **“(a) AUTHORITY TO DISPOSE OF PUBLIC LANDS.—**

24 **“(1) DEFINITIONS.—In this subsection:**

1 “(A) CULTURAL SITE.—The term ‘cultural
2 site’ means—

3 “(i) a sacred site;

4 “(ii) a historic property (as defined in
5 section 800.16 of title 36, Code of Federal
6 Regulations (as in effect on the date of en-
7 actment of the Advancing Tribal Parity on
8 Public Land Act)); or

9 “(iii) a landform or landscape that—

10 “(I) is the site of important cus-
11 toms, practices, objects, places, reli-
12 gions, or ceremonies of Indian Tribes;

13 “(II) is important to an Indian
14 Tribe for the undertaking of religious,
15 cultural, spiritual, or traditional prac-
16 tices;

17 “(III) is connected through fea-
18 tures or ceremonies to other sites or a
19 larger sacred landscape, as deter-
20 mined by an Indian Tribe; or

21 “(IV) contains unique or impor-
22 tant traditional Tribal food, medicinal,
23 or material gathering areas.

24 “(B) FORMER RESERVATION.—The term
25 ‘former reservation’ means land that is within

1 the exterior boundaries of any previous reserva-
2 tion that was established by treaty, Executive
3 order, or Secretarial order for an Indian Tribe.

4 “(C) INDIAN TRIBE.—The term ‘Indian
5 Tribe’ means the governing body of any Indian
6 or Alaska Native tribe, band, nation, pueblo,
7 village, community, component band, or compo-
8 nent reservation individually identified (includ-
9 ing parenthetically) on the list published by the
10 Secretary of the Interior under section 104 of
11 the Federally Recognized Indian Tribe List Act
12 of 1994 (25 U.S.C. 5131).

13 “(D) INTERESTED INDIAN TRIBE.—The
14 term ‘interested Indian Tribe’, with respect to
15 a tract of public lands subject to proposed dis-
16 position by the Secretary of the Interior under
17 paragraph (2), means an Indian Tribe with—

18 “(i) historic, precontact, cultural, or
19 religious connection to a cultural site lo-
20 cated on the tract of public lands;

21 “(ii) a former reservation located on
22 the tract of public lands; or

23 “(iii) treaty rights or other reserved
24 rights that can be exercised on the tract of
25 public lands.

“(E) SACRED SITE.—The term ‘sacred site’ means a specific, discrete, narrowly delineated site on public lands that is identified by an Indian Tribe as sacred by virtue of the established religious significance of the site to, or ceremonial or medicinal use of the site by, an Indian Tribe.

“(2) AUTHORITY.—The Secretary”; and

(B) in subsection (a)(2) (as so designated)—

(i) in the first sentence, by striking “State, Territory” and inserting “State, Indian Tribe, Territory”; and

(ii) in the second sentence, by inserting “that disposal of the land will not impact the rights and interests of an interested Indian Tribe,” after “established or definitely proposed project,”.

(2) SALE OR LEASE TO INDIAN TRIBES.—Section 2 of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 68 Stat. 174, chapter 263; 43 U.S.C. 869–1), is amended—

1 (A) in subsection (a) by striking “State,
 2 Territory” and inserting “State, Indian Tribe,
 3 Territory”; and

4 (B) in subsection (b) by striking “State,
 5 Territory, county” and inserting “State, Indian
 6 Tribe, Territory, county”.

7 (e) SMALL TRACTS ACT AMENDMENTS.—The first
 8 section of Public Law 97–465 (commonly known as the
 9 “Small Tract Act of 1983”) (16 U.S.C. 521c) is amend-
 10 ed—

11 (1) in the matter preceding paragraph (1), by
 12 striking “That for purposes of this Act” and all that
 13 follows through “means a land transfer” in para-
 14 graph (2) and inserting the following:

15 **“SECTION 1. DEFINITIONS.**

16 “In this Act:

17 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
 18 means the governing body of any Indian or Alaska
 19 Native tribe, band, nation, pueblo, village, commu-
 20 nity, component band, or component reservation in-
 21 dividually identified (including parenthetically) on
 22 the list published by the Secretary of the Interior
 23 under section 104 of the Federally Recognized In-
 24 dian Tribe List Act of 1994 (25 U.S.C. 5131).

1 “(2) INTERCHANGE.—The term ‘interchange’
2 means a land transfer”; and

3 (2) in paragraph (2), by striking “may pre-
4 scribe; and” and all that follows through the end of
5 paragraph (3) and inserting the following: “may pre-
6 scribe.

7 “(3) PERSON.—The term ‘person’ includes any
8 State or Indian Tribe or any political subdivision or
9 entity of a State or Indian Tribe.

10 “(4) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of Agriculture.”.

12 (f) EDUCATION LAND GRANT ACT AMENDMENTS.—
13 Section 202(a) of the Education Land Grant Act (16
14 U.S.C. 479a(a)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 inserting “or an entity that operates or controls a
17 school funded by the Bureau of Indian Education”
18 after “public school district”; and

19 (2) in paragraph (1), by inserting “or the entity
20 that operates or controls a school funded by the Bu-
21 reau of Indian Education” after “public school dis-
22 trict”.

23 (g) MISCELLANEOUS PROVISIONS.—

24 (1) SELECTION OF SCHOOL LANDS ON CEDED
25 INDIAN RESERVATIONS.—The first section of the Act

1 of March 2, 1895, is amended by striking the fol-
 2 lowing: “That any State or Territory entitled to in-
 3 demnity school lands or entitled to select lands for
 4 educational purposes under existing law may select
 5 such lands within the boundaries of any Indian res-
 6 ervation in such State or Territory from the surplus
 7 lands thereof, purchased by the United States after
 8 allotments have been made to the Indians of such
 9 reservation, and prior to the opening of such res-
 10 ervation to settlement.” (28 Stat. 899, chapter 188;
 11 43 U.S.C. 856).

12 (2) REPRESENTATION OF INDIAN CLAIMANTS
 13 IN SUITS TO DETERMINE RIGHT TO SCHOOL
 14 LANDS.—The Act of March 2, 1901 (31 Stat. 950,
 15 chapter 808; 43 U.S.C. 868) is repealed.

16 (3) TOWNSITES.—Public Law 85–569 (16
 17 U.S.C. 478a) is amended—

18 (A) in the first sentence, by striking
 19 “would serve indigenous community objectives
 20 that outweigh the public objectives and values
 21 which would be served by maintaining such
 22 tract in Federal ownership, he may” and insert-
 23 ing “is in the public interest, the Secretary
 24 may”; and

25 (B) in the second sentence—

(i) by striking “county, city, or other local governmental subdivision” and inserting “Indian tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)) or county, city, or local governmental subdivision”;

(ii) by striking “for sale to a governmental subdivision” and inserting “for sale to an Indian tribe or governmental subdivision”; and

(iii) by striking “will be controlled by the governmental subdivision” and inserting “will be controlled by the Indian tribe or governmental subdivision”.

SEC. 3. INCREASED CONSULTATION.

(a) INVENTORY AND IDENTIFICATION.—Section 201(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711(b)) is amended by striking “State and local” and inserting “State, local, and Tribal”.

(b) LAND USE PLANNING.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended—

1 (1) in subsection (c)(9), by striking “State and
2 local” each place it appears and inserting “State,
3 local, and Tribal”; and

4 (2) in subsection (f), by striking “Federal,
5 State, and local” and inserting “Federal, State,
6 local, and Tribal”.

7 (c) ADVISORY COUNCILS AND PUBLIC PARTICIPA-
8 TION.—Section 309 of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1739) is amended—

10 (1) in subsection (a)—

11 (A) in the fifth sentence, by striking “The
12 establishment” and inserting the following:

13 “(6) REQUIREMENT.—The establishment”;

14 (B) in the fourth sentence, by striking
15 “Appointments” and inserting the following:

16 “(5) APPOINTMENTS.—Appointments”;

17 (C) in the third sentence, by striking “To
18 the extent” and inserting the following:

19 “(4) NO DUPLICATION.—To the extent”;

20 (D) in the second sentence, by striking “At
21 least one member of each council” and inserting
22 the following:

23 “(3) REQUIREMENTS FOR MEMBERSHIP.—

1 “(A) IN GENERAL.—At least 1 member of
2 each advisory council established under this sec-
3 tion”; and

4 (E) in the first sentence, by inserting “and
5 Tribal” before “interests concerning”;

6 (2) by striking the section heading and designa-
7 tion and all that follows through “(a) The Sec-
8 retary” and inserting the following:

9 **“SEC. 309. ADVISORY COUNCILS AND PUBLIC PARTICIPA-**
10 **TION.**

11 “(a) ESTABLISHMENT OF ADVISORY COUNCILS.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) CULTURAL SITE.—The term ‘cultural
14 site’ means—

15 “(i) a sacred site;

16 “(ii) a historic property (as defined in
17 section 800.16 of title 36, Code of Federal
18 Regulations (as in effect on the date of en-
19 actment of the Advancing Tribal Parity on
20 Public Land Act)); or

21 “(iii) a landform or landscape that—

22 “(I) is the site of important cus-
23 toms, practices, objects, places, reli-
24 gions, or ceremonies of Indian Tribes;

1 “(II) is important to an Indian
2 Tribe for the undertaking of religious,
3 cultural, spiritual, or traditional prac-
4 tices;

5 “(III) is connected through fea-
6 tures or ceremonies to other sites or a
7 larger sacred landscape, as deter-
8 mined by an Indian Tribe; or

9 “(IV) contains unique or impor-
10 tant traditional Tribal food, medicinal,
11 or material gathering areas.

12 “(B) FORMER RESERVATION.—The term
13 ‘former reservation’ means land that is within
14 the exterior boundaries of any previous reserva-
15 tion that was established by treaty, Executive
16 order, or Secretarial order for an Indian Tribe.

17 “(C) INDIAN TRIBE.—The term ‘Indian
18 Tribe’ means the governing body of any Indian
19 or Alaska Native tribe, band, nation, pueblo,
20 village, community, component band, or compo-
21 nent reservation individually identified (includ-
22 ing parenthetically) on the list published by the
23 Secretary under section 104 of the Federally
24 Recognized Indian Tribe List Act of 1994 (25
25 U.S.C. 5131).

1 “(D) INTERESTED INDIAN TRIBE.—The
 2 term ‘interested Indian Tribe’, with respect to
 3 the public lands within an area for which an ad-
 4 visory council is established under this section,
 5 means an Indian Tribe with—

6 “(i) historic, precontact, cultural, or
 7 religious connection to a cultural site lo-
 8 cated on the public lands;

9 “(ii) a former reservation located on
 10 the public lands; or

11 “(iii) treaty rights or other reserved
 12 rights that can be exercised on the public
 13 lands.

14 “(E) SACRED SITE.—The term ‘sacred
 15 site’ means a specific, discrete, narrowly delin-
 16 eated site on public lands that is identified by
 17 an Indian Tribe as sacred by virtue of the es-
 18 tablished religious significance of the site to, or
 19 ceremonial or medicinal use of the site by, an
 20 Indian Tribe.

21 “(2) ESTABLISHMENT.—The Secretary”; and
 22 (3) in subsection (a), in paragraph (3) (as so
 23 designated), by adding at the end the following:

24 “(B) INTERESTED INDIAN TRIBES.—At
 25 least 1 member of each advisory council estab-

1 lished under this section shall be a representa-
 2 tive of an interested Indian Tribe.”.

3 (d) IMPROVED PLANNING.—

4 (1) DEVELOPMENT AND MANAGEMENT OF NA-
 5 TIONAL FORESTS.—Section 3 of the Multiple-Use
 6 Sustained-Yield Act of 1960 (16 U.S.C. 530) is
 7 amended by striking “and others” and inserting “,
 8 interested Indian Tribes, and others”.

9 (2) DEFINITION OF INDIAN TRIBE.—Section 4
 10 of the Multiple-Use Sustained-Yield Act of 1960 (16
 11 U.S.C. 531) is amended—

12 (A) by striking the section designation and
 13 all that follows through “means: The” in sub-
 14 section (a) and inserting the following:

15 **“SEC. 4. DEFINITIONS.**

16 “In this Act:

17 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
 18 means the governing body of any Indian or Alaska
 19 Native tribe, band, nation, pueblo, village, commu-
 20 nity, component band, or component reservation in-
 21 dividually identified (including parenthetically) on
 22 the list published by the Secretary of the Interior
 23 under section 104 of the Federally Recognized In-
 24 dian Tribe List Act of 1994 (25 U.S.C. 5131).

1 “(2) MULTIPLE USE.—The term ‘multiple use’
2 means—

3 “(A) the”;

4 (B) in paragraph (2)(A) (as so des-
5 ignated), by striking “making the most” and in-
6 serting the following:

7 “(B) making the most”;

8 (C) in paragraph (2)(B) (as so des-
9 ignated), by striking “that some land” and in-
10 serting the following:

11 “(C) that some land”;

12 (D) in paragraph (2)(C) (as so des-
13 ignated), by striking “harmonious” and insert-
14 ing the following:

15 “(D) harmonious”; and

16 (E) in subsection (b), by striking the sub-
17 section designation and all that follows through
18 “means the achievement” and inserting the fol-
19 lowing:

20 “(3) SUSTAINED YIELD OF THE SEVERAL
21 PRODUCTS AND SERVICES.—The term ‘sustained
22 yield of the several products and services’ means the
23 achievement”.

24 (e) NATIONAL FOREST SYSTEM LAND AND RE-
25 SOURCE MANAGEMENT PLANS.—Section 6(a) of the For-

1 est and Rangeland Renewable Resources Planning Act of
 2 1974 (16 U.S.C. 1604(a)) is amended by striking “State
 3 and local governments” and inserting “State, Tribal, and
 4 local governments”.

5 (f) INFORMATION AND DATA.—Section 12 of the
 6 Forest and Rangeland Renewable Resources Planning Act
 7 of 1974 (16 U.S.C. 1610) is amended, in the first sen-
 8 tence, by striking “Federal, State, and private organiza-
 9 tions” and inserting “Federal, State, Tribal, and private
 10 organizations”.

11 (g) PUBLIC PARTICIPATION.—Section 14(a) of the
 12 Forest and Rangeland Renewable Resources Planning Act
 13 of 1974 (16 U.S.C. 1612(a)) is amended by striking “Fed-
 14 eral, State, and local governments” and inserting “Fed-
 15 eral, State, Tribal, and local governments”.

16 (h) ADVISORY BOARDS FOR PUBLIC PARTICIPATION
 17 IN THE PLANNING FOR AND MANAGEMENT OF THE NA-
 18 TIONAL FOREST SYSTEM.—Section 14(b) of the Forest
 19 and Rangeland Renewable Resources Planning Act of
 20 1974 (16 U.S.C. 1612(b)) is amended—

21 (1) by striking “(b) In providing” and inserting
 22 the following:

23 “(b) ADVISORY BOARDS.—

24 “(1) DEFINITIONS.—In this subsection:

1 “(A) CULTURAL SITE.—The term ‘cultural
2 site’ means—

3 “(i) a sacred site;

4 “(ii) a historic property (as defined in
5 section 800.16 of title 36, Code of Federal
6 Regulations (as in effect on the date of en-
7 actment of the Advancing Tribal Parity on
8 Public Land Act)); or

9 “(iii) a landform or landscape that—

10 “(I) is the site of important cus-
11 toms, practices, objects, places, reli-
12 gions, or ceremonies of Indian Tribes;

13 “(II) is important to an Indian
14 Tribe for the undertaking of religious,
15 cultural, spiritual, or traditional prac-
16 tices;

17 “(III) is connected through fea-
18 tures or ceremonies to other sites or a
19 larger sacred landscape, as deter-
20 mined by an Indian Tribe; or

21 “(IV) contains unique or impor-
22 tant traditional Tribal food, medicinal,
23 or material gathering areas.

24 “(B) FORMER RESERVATION.—The term
25 ‘former reservation’ means land that is within

1 the exterior boundaries of any previous reserva-
2 tion that was established by treaty, Executive
3 order, or Secretarial order for an Indian Tribe.

4 “(C) INDIAN TRIBE.—The term ‘Indian
5 Tribe’ means the governing body of any Indian
6 or Alaska Native tribe, band, nation, pueblo,
7 village, community, component band, or compo-
8 nent reservation individually identified (includ-
9 ing parenthetically) on the list published by the
10 Secretary of the Interior under section 104 of
11 the Federally Recognized Indian Tribe List Act
12 of 1994 (25 U.S.C. 5131).

13 “(D) INTERESTED INDIAN TRIBE.—The
14 term ‘interested Indian Tribe’, with respect to
15 National Forest System land, means an Indian
16 Tribe with—

17 “(i) historic, precontact, cultural, or
18 religious connection to a cultural site lo-
19 cated on the National Forest System land;

20 “(ii) a former reservation located on
21 the National Forest System land; or

22 “(iii) treaty rights or other reserved
23 rights that can be exercised on the Na-
24 tional Forest System land.

1 “(E) SACRED SITE.—The term ‘sacred
2 site’ means a specific, discrete, narrowly delin-
3 eated site on National Forest System land that
4 is identified by an Indian Tribe as sacred by
5 virtue of the established religious significance of
6 the site to, or ceremonial or medicinal use of
7 the site by, an Indian Tribe.

8 “(2) ESTABLISHMENT.—In providing”;
9 (2) in paragraph (2) (as so designated), in the
10 second sentence, by striking “The membership of
11 such boards” and inserting the following:

12 “(3) MEMBERSHIP.—

13 “(A) IN GENERAL.—The membership of
14 each advisory board established under para-
15 graph (2)”;

16 (3) in paragraph (3) (as so designated), by add-
17 ing at the end the following:

18 “(B) INTERESTED INDIAN TRIBES.—At
19 least 1 member of each advisory board estab-
20 lished under paragraph (2) shall be a represent-
21 ative of an interested Indian Tribe.”.

22 **SEC. 4. CONFIDENTIAL INFORMATION.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, at the request of the applicable Indian Tribe
25 or Tribal government, any Tribal consultation meeting

1 held for the purpose of carrying out this Act or an amend-
2 ment made by this Act shall be closed to the public.

3 (b) SENSITIVE INFORMATION.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, if, during a Tribal consultation
6 process conducted for the purpose of carrying out
7 this Act or an amendment made by this Act, the ap-
8 plicable Indian Tribe or Tribal government des-
9 ignates any information, such as the location of a
10 sacred site or other detail of a cultural or religious
11 practice, as sensitive, that information shall be pro-
12 tected by law as confidential and withheld from any
13 public disclosure or publication made as part of the
14 Tribal consultation process or in the process of car-
15 rying out this Act or an amendment made by this
16 Act.

17 (2) ACCESS.—If information has been des-
18 ignated as sensitive under paragraph (1), the appli-
19 cable agency shall determine, in consultation with
20 the applicable Indian Tribe or Tribal government,
21 who may have access to the information for the pur-
22 poses of carrying out this Act or an amendment
23 made by this Act.

○