

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.

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## 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

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## 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-

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

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

12          (D) INTERESTED INDIAN TRIBE.—The  
13          term “interested Indian Tribe”, with respect to  
14          a tract of public land subject to proposed dis-  
15          position by the Secretary concerned under, as  
16          applicable, section 203 of the Federal Land  
17          Policy and Management Act of 1976 (43 U.S.C.  
18          1713), section 503(a) of the Forest Service Fa-  
19          cility Realignment and Enhancement Act of  
20          2005 (16 U.S.C. 580d note; Public Law 109–  
21          54), or section 2(a)(1) of Public Law 97–465  
22          (commonly known as the “Small Tract Act of  
23          1983”) (16 U.S.C. 521d(a)(1)), means an In-  
24          dian 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-

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

3 “(b) NOTIFICATION.—At least 60”.

4 (B) CONFORMING AMENDMENT.—The  
5 table of contents for the Federal Land Policy  
6 and Management Act of 1976 (Public Law 94–  
7 579; 90 Stat. 2743) is amended by striking the  
8 item relating to section 210 and inserting the  
9 following:

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

10 (c) FEDERAL LAND TRANSACTION FACILITATION  
11 ACT AMENDMENTS.—

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

15 (A) in paragraph (1)—

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

20 (ii) by striking “Federal, State, or  
21 local” and inserting “Federal, State, Trib-  
22 al, or local”;

23 (B) by redesignating paragraphs (1), (2),  
24 (3), (4), (5), and (6) as paragraphs (2), (3),  
25 (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.

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

8           “(2) AUTHORITY.—The Secretary”; and

9           (B) in subsection (a)(2) (as so des-  
10 ignated)—

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

14           (ii) in the second sentence, by insert-  
15 ing “that disposal of the land will not im-  
16 pact the rights and interests of an inter-  
17 ested Indian Tribe,” after “established or  
18 definitely proposed project,”.

19           (2) SALE OR LEASE TO INDIAN TRIBES.—Sec-  
20 tion 2 of the Act of June 14, 1926 (commonly  
21 known as the “Recreation and Public Purposes  
22 Act”) (44 Stat. 741, chapter 578; 68 Stat. 174,  
23 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—

1 (i) by striking “county, city, or other  
2 local governmental subdivision” and insert-  
3 ing “Indian tribe (as defined in section  
4 102 of the Federally Recognized Indian  
5 Tribe List Act of 1994 (25 U.S.C. 5130))  
6 or county, city, or local governmental sub-  
7 division”;

8 (ii) by striking “for sale to a govern-  
9 mental subdivision” and inserting “for sale  
10 to an Indian tribe or governmental subdivi-  
11 sion”; and

12 (iii) by striking “will be controlled by  
13 the governmental subdivision” and insert-  
14 ing “will be controlled by the Indian tribe  
15 or governmental subdivision”.

16 **SEC. 3. INCREASED CONSULTATION.**

17 (a) INVENTORY AND IDENTIFICATION.—Section  
18 201(b) of the Federal Land Policy and Management Act  
19 of 1976 (43 U.S.C. 1711(b)) is amended by striking  
20 “State and local” and inserting “State, local, and Tribal”.

21 (b) LAND USE PLANNING.—Section 202 of the Fed-  
22 eral Land Policy and Management Act of 1976 (43 U.S.C.  
23 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 igned), by striking “making the most” and in-  
6 sserting the following:

7           “(B) making the most”;

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

11          “(C) that some land”;

12          (D) in paragraph (2)(C) (as so des-  
13 igned), 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.

○