

TITLE VIII—FORESTRY

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1                   **TITLE VIII—FORESTRY**  
 2           **Subtitle A—Cooperative Forestry**  
 3                   **Assistance Act of 1978**  
 4   **SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST**  
 5                   **CONSERVATION.**

6           Section 2 of the Cooperative Forestry Assistance Act  
 7 of 1978 (16 U.S.C. 2101) is amended—

8                   (1) by redesignating subsections (c) and (d) as  
 9           subsections (e) and (f), respectively; and

1           (2) by inserting after subsection (b) the fol-  
2           lowing:

3           “(c) PRIORITIES.—In allocating funds appropriated  
4 or otherwise made available under this Act, the Secretary  
5 shall focus on the following national private forest con-  
6 servation priorities:

7           “(1) Conserving and managing working forest  
8           landscapes for multiple values and uses.

9           “(2) Protecting forests from threats to forest  
10          and forest health, including unnaturally large  
11          wildfires, hurricanes, tornadoes, windstorms, snow or  
12          ice storms, flooding, drought, invasive species, insect  
13          or disease outbreak, or development, and restoring  
14          appropriate forest structures and ecological proc-  
15          esses in response to such threats.

16          “(3) Enhancing public benefits from private  
17          forests, including air and water quality, forest prod-  
18          ucts, forestry-related jobs, production of renewable  
19          energy, wildlife, enhanced biodiversity, the establish-  
20          ment or maintenance of wildlife corridors and wild-  
21          life habitat, and recreation.

22          “(d) REPORTING REQUIREMENT.—Not later than  
23 September 30, 2011, the Secretary shall submit to Con-  
24 gress a report describing how funding was used under this  
25 Act to address the national priorities specified in sub-

1 section (c) and the outcomes achieved in meeting the na-  
2 tional priorities.”.

3 **SEC. 8002. COMMUNITY FOREST AND OPEN SPACE CON-**  
4 **SERVATION PROGRAM.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Forest Service projects that, by cal-  
7 endar year 2030, approximately 44,000,000 acres of  
8 privately-owned forest land will be developed  
9 throughout the United States;

10 (2) public access to parcels of privately-owned  
11 forest land for outdoor recreational activities, includ-  
12 ing hunting, fishing, and trapping, has declined and,  
13 as a result, participation in those activities has also  
14 declined in cases in which public access is not se-  
15 cured;

16 (3) rising rates of obesity and other public  
17 health problems relating to the inactivity of the citi-  
18 zens of the United States have been shown to be  
19 ameliorated by improving public access to safe and  
20 attractive areas for outdoor recreation;

21 (4) in rapidly-growing communities of all sizes  
22 throughout the United States, remaining parcels of  
23 forest land play an essential role in protecting public  
24 water supplies;

1           (5) forest parcels owned by local governmental  
2 entities and nonprofit organizations are providing  
3 important demonstration sites for private land-  
4 owners to learn forest management techniques;

5           (6) throughout the United States, communities  
6 of diverse types and sizes are deriving significant fi-  
7 nancial and community benefits from managing for-  
8 est land owned by local governmental entities for  
9 timber and other forest products; and

10          (7) there is an urgent need for local govern-  
11 mental entities to be able to leverage financial re-  
12 sources in order to purchase important parcels of  
13 privately-owned forest land as the parcels are offered  
14 for sale.

15          (b) **COMMUNITY FOREST AND OPEN SPACE CON-**  
16 **SERVATION PROGRAM.**—The Cooperative Forestry Assist-  
17 ance Act of 1978 is amended by inserting after section  
18 7 (16 U.S.C. 2103e) the following:

19 **“SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CON-**  
20 **SERVATION PROGRAM.**

21          “(a) **DEFINITIONS.**—In this section:

22           “(1) **ELIGIBLE ENTITY.**—The term ‘eligible en-  
23 tity’ means a local governmental entity, Indian tribe,  
24 or nonprofit organization that owns or acquires a  
25 parcel under the program.

1           “(2) INDIAN TRIBE.—The term ‘Indian tribe’  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 450b).

5           “(3) LOCAL GOVERNMENTAL ENTITY.—The  
6           term ‘local governmental entity’ includes any munic-  
7           ipal government, county government, or other local  
8           government body with jurisdiction over local land  
9           use decisions.

10          “(4) NONPROFIT ORGANIZATION.—The term  
11          ‘nonprofit organization’ means any organization  
12          that—

13                 “(A) is described in section 170(h)(3) of  
14                 the Internal Revenue Code of 1986; and

15                 “(B) operates in accordance with 1 or  
16                 more of the purposes specified in section  
17                 170(h)(4)(A) of that Code.

18          “(5) PROGRAM.—The term ‘Program’ means  
19          the community forest and open space conservation  
20          program established under subsection (b).

21          “(6) SECRETARY.—The term ‘Secretary’ means  
22          the Secretary of Agriculture, acting through the  
23          Chief of the Forest Service.

1           “(b) ESTABLISHMENT.—The Secretary shall estab-  
2 lish a program, to be known as the ‘community forest and  
3 open space conservation program’.

4           “(c) GRANT PROGRAM.—

5                 “(1) IN GENERAL.—The Secretary may award  
6 grants to eligible entities to acquire private forest  
7 land, to be owned in fee simple, that—

8                         “(A) are threatened by conversion to non-  
9 forest uses; and

10                        “(B) provide public benefits to commu-  
11 nities, including—

12                                 “(i) economic benefits through sus-  
13 tainable forest management;

14                                 “(ii) environmental benefits, including  
15 clean water and wildlife habitat;

16                                 “(iii) benefits from forest-based edu-  
17 cational programs, including vocational  
18 education programs in forestry;

19                                 “(iv) benefits from serving as models  
20 of effectively-managed effective forest stew-  
21 ardship for private landowners; and

22                                 “(v) recreational benefits, including  
23 hunting and fishing.

24                 “(2) FEDERAL COST SHARE.—An eligible entity  
25 may receive a grant under the Program in an

1 amount equal to not more than 50 percent of the  
2 cost of acquiring 1 or more parcels, as determined  
3 by the Secretary.

4 “(3) NON-FEDERAL SHARE.—As a condition of  
5 receipt of the grant, an eligible entity that receives  
6 a grant under the Program shall provide, in cash,  
7 donation, or in kind, a non-Federal matching share  
8 in an amount that is at least equal to the amount  
9 of the grant received.

10 “(4) APPRAISAL OF PARCELS.—To determine  
11 the non-Federal share of the cost of a parcel of pri-  
12 vately-owned forest land under paragraph (2), an eli-  
13 gible entity shall require appraisals of the land that  
14 comply with the Uniform Appraisal Standards for  
15 Federal Land Acquisitions developed by the Inter-  
16 agency Land Acquisition Conference.

17 “(5) APPLICATION.—An eligible entity that  
18 seeks to receive a grant under the Program shall  
19 submit to the State forester or equivalent official (or  
20 in the case of an eligible entity that is an Indian  
21 tribe, an equivalent official of the Indian tribe) an  
22 application that includes—

23 “(A) a description of the land to be ac-  
24 quired;

25 “(B) a forest plan that provides—

1                   “(i) a description of community bene-  
2                   fits to be achieved from the acquisition of  
3                   the private forest land; and

4                   “(ii) an explanation of the manner in  
5                   which any private forest land to be ac-  
6                   quired using funds from the grant will be  
7                   managed; and

8                   “(C) such other relevant information as  
9                   the Secretary may require.

10                  “(6) EFFECT ON TRUST LAND.—

11                   “(A) INELIGIBILITY.—The Secretary shall  
12                   not provide a grant under the Program for any  
13                   project on land held in trust by the United  
14                   States (including Indian reservations and allot-  
15                   ment land).

16                   “(B) ACQUIRED LAND.—No land acquired  
17                   using a grant provided under the Program shall  
18                   be converted to land held in trust by the United  
19                   States on behalf of any Indian tribe.

20                  “(7) APPLICATIONS TO SECRETARY.—The State  
21                   forester or equivalent official (or in the case of an  
22                   eligible entity that is an Indian tribe, an equivalent  
23                   official of the Indian tribe) shall submit to the Sec-  
24                   retary a list that includes a description of each



1 project submitted by an eligible entity at such times  
2 and in such form as the Secretary shall prescribe.

3 “(d) DUTIES OF ELIGIBLE ENTITY.—An eligible en-  
4 tity—

5 “(1) shall provide public access to, and manage,  
6 forest land acquired with a grant under this section  
7 in a manner that is consistent with the purposes for  
8 which the land was acquired under the Program;  
9 and

10 “(2) shall not convert the property to other  
11 uses.

12 “(e) PROHIBITED USES.—

13 “(1) IN GENERAL.—Subject to paragraphs (2)  
14 and (3), an eligible entity that acquires a parcel  
15 under the Program shall not sell the parcel or con-  
16 vert the parcel to nonforest use.

17 “(2) REIMBURSEMENT OF FUNDS.—An eligible  
18 entity that sells or converts to nonforest use a parcel  
19 acquired under the Program shall pay to the Federal  
20 Government an amount equal to the greater of the  
21 current sale price, or current appraised value, of the  
22 parcel.

23 “(3) LOSS OF ELIGIBILITY.—An eligible entity  
24 that sells or converts a parcel acquired under the

1 Program shall not be eligible for additional grants  
2 under the Program.

3 “(f) STATE ADMINISTRATION AND TECHNICAL AS-  
4 SISTANCE.—To assist model stewardship of parcels ac-  
5 quired under the Program, the Secretary may allocate not  
6 more than 10 percent of all funds made available to carry  
7 out the Program for each fiscal year to State foresters  
8 or equivalent officials (including an equivalent official of  
9 an Indian tribe) for Program administration and technical  
10 assistance.

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated such sums as are nec-  
13 essary to carry out this section.”.

14 **SEC. 8003. FEDERAL, STATE, AND LOCAL COORDINATION**  
15 **AND COOPERATION.**

16 Section 19(b)(2)(D) of the Cooperative Forestry As-  
17 sistance Act of 1978 (16 U.S.C. 2113(b)(2)(D)) is amend-  
18 ed by inserting “except for projects submitted by an In-  
19 dian tribe,” before “make recommendations”.

20 **SEC. 8004. COMPREHENSIVE STATEWIDE FOREST PLAN-**  
21 **NING.**

22 The Cooperative Forestry Assistance Act of 1978 is  
23 amended—

24 (1) by redesignating section 20 (16 U.S.C.  
25 2114) as section 22; and

1           (2) by inserting after section 19 (16 U.S.C.  
2           2113) the following:

3   **“SEC. 20. COMPREHENSIVE STATEWIDE FOREST PLANNING.**

4           “(a) ESTABLISHMENT.—The Secretary shall estab-  
5   lish a comprehensive statewide forest planning program  
6   under which the Secretary shall provide financial and tech-  
7   nical assistance to States for use in the development and  
8   implementation of statewide forest resource assessments  
9   and plans.

10          “(b) STATEWIDE FOREST RESOURCE ASSESSMENT  
11   AND PLAN.—For a State to be eligible to receive funds  
12   under this Act, not later than 2 years after the date of  
13   enactment of the Food and Energy Security Act of 2007,  
14   the State Forester of the State, or an equivalent State  
15   official, shall develop a statewide forest resource assess-  
16   ment and plan that, at a minimum—

17               “(1) identifies each critical forest resource area  
18   in the State described in section 2(c);

19               “(2) to the maximum extent practicable—

20                       “(A) incorporates any forest management  
21   plan of the State in existence on the date of en-  
22   actment of this section;

23                       “(B) addresses the needs of the region,  
24   without regard to the borders of each State of

1 the region (or the political subdivisions of each  
2 State of the region);

3 “(C) provides a comprehensive statewide  
4 plan (including the opportunity for public par-  
5 ticipation in the development of the statewide  
6 plan) for—

7 “(i) managing the forest land in the  
8 State;

9 “(ii) achieving the national priorities  
10 specified in section 2(c)(2);

11 “(iii) monitoring the forest land in the  
12 State; and

13 “(iv) administering any forestry-re-  
14 lated Federal, State, or private grants  
15 awarded to the State under this section or  
16 any other provisions of law; and

17 “(D) includes a multiyear, integrated for-  
18 est management strategy that provides a man-  
19 agement framework for—

20 “(i) the administration of each appli-  
21 cable program of the State; and

22 “(ii) the use of any funds made avail-  
23 able for the management of the forest land  
24 in the State; and

1           “(3) is determined by the Secretary to be suffi-  
2           cient to satisfy all relevant State planning and as-  
3           sessment requirements under this Act.

4           “(c) COORDINATION.—In developing the statewide  
5           assessment and plan under subsection (b), the State For-  
6           ester or equivalent State official shall—

7           “(1) coordinate with—

8                   “(A) the State Forest Stewardship Coordi-  
9                   nation Committee established for the State  
10                  under section 19(b);

11                  “(B) the State wildlife agency, with respect  
12                  to strategies contained in the State wildlife ac-  
13                  tion plans;

14                  “(C) the State Technical Committee; and

15                  “(D) applicable Federal land management  
16                  agencies; and

17           “(2) for purposes of the Forest Legacy Pro-  
18           gram under section 7, work cooperatively with the  
19           State lead agency designated by the Governor.

20           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21           is authorized to be appropriated to carry out this section  
22           \$10,000,000 for each fiscal year.”.

1 **SEC. 8005. ASSISTANCE TO THE FEDERATED STATES OF MI-**  
2 **CRONESIA, THE REPUBLIC OF THE MAR-**  
3 **SHALL ISLANDS, AND THE REPUBLIC OF**  
4 **PALAU.**

5 Section 13(d)(1) of the Cooperative Forestry Assist-  
6 ance Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by  
7 striking “the Trust Territory of the Pacific Islands,” and  
8 inserting “the Federated States of Micronesia, the Repub-  
9 lic of the Marshall Islands, the Republic of Palau,”.

10 **Subtitle B—Tribal-Forest Service**  
11 **Cooperative Relations**

12 **SEC. 8101. DEFINITIONS.**

13 In this subtitle:

14 (1) INDIAN.—The term “Indian” means an in-  
15 dividual who is a member of an Indian tribe.

16 (2) INDIAN TRIBE.—The term “Indian tribe”—  
17 (A) for purposes of title I, has the meaning  
18 given the term in section 4 of the Indian Self-  
19 Determination and Education Assistance Act  
20 (25 U.S.C. 450b); and

21 (B) for purposes of title II, means any In-  
22 dian or Alaska Native tribe, band, nation, pueb-  
23 lo, village, or other community the name of  
24 which is included on a list published by the Sec-  
25 retary of the Interior pursuant to section 104

1 of the Federally Recognized Indian Tribe List  
2 Act of 1994 (25 U.S.C. 479a–1).

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

8 **PART I—COLLABORATION BETWEEN INDIAN**  
9 **TRIBES AND FOREST SERVICE**

10 **SEC. 8111. FOREST LEGACY PROGRAM.**

11 (a) PARTICIPATION BY INDIAN TRIBES.—Section 7  
12 of the Cooperative Forestry Assistance Act of 1978 (16  
13 U.S.C. 2103c) is amended—

14 (1) in subsection (a), in the first sentence, by  
15 inserting “, including Indian tribes,” after “govern-  
16 ment”;

17 (2) in subsection (b), by inserting “or programs  
18 of Indian tribes” after “regional programs”;

19 (3) in subsection (f), in the second sentence, by  
20 striking “other appropriate State or regional natural  
21 resource management agency” and inserting “other  
22 appropriate natural resource management agency of  
23 a State, region, or Indian tribe”;

1           (4) in subsection (h)(2), by inserting “, includ-  
2           ing an Indian tribe” before the period at the end;  
3           and

4           (5) in subsection (j)(2), in the first sentence, by  
5           inserting “including Indian tribes,” after “govern-  
6           mental units,”.

7           (b) OPTIONAL STATE AND TRIBAL GRANTS.—Sec-  
8           tion 7(*l*) of the Cooperative Forestry Assistance Act of  
9           1978 (16 U.S.C. 2103c(*l*)) is amended—

10           (1) in the subsection heading, by inserting  
11           “AND TRIBAL” after “STATE”;

12           (2) by redesignating paragraph (3) as para-  
13           graph (4); and

14           (3) by striking paragraphs (1) and (2) and in-  
15           serting the following:

16           “(1) DEFINITION OF INDIAN TRIBE.—In this  
17           subsection, the term ‘Indian tribe’ has the meaning  
18           given the term in section 4 of the Indian Self-Deter-  
19           mination and Education Assistance Act (25 U.S.C.  
20           450b).

21           “(2) GRANTS.—On request of a participating  
22           State or Indian tribe, the Secretary shall provide a  
23           grant to the State or Indian tribe to carry out the  
24           Forest Legacy Program in the State or with the In-  
25           dian tribe.



1           “(3) ADMINISTRATION.—If a State or Indian  
2           tribe elects to receive a grant under this sub-  
3           section—

4                   “(A) the Secretary shall use a portion of  
5                   the funds made available under subsection (m),  
6                   as determined by the Secretary, to provide a  
7                   grant to the State or Indian tribe; and

8                   “(B) the State or Indian tribe shall use the  
9                   grant to carry out the Forest Legacy Program  
10                  in the State or with the Indian tribe, including  
11                  through acquisition by the State or Indian tribe  
12                  of land and interests in land.

13           “(4) EFFECT ON TRUST LAND.—

14                   “(A) INELIGIBILITY.—The Secretary shall  
15                   not provide a grant under this subsection for  
16                   any project on land held in trust by the United  
17                   States (including Indian reservations and allot-  
18                   ment land).

19                   “(B) ACQUIRED LAND.—No land acquired  
20                   using a grant provided under this subsection  
21                   shall be converted to land held in trust by the  
22                   United States on behalf of any Indian tribe.”.

23           (c) CONFORMING AMENDMENTS.—Section 7(j)(1) of  
24           the Cooperative Forestry Assistance Act of 1978 (16  
25           U.S.C. 2103c(j)(1)) is amended by striking the first sen-

1 tence and inserting the following: “Fair market value shall  
2 be paid for any property interest acquired (other than by  
3 donation) under this section.”.

4 **SEC. 8112. FORESTRY AND RESOURCE MANAGEMENT AS-**  
5 **SISTANCE FOR INDIAN TRIBES.**

6 (a) DEFINITION OF ELIGIBLE INDIAN LAND.—In  
7 this section, the term “eligible Indian land” means, with  
8 respect to each participating Indian tribe—

9 (1) trust land located within the boundaries of  
10 the reservation of the Indian tribe;

11 (2) land owned in fee by the Indian tribe; and

12 (3) trust land located outside the boundaries of  
13 the reservation of the Indian tribe that is eligible for  
14 use for land programs of the Indian tribe.

15 (b) AUTHORITY TO PROVIDE ASSISTANCE.—The Sec-  
16 retary may provide financial, technical, educational, and  
17 related assistance to any Indian tribe for—

18 (1) tribal consultation and coordination with  
19 the Forest Service on issues relating to—

20 (A) access and use by members of the In-  
21 dian tribe to National Forest System land and  
22 resources for traditional, religious, and cultural  
23 purposes;

1 (B) coordinated or cooperative manage-  
2 ment of resources shared by the Forest Service  
3 and the Indian tribe; or

4 (C) the provision of tribal traditional, cul-  
5 tural, or other expertise or knowledge;

6 (2) projects and activities for conservation edu-  
7 cation and awareness with respect to forest land or  
8 grassland that is eligible Indian land; and

9 (3) technical assistance for forest resources  
10 planning, management, and conservation on eligible  
11 Indian land.

12 (c) REQUIREMENTS.—

13 (1) IN GENERAL.—During any fiscal year, an  
14 Indian tribe may participate in only 1 approved ac-  
15 tivity that receives assistance under—

16 (A) subsection (b)(3); or

17 (B) the forest stewardship program under  
18 section 5 of the Cooperative Forestry Assist-  
19 ance Act of 1978 (16 U.S.C. 2103a).

20 (d) IMPLEMENTATION.—

21 (1) IN GENERAL.—Not later than 18 months  
22 after the date of enactment of this Act, the Sec-  
23 retary shall promulgate regulations to implement  
24 subsection (b), including rules for determining the  
25 distribution of assistance under that subsection.

1           (2) CONSULTATION.—In developing regulations  
2           pursuant to paragraph (1), the Secretary shall con-  
3           duct full, open, and substantive consultation with In-  
4           dian tribal governments and other representatives of  
5           Indian tribes.

6           (e) COORDINATION WITH SECRETARY OF INTE-  
7           RIOR.—In carrying out this section, the Secretary shall co-  
8           ordinate with the Secretary of the Interior to ensure that  
9           activities under subsection (b)—

10           (1) do not conflict with Indian tribal programs  
11           provided by the Department of the Interior; and

12           (2) achieve the goals established by the affected  
13           Indian tribes.

14           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
15           are authorized to be appropriated such sums as are nec-  
16           essary to carry out this section.

## 17           **PART II—CULTURAL AND HERITAGE**

### 18           **COOPERATION AUTHORITY**

#### 19           **SEC. 8121. PURPOSES.**

20           The purposes of this part are—

21           (1) to authorize the reburial of human remains  
22           and cultural items, including human remains and  
23           cultural items repatriated under the Native Amer-  
24           ican Graves Protection and Repatriation Act (25

1 U.S.C. 3001 et seq.), on National Forest System  
2 land;

3 (2) to prevent the unauthorized disclosure of in-  
4 formation regarding reburial sites, including—

5 (A) the quantity and identity of human re-  
6 mains and cultural items on the sites; and

7 (B) the location of the sites;

8 (3) to authorize the Secretary to ensure access  
9 to National Forest System land, to the maximum ex-  
10 tent practicable, by Indians and Indian tribes for  
11 traditional and cultural purposes;

12 (4) to authorize the Secretary to provide forest  
13 products free of charge to Indian tribes for tradi-  
14 tional and cultural purposes;

15 (5) to authorize the Secretary to protect the  
16 confidentiality of certain information, including in-  
17 formation that is culturally sensitive to Indian  
18 tribes;

19 (6) to increase the availability of Forest Service  
20 programs and resources to Indian tribes in support  
21 of the policy of the United States to promote tribal  
22 sovereignty and self-determination; and

23 (7) to strengthen support for the policy of the  
24 United States of protecting and preserving the tradi-  
25 tional, cultural, and ceremonial rites and practices of

1 Indian tribes, in accordance with Public Law 95–  
2 341 (commonly known as the “American Indian Re-  
3 ligious Freedom Act”) (42 U.S.C. 1996).

4 **SEC. 8122. DEFINITIONS.**

5 In this part:

6 (1) **ADJACENT SITE.**—The term “adjacent site”  
7 means a site that borders a boundary line of Na-  
8 tional Forest system land.

9 (2) **CULTURAL ITEMS.**—

10 (A) **IN GENERAL.**—The term “cultural  
11 items” has the meaning given the term in sec-  
12 tion 2 of the Native American Graves Protec-  
13 tion and Repatriation Act (25 U.S.C. 3001).

14 (B) **EXCEPTION.**—The term “cultural  
15 items” does not include human remains.

16 (3) **HUMAN REMAINS.**—The term “human re-  
17 mains” means the physical remains of the body of  
18 a person of Indian ancestry.

19 (4) **LINEAL DESCENDANT.**—The term “lineal  
20 descendant” means an individual that can trace, di-  
21 rectly and without interruption, the ancestry of the  
22 individual through the traditional kinship system of  
23 an Indian tribe, or through the common law system  
24 of descent, to a known Indian, the human remains,

1       funerary objects, or other sacred objects of whom  
2       are claimed by the individual.

3           (5) REBURIAL SITE.—The term “reburial site”  
4       means a discrete physical location at which cultural  
5       items or human remains are reburied.

6           (6) TRADITIONAL AND CULTURAL PURPOSE.—  
7       The term “traditional and cultural purpose”, with  
8       respect to a definable use, area, or practice, means  
9       that the use, area, or practice is identified by an In-  
10      dian tribe as traditional or cultural because of the  
11      long-established significance or ceremonial nature of  
12      the use, area, or practice to the Indian tribe.

13   **SEC. 8123. REBURIAL OF HUMAN REMAINS AND CULTURAL**  
14           **ITEMS.**

15           (a) REBURIAL SITES.—In consultation with an af-  
16      fected Indian tribe or lineal descendant, the Secretary may  
17      authorize the use of National Forest System land by the  
18      Indian tribe or lineal descendant for the reburial of human  
19      remains or cultural items in the possession of the Indian  
20      tribe or lineal descendant that have been disinterred from  
21      National Forest System land or an adjacent site.

22           (b) REBURIAL.—With the consent of the affected In-  
23      dian tribe or lineal descendent, the Secretary may recover  
24      and rebury, at Federal expense or using other available  
25      funds, human remains and cultural items described in sub-

1 section (a) at the National Forest System land identified  
2 under that subsection.

3 (c) AUTHORIZATION OF USE.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 the Secretary may authorize such uses on reburial  
6 sites or adjacent sites as the Secretary determines to  
7 be necessary for management of the National Forest  
8 System.

9 (2) AVOIDANCE OF ADVERSE IMPACTS.—In car-  
10 rying out paragraph (1), the Secretary shall avoid  
11 adverse impacts to cultural items and human re-  
12 mains, to the maximum extent practicable.

13 **SEC. 8124. TEMPORARY CLOSURE FOR TRADITIONAL AND**  
14 **CULTURAL PURPOSES.**

15 (a) RECOGNITION OF HISTORIC USE.—The Secretary  
16 shall, to the maximum extent practicable, ensure access  
17 to National Forest System land by Indians for traditional  
18 and cultural purposes, in accordance with subsection (b),  
19 in recognition of the historic use by Indians of National  
20 Forest System land.

21 (b) CLOSING LAND FROM PUBLIC ACCESS.—

22 (1) IN GENERAL.—On receipt of a request from  
23 an Indian tribe, the Secretary may temporarily close  
24 from public access specifically designated National



1 Forest System land to protect the privacy of tribal  
2 activities for traditional and cultural purposes.

3 (2) LIMITATION.—A closure of National Forest  
4 System land under paragraph (1) shall affect the  
5 smallest practicable area for the minimum period  
6 necessary for activities of the applicable Indian tribe.

7 (3) CONSISTENCY.—Access by Indian tribes to  
8 National Forest System land under this subsection  
9 shall be consistent with the purposes of Public Law  
10 95–341 (commonly known as the “American Indian  
11 Religious Freedom Act”) (42 U.S.C. 1996).

12 **SEC. 8125. FOREST PRODUCTS FOR TRADITIONAL AND CUL-**  
13 **TURAL PURPOSES.**

14 (a) IN GENERAL.—Notwithstanding section 14 of the  
15 National Forest Management Act of 1976 (16 U.S.C.  
16 472a), the Secretary may provide free of charge to Indian  
17 tribes any trees, portions of trees, or forest products from  
18 National Forest System land for traditional and cultural  
19 purposes.

20 (b) PROHIBITION.—Trees, portions of trees, or forest  
21 products provided under subsection (a) may not be used  
22 for commercial purposes.

23 **SEC. 8126. PROHIBITION ON DISCLOSURE.**

24 (a) NONDISCLOSURE OF INFORMATION.—

1           (1) IN GENERAL.—The Secretary shall not dis-  
2           close under section 552 of title 5, United States  
3           Code (commonly known as the “Freedom of Infor-  
4           mation Act”), any information relating to—

5                   (A) subject to subsection (b)(1), human re-  
6                   mains or cultural items reburied on National  
7                   Forest System land under section 8123; or

8                   (B) subject to subsection (b)(2), resources,  
9                   cultural items, uses, or activities that—

10                           (i) have a traditional and cultural  
11                           purpose; and

12                           (ii) are provided to the Secretary by  
13                           an Indian or Indian tribe under an express  
14                           expectation of confidentiality in the context  
15                           of forest and rangeland research activities  
16                           carried out under the authority of the For-  
17                           est Service.

18           (2) LIMITATIONS ON DISCLOSURE.—Subject to  
19           subsection (b)(2), the Secretary shall not be required  
20           to disclose information under section 552 of title 5,  
21           United States Code (commonly known as the “Free-  
22           dom of Information Act”), concerning the identity,  
23           use, or specific location in the National Forest Sys-  
24           tem of—

1 (A) a site or resource used for traditional  
2 and cultural purposes by an Indian tribe; or

3 (B) any cultural items not covered under  
4 section 8123.

5 (b) LIMITED RELEASE OF INFORMATION.—

6 (1) REBURIAL.—The Secretary may disclose in-  
7 formation described in subsection (a)(1)(A) if, before  
8 the disclosure, the Secretary—

9 (A) consults with an affected Indian tribe  
10 or lineal descendent;

11 (B) determines that disclosure of the infor-  
12 mation—

13 (i) would advance the purposes of this  
14 part; and

15 (ii) is necessary to protect the human  
16 remains or cultural items from harm,  
17 theft, or destruction; and

18 (C) attempts to mitigate any adverse im-  
19 pacts identified by an Indian tribe or lineal de-  
20 scendant that reasonably could be expected to  
21 result from disclosure of the information.

22 (2) OTHER INFORMATION.—The Secretary may  
23 disclose information described under paragraph  
24 (1)(B) or (2) of subsection if the Secretary deter-

1 mines that disclosure of the information to the pub-  
2 lic—

3 (A) would advance the purposes of this  
4 part;

5 (B) would not create an unreasonable risk  
6 of harm, theft, or destruction of the resource,  
7 site, or object, including individual organic or  
8 inorganic specimens; and

9 (C) would be consistent with other applica-  
10 ble laws.

11 **SEC. 8127. SEVERABILITY AND SAVINGS PROVISIONS.**

12 (a) SEVERABILITY.—If any provision of this part, or  
13 the application of any provision of this part to any person  
14 or circumstance, is held invalid, the application of such  
15 provision or circumstance and the remainder of this part  
16 shall not be affected thereby.

17 (b) SAVINGS.—Nothing in this part—

18 (1) diminishes or expands the trust responsi-  
19 bility of the United States to Indian tribes, or any  
20 legal obligation or remedy resulting from that re-  
21 sponsibility;

22 (2) alters, abridges, repeals, or affects any valid  
23 agreement between the Forest Service and an Indian  
24 tribe;

1           (3) alters, abridges, diminishes, repeals, or af-  
2           fects any reserved or other right of an Indian tribe;

3           or

4           (4) alters, abridges, diminishes, repeals, or af-  
5           fects any other valid existing right relating to Na-  
6           tional Forest System land or other public land.

7           **Subtitle C—Amendments to Other**  
8           **Laws**

9           **SEC. 8201. RENEWABLE RESOURCES EXTENSION ACTIVI-**  
10           **TIES.**

11           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
12           6 of the Renewable Resources Extension Act of 1978 (16  
13           U.S.C. 1675) is amended in the first sentence by striking  
14           “2007” and inserting “2012”.

15           (b) TERMINATION DATE.—Section 8 of the Renew-  
16           able Resources Extension Act of 1978 (16 U.S.C. 1671  
17           note; Public Law 95–306) is amended by striking “2007”  
18           and inserting “2012”.

19           **SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.**

20           Section 2405(d) of the Global Climate Change Pre-  
21           vention Act of 1990 (7 U.S.C. 6704(d)) is amended by  
22           striking “2007” and inserting “2012”.