

118TH CONGRESS
2D SESSION

H. R. 10533

To authorize the Secretary of Agriculture to administratively transfer covered parcels of National Forest System land to the Secretary of the Interior to be held in trust for the benefit of Indian Tribes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2024

Mr. KILMER (for himself, Ms. SALINAS, and Mr. GUEST) introduced the following bill; which was referred to the Committee on Natural 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 authorize the Secretary of Agriculture to administratively transfer covered parcels of National Forest System land to the Secretary of the Interior to be held in trust for the benefit of Indian Tribes.

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 “Small Tribal Forest
5 Restoration Act of 2024”.

1 **SEC. 2. ADMINISTRATIVE TRANSFER OF COVERED PAR-**
2 **CELS TO BE HELD IN TRUST.**

3 (a) TRANSFERS AUTHORIZED.—The Secretary is au-
4 thorized to administratively transfer a covered parcel de-
5 scribed in subsection (b) to the Secretary of the Interior
6 to be held in trust for the benefit of an Indian Tribe in
7 accordance with this section.

8 (b) COVERED PARCELS.—A covered parcel that may
9 transferred under subsection (a) is a parcel of National
10 Forest System land—

11 (1) for which an Indian Tribe submits to the
12 Secretary a request for an administrative transfer to
13 the Secretary of the Interior;

14 (2) that is less than or equal to 640 acres; and

15 (3) that the Secretary determines—

16 (A) the transfer of which under subsection
17 (a) would be in the public interest; and

18 (B) to—

19 (i) be physically isolated from other
20 Federal land;

21 (ii) be inaccessible;

22 (iii) have lost natural character; or

23 (iv) be in need of restoration.

24 (c) PLACEMENT OF LAND.—

25 (1) LAND HELD IN TRUST.—Subject to all valid
26 existing rights of the United States, a covered parcel

1 transferred to the Secretary of the Interior under
2 subsection (a) shall—

3 (A) be accepted by the Secretary of the In-
4 terior; and

5 (B) be held in trust for the benefit of the
6 requesting Indian Tribe and administered by
7 the Secretary of the Interior in accordance with
8 the laws and regulations generally applicable to
9 land held in trust by the United States for an
10 Indian Tribe.

11 (2) INCLUSION IN RESERVATION.—If the Indian
12 Tribe submitting a request under subsection (b)(1)
13 exercises jurisdiction over a reservation, the covered
14 parcel placed in trust under paragraph (1)(B) may
15 be declared part of the reservation at the request of
16 the Indian Tribe.

17 (d) NOTIFICATION OF USE OF AUTHORITY.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this section, the
20 Secretary shall establish a process to make adminis-
21 trative transfers under subsection (a).

22 (2) ELEMENTS.—The process required under
23 paragraph (1) shall include—

24 (A) a 30-day public notice period that a re-
25 quest for a transfer submitted to the Secretary

1 by an Indian Tribe pursuant to subsection
2 (b)(1) has been received;

3 (B) notification of such a request to rel-
4 evant State and local governments; and

5 (C) notification of such a request to each
6 Indian Tribe—

7 (i) with land in trust that is located
8 within 100 miles of the covered parcel for
9 which such request was submitted;

10 (ii) that has treaty rights or interests
11 with respect to such covered parcel;

12 (iii) for which such covered parcel
13 may have important cultural or historical
14 significance; or

15 (iv) that is served by a care service
16 area of the Indian Health Service in which
17 all or part of the covered parcel is located.

18 (e) FACTORS IN DETERMINATION TO TRANSFER.—
19 When determining whether to transfer a covered parcel
20 under subsection (a), the Secretary shall consider the fol-
21 lowing:

22 (1) Whether the covered parcel involves a factor
23 of direct relevance unique to the requesting Indian
24 Tribe, including—

25 (A) treaty rights or interests;

1 (B) the exercise of hunting, fishing, or
2 gathering privileges;

3 (C) biological, archaeological, historical, or
4 cultural circumstances; or

5 (D) public safety and emergency manage-
6 ment responsibilities.

7 (2) With respect to the Indian Tribe that sub-
8 mits a request pursuant to subsection (b)(1) with re-
9 spect to such parcel—

10 (A) whether the covered parcel is contig-
11 uous to, or within 100 miles of, the reservation
12 or trust lands of such Indian Tribe; and

13 (B) if the parcel is non-contiguous with the
14 reservation or trust lands of such Indian Tribe,
15 the anticipated benefits for the Indian Tribe
16 from the transfer of the covered parcel.

17 (f) MULTIPLE CLAIMS.—

18 (1) DISPUTE RESOLUTION.—If two or more In-
19 dian Tribes request the same covered parcel during
20 the 90-day period beginning on the date public no-
21 tice is first made available pursuant to subsection
22 (d)(2)(A) with respect to such covered parcel, the
23 Secretary may use mediation, conciliation, arbitra-
24 tion, and other dispute resolutions methods to estab-

1 lish an agreement with respect to the transfer of
2 such parcel.

3 (2) TRANSFER CONTINGENT ON AGREEMENT.—

4 The Secretary may not transfer under subsection (a)
5 a covered parcel described in paragraph (1) unless
6 all Indian Tribes described in such paragraph agree
7 to the transfer.

8 (g) TREATY RIGHTS OF FEDERALLY RECOGNIZED
9 TRIBES.—Nothing in this section shall be construed to af-
10 fect any treaty right of an Indian Tribe.

11 (h) DEFINITIONS.—In this section:

12 (1) INDIAN TRIBE.—The term “Indian Tribe”
13 means an Indian Tribe recognized by the Secretary
14 of the Interior on the most recent list, as of the date
15 of an applicable request submitted under subsection
16 (b)(1), published in the Federal Register pursuant
17 to section 104 of the Federally Recognized Indian
18 Tribe List Act of 1994 (25 U.S.C. 5131).

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

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