

119TH CONGRESS
1ST SESSION

H. R. 3444

To direct Federal land management agencies of the Department of the Interior to establish Tribal Co-Management Plans and to authorize the Secretary of Agriculture to enter into agreements with Indian Tribes and Tribal organizations for the performance of certain activities of the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2025

Mr. HUFFMAN (for himself, Ms. LEGER FERNANDEZ, Mr. NEGUSE, Ms. HOYLE of Oregon, Ms. ANSARI, Ms. DEXTER, and Ms. ELFRETH) 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 direct Federal land management agencies of the Department of the Interior to establish Tribal Co-Management Plans and to authorize the Secretary of Agriculture to enter into agreements with Indian Tribes and Tribal organizations for the performance of certain activities of the Forest Service, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tribal Self-Determina-
3 tion and Co-Management in Forestry Act of 2025”.

4 **SEC. 2. TRIBAL CO-MANAGEMENT PLANS OF THE DEPART-**
5 **MENT OF THE INTERIOR.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (c), not later than 1 year after the date of enactment of
8 this Act, the head of each Federal land management agen-
9 cy, in consultation with the Secretary of the Interior and
10 the Tribal Advisory Committee, shall develop a plan, to
11 be known as the “Tribal Co-Management Plan” of the
12 agency, that includes any activity (including a permissive
13 activity), service, or function (including the management
14 decisions related to such activity, service, or function) of
15 the Federal land management agency that—

16 (1) is to be carried out on lands administered
17 by the Federal land management agency that the
18 Secretary determines are in need of such activity
19 (including restoration activity), service, or function;

20 (2) is consistent with each land management
21 plan of the Federal land management agency;

22 (3) is to be carried out on land that the Sec-
23 retary, in consultation with each applicable Indian
24 Tribe, identifies as being historically, culturally, or
25 geographically related to such Indian Tribe; and

1 (4) is to be carried out in accordance with ap-
2 plicable laws, including environmental laws and reg-
3 ulations.

4 (b) EXISTING TRIBAL CO-MANAGEMENT PLANS.—If
5 a plan substantially similar to a plan required under sub-
6 section (a) already exists within a Federal land manage-
7 ment agency, then not later than 120 days after the date
8 of enactment of this Act, the head of the Federal land
9 management agency shall—

10 (1) adopt such plan as the Tribal Co-Manage-
11 ment Plan of the agency; and

12 (2) update the plan as necessary to limit, to the
13 maximum extent practicable, any administrative bur-
14 den such plan may place on Indian Tribes.

15 (c) DEFINITIONS.—In this section:

16 (1) FEDERAL LAND MANAGEMENT AGENCY.—
17 The term “Federal land management agency”
18 means—

19 (A) the Bureau of Land Management;

20 (B) the United States Fish and Wildlife
21 Service;

22 (C) the National Park Service; and

23 (D) the Bureau of Indian Affairs.

24 (2) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term under section 102

1 of the Federally Recognized Indian Tribe List Act of
2 1994 (25 U.S.C. 5130).

3 (3) PERMISSIVE ACTIVITY.—The term “permiss-
4 sive activity” includes—

5 (A) forest and grassland planning and
6 management activities;

7 (B) research and development activities;

8 (C) a restoration activity; and

9 (D) recreational services.

10 (4) TRIBAL ADVISORY COMMITTEE.—The term
11 “Tribal Advisory Committee” means Secretary’s
12 Tribal Advisory Committee of the Department of the
13 Interior (chartered on November 11, 2021).

14 **SEC. 3. TRIBAL CO-MANAGEMENT TRAINING.**

15 (a) TRAINING.—The Secretary of the Interior shall
16 ensure that each employee of the Department of the Inte-
17 rior who is involved in developing and carrying out a Trib-
18 al Co-Management Plan established under section 2 re-
19 ceives such training as the Secretary determines necessary
20 to—

21 (1) train the employee to incorporate indige-
22 nous knowledge and practices into the execution of
23 the plan;

24 (2) educate the employee on the Tribal history
25 of each area in which a project on which the em-

1 ployee is expect to work and which is approved to be
2 carried out in accordance with the plan is located;
3 and

4 (3) provide the employee with a general under-
5 standing of the trust relationship between the
6 United States (including all agencies of the Federal
7 Government) and Indian Tribes.

8 (b) CONSULTATION.—In carrying out this section,
9 the Secretary is authorized to consult with Indian Tribes.

10 (c) INDIAN TRIBE DEFINED.—In this section, the
11 term “Indian Tribe” has the meaning given the term
12 under section 102 of the Federally Recognized Indian
13 Tribe List Act of 1994 (25 U.S.C. 5130).

14 **SEC. 4. AUTHORITY TO ENTER INTO AGREEMENTS WITH IN-**
15 **DIAN TRIBES AND TRIBAL ORGANIZATIONS**
16 **TO CARRY OUT CERTAIN FOREST SERVICE**
17 **ACTIVITIES.**

18 (a) AUTHORITY TO ENTER INTO AGREEMENTS WITH
19 INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

20 (1) AUTHORITY TO ENTER INTO AGREE-
21 MENTS.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B) and paragraph (3), the Secretary
24 may enter into agreements with an Indian
25 Tribe or Tribal organization for the perform-

1 ance of activities of the Forest Service de-
2 scribed in paragraph (2).

3 (B) MINIMUM NUMBER OF AGREE-
4 MENTS.—During the 4-year period beginning
5 on the date of the enactment of this Act, the
6 Secretary shall enter into at least 5 agreements
7 under subparagraph (A).

8 (C) AGREEMENT AND CONTRACT AUTHOR-
9 ITY.—The Secretary may carry out subpara-
10 graph (A)—

11 (i) through an agreement pursuant to
12 this section;

13 (ii) through a contract entered into
14 under the Indian Self-Determination and
15 Education Assistance Act (25 U.S.C. 5304
16 et seq.) in a substantially similar manner
17 as a contract entered into pursuant to sec-
18 tion 8703 of the Agriculture Improvement
19 Act of 2018 (25 U.S.C. 3115b); or

20 (iii) through any other agreement au-
21 thority provided to the Secretary under
22 Federal law or regulations.

23 (2) ALLOWABLE ACTIVITIES.—

24 (A) IN GENERAL.—An activity described in
25 this paragraph is any activity (including a per-

missive activity), service, or function (including the management decisions related to such activity, service, or function) of the Forest Service that—

(i) is carried out on National Forest System lands that the Secretary determines are in need of such activity (including restoration activity), service, or function;

(ii) is consistent with each land management plan applicable to such National Forest System lands;

(iii) is carried out on land that the Secretary, in consultation with each applicable Indian Tribe, identifies as being historically, culturally, or geographically related to such Indian Tribe; and

(iv) is carried out in accordance with applicable laws, including environmental laws and regulations.

(B) PERMISSIVE ACTIVITY.—For purposes of subparagraph (A), the term “permissive activity” includes—

(i) forest and grassland planning and management activities;

- 1 (ii) research and development activi-
- 2 ties;
- 3 (iii) a restoration activity;
- 4 (iv) activities of the Heritage Program
- 5 of the Forest Service; and
- 6 (v) recreational services.

7 (3) LIMITATIONS.—The Secretary may not
8 enter into an agreement under paragraph (1)(A)
9 that—

10 (A) delegates any nondelegable function to
11 an Indian Tribe or Tribal organization;

12 (B) would make an Indian Tribe or Tribal
13 organization reliant on a State Government for
14 the receipt of funds or other resources nec-
15 essary to carry out any term of the agreement;
16 or

17 (C) provides for the performance of an ac-
18 tivity covered by a stewardship contract or
19 other instrument such that the agreement
20 would present a conflict with respect to Na-
21 tional Forest System lands subject to the agree-
22 ment.

23 (b) REQUEST FOR AGREEMENT.—To request to enter
24 into an agreement under subsection (a)(1)(A), an Indian
25 Tribe or Tribal organization shall submit to the Secretary

1 a proposal at such time and in such manner as the Sec-
 2 retary may require, including—

3 (1) a description of each activity that the In-
 4 dian Tribe or Tribal organization proposes to carry
 5 out under the agreement;

6 (2) an identification of the National Forest Sys-
 7 tem lands on which such activities are proposed to
 8 be carried out; and

9 (3) any other information the Secretary may re-
 10 quire.

11 (c) CRITERIA FOR EVALUATING REQUESTED AGREE-
 12 MENTS.—

13 (1) REQUIRED CONSIDERATIONS.—Before en-
 14 tering into an agreement under subsection (a)(1)(A),
 15 the Secretary shall consider—

16 (A) the expected effects of the agreement
 17 on the interests of other Indian Tribes; and

18 (B) with respect to lands described in sub-
 19 section (a)(2)(A), any valid existing rights and
 20 permits—

21 (i) of each Indian Tribe proposed to
 22 be subject to the agreement;

23 (ii) of other Indian Tribes;

24 (iii) of private parties; and

25 (iv) of the Federal Government.

1 (2) ALLOWABLE EVALUATION AND CONSIDER-
2 ATIONS.—In determining whether to enter into an
3 agreement under subsection (a)(1)(A), the Secretary
4 may—

5 (A) evaluate using a best-value basis the
6 proposal submitted pursuant subsection (b)
7 with respect to the agreement; and

8 (B) give special consideration to factors
9 implicated by such proposal and related to the
10 Indian Tribe proposed to be subject to the
11 agreement, including—

12 (i) if applicable, the status of the
13 Tribal organization that requested the
14 agreement as a Tribal organization;

15 (ii) the historical, cultural, and tradi-
16 tional affiliation of the Indian Tribe with
17 the land proposed to be subject to the
18 agreement;

19 (iii) the features of the landscape of
20 such land, including watersheds and vege-
21 tation types, that are expected to be af-
22 fected if the proposal is carried out;

23 (iv) with respect to the coordination of
24 activities, the working relationship, if any,
25 between the Indian Tribe or Tribal organi-

1 zation that submitted the proposal and the
2 Forest Service;

3 (v) access by members of the Indian
4 Tribe proposed to be subject to the agree-
5 ment to land proposed to be subject to the
6 agreement; and

7 (vi) the indigenous knowledge and
8 skills of the Indian Tribe and members of
9 the Indian Tribe.

10 (d) NOTICE OF DENIAL.—Not later than 90 days
11 after the Secretary denies a request by an Indian Tribe
12 or a Tribal organization pursuant to subsection (b), the
13 Secretary shall issue to the Indian Tribe or Tribal organi-
14 zation a notice of denial that includes—

15 (1) an identification of each specific reason for
16 the denial, including any criteria the Secretary con-
17 sidered pursuant to paragraphs (1) and (2) of sub-
18 section (c) that contributed to the denial;

19 (2) an identification of the potential courses of
20 action, if any, that the Indian Tribe or Tribal orga-
21 nization may take to overcome each such specific
22 reason; and

23 (3) a proposed schedule for communication with
24 the Indian Tribe or Tribal organization to provide

1 technical assistance to the Indian Tribe or Tribal or-
2 ganization to overcome each such specific reason.

3 (e) PAYMENTS TO INDIAN TRIBES OR TRIBAL ORGA-
4 NIZATIONS.—

5 (1) IN GENERAL.—In entering into an agree-
6 ment under subsection (a)(1)(A)—

7 (A) the Secretary may include terms and
8 conditions with respect to payments to the In-
9 dian Tribe or Tribal organization party to the
10 agreement for use carrying out the agreement;
11 and

12 (B) the Indian Tribe or Tribal organiza-
13 tion may elect to receive any such payments on
14 an annual or semi-annual basis.

15 (2) SOURCE OF FUNDS.—The Secretary shall—

16 (A) in the case of an activity to be carried
17 out pursuant to an agreement under subsection
18 (a)(1)(A), from the amounts appropriated to
19 carry out such activity, use the unobligated
20 amounts to make a payment under paragraph
21 (1) with respect to such activity; or

22 (B) if no such amounts are available, use
23 the amounts made available pursuant to sub-
24 section (m) to make such a payment.

1 (3) TRANSFER AUTHORITY.—Subsections (a)
2 through (l) of section 408 of the Indian Self-Deter-
3 mination and Education Assistance Act (25 U.S.C.
4 5368) shall apply to the Secretary of Agriculture
5 with respect to an agreement under subsection
6 (a)(1)(A) in the same manner as such subsections
7 apply to the Secretary of the Interior with respect
8 to a funding agreement.

9 (4) REDUCTION OF PAPERWORK BURDEN.—In
10 carrying out this section, the Secretary shall, to the
11 maximum extent practicable—

12 (A) reduce the reporting burden on Indian
13 Tribes and Tribal organizations that receive
14 funding pursuant to an agreement under this
15 section, including by limiting report frequency,
16 consolidating reporting requirements, and re-
17 ducing required information; and

18 (B) establish such mechanisms as are nec-
19 essary to protect Tribal data sovereignty.

20 (f) REVIEW AND MODIFICATION OF AGREEMENT.—

21 (1) PERIODIC REVIEW.—With respect to an
22 agreement under subsection (a)(1)(A) that is effec-
23 tive for a period of not fewer than 5 years, the Sec-
24 retary shall, in the fifth year after the agreement

1 takes effect and every 5 years thereafter during such
2 period—

3 (A) review the terms of the agreement with
4 each Indian Tribe or Tribal organization party
5 to the agreement; and

6 (B) offer to modify any such terms or ter-
7 minate the agreement, as the Secretary and
8 each such Indian Tribe or the Tribal organiza-
9 tion determines appropriate based on such re-
10 view.

11 (2) REVIEW DUE TO NATURAL DISASTER.—

12 (A) REQUEST TO REVIEW.—Not later than
13 90 days after a natural disaster occurs on Na-
14 tional Forest System lands subject to an agree-
15 ment under subsection (a)(1)(A), the Indian
16 Tribe or Tribal organization party to the agree-
17 ment may submit a request to the Secretary
18 to—

19 (i) identify any activities that could be
20 carried out by the Indian Tribe or Tribal
21 organization, in cooperation with the For-
22 est Service and under the agreement, in re-
23 sponse to the natural disaster; and

24 (ii) review the terms and conditions of
25 the agreement to identify any modifica-

1 tions necessary to facilitate or authorize
2 such activities.

3 (B) REVIEW; MODIFICATION.—The Sec-
4 retary shall respond to a request under sub-
5 paragraph (A) not later than 60 days after re-
6 ceiving such request.

7 (g) PUBLICATION OF ACTIVITIES.—Not later than 1
8 year after the date of the enactment of this Act and every
9 3 years thereafter, the Secretary, in consultation with In-
10 dian Tribes, shall publish in the Federal Register a non-
11 exhaustive list describing the activities of the Forest Serv-
12 ice that may be eligible for inclusion in an agreement
13 under subsection (a)(1)(A).

14 (h) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act and every 3 years thereafter,
16 the Secretary shall submit to the relevant Congressional
17 Committees a report containing a description of any
18 progress or accomplishments made during the period cov-
19 ered by the report—

20 (1) with respect to the activities of the Forest
21 Service described in subsection (a)(2); and

22 (2) attributable to an agreement under sub-
23 section (a)(1)(A).

24 (i) CONSULTATION.—In carrying out this section, the
25 Secretary shall consult with Indian Tribes to—

1 (1) ensure that indigenous knowledge is—

2 (A) when requested by an applicable In-
3 dian Tribe or Tribal organization thereof, inte-
4 grated into decision-making processes related to
5 the activities carried out under this section; and

6 (B) when appropriate, considered best
7 available science; and

8 (2) ensure that appropriate safeguards exist
9 to—

10 (A) protect the integrity of indigenous
11 knowledge; and

12 (B) respect the data sovereignty of Indian
13 Tribes in accordance with Tribal law.

14 (j) FEDERAL TORT CLAIMS ACT APPLICABILITY.—

15 While engaged in carrying out an activity of the Forest
16 Service pursuant to an agreement with an Indian Tribe
17 or Tribal organization under subsection (a)(1)(A), an em-
18 ployee of such Indian Tribe or Tribal organization shall
19 be considered to be an employee of the Forest Service for
20 purposes of chapter 171 of title 28, United States Code.

21 (k) FAR EXEMPTION.—This Act, including any ac-
22 tivity carried out pursuant to this section, is not subject
23 to the requirements of the Federal Acquisition Regulation.

24 (l) EFFECT.—Nothing in this section—

1 (1) enlarges, establishes, or diminishes the cur-
2 rent or future rights of any Indian Tribe;

3 (2) reduces or supersedes any authority of an
4 Indian Tribe to enter into agreements;

5 (3) provides exclusive use of any area within
6 National Forest System lands;

7 (4) limits the Secretary from entering into a
8 separate agreement with any other Indian Tribe, or
9 Tribal organization thereof, with treaty rights or a
10 recognized legal interest in National Forest System
11 lands; or

12 (5) affects the authority of the Secretary (as in
13 effect on the date of the enactment of this Act) to,
14 acting through the Chief of the Forest Service, enter
15 into agreements to enable or accommodate Tribal
16 activities on lands administered by the Forest Serv-
17 ice, including the exercise of Tribal Treaty, reserved,
18 retained, or other similar rights.

19 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$50,000,000 for the period of fiscal years 2026 through
22 2030, to remain available until expended.

23 (n) DEFINITIONS.—In this section:

1 (1) AGREEMENT.—The term “agreement” in-
2 cludes a contract, compact, or any other similar
3 mechanism.

4 (2) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term under section 102
6 of the Federally Recognized Indian Tribe List Act of
7 1994 (25 U.S.C. 5130).

8 (3) INDIGENOUS KNOWLEDGE.—The term “in-
9 digenous knowledge” includes, with respect to bio-
10 logical, physical, social, cultural, or spiritual phe-
11 nomena, a body of observations, oral knowledge,
12 written knowledge, innovations, practices, and beliefs
13 developed by an Indian Tribe and members of the
14 Indian Tribe through experience and interactions
15 with the environment.

16 (4) NATIONAL FOREST SYSTEM.—The term
17 “National Forest System” has the meaning given
18 such term in section 11(a) of the Forest and Range-
19 land Renewable Resources Planning Act of 1974 (16
20 U.S.C. 1609).

21 (5) NATURAL DISASTER.—The term “natural
22 disaster” includes—

23 (A) a wildfire, hurricane, typhoon, tornado,
24 excessive wind, hail, landslide, mudslide,
25 drought, freeze, ice storm, snowstorm, blizzard,

1 excessive moisture, flood, earthquake, extreme
2 temperature event, insect or pathogen infesta-
3 tion, and volcanic eruption or emission; and

4 (B) any other natural hazard that result in
5 severe property damage, death, or injury, as de-
6 termined by the Secretary.

7 (6) RELEVANT CONGRESSIONAL COMMIT-
8 TEES.—The term “relevant Congressional Commit-
9 tees” means—

10 (A) the Committees on Natural Resources
11 and Agriculture of the House of Representa-
12 tives; and

13 (B) the Committees on Indian Affairs, En-
14 ergy and Natural Resources, and Agriculture,
15 Nutrition, and Forestry of the Senate.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture, acting through the
18 Chief of the Forest Service.

19 (8) TRIBAL ORGANIZATION.—The term “Tribal
20 organization” means the recognized governing body
21 of any Indian Tribe or any legally established orga-
22 nization of Indian Tribe members which is con-
23 trolled, sanctioned, or chartered by such governing
24 body or which is democratically elected by the adult
25 members of the Indian community to be served by

1 such organization and which includes the maximum
2 participation of Indian Tribe members in all phases
3 of its activities: Provided, That in any case where a
4 contract is let or grant made to an organization to
5 perform services benefitting more than one Indian
6 Tribe, the approval of each such Indian Tribe shall
7 be a prerequisite to the letting or making of such
8 contract or grant.

○