

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into agreements with Indian Tribes for the performance of certain forest management activities on Federal lands, including the performance of forest land management activities, biochar demonstration projects, and sawmill infrastructure demonstration projects, and for other purposes.

Mr. HURD of Colorado introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into agreements with Indian Tribes for the performance of certain forest management activities on Federal lands, including the performance of forest land management activities, biochar demonstration projects, and sawmill infrastructure demonstration projects, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Fostering Opportunities to Restore Ecosystems through
4 Sound Tribal Stewardship Act” or the “FORESTS Act”.

5 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Management of Indian forest land.
- Sec. 3. Tribal and Alaska Native biomass demonstration project extension.
- Sec. 4. Tribal and Alaska Native biochar demonstration project.
- Sec. 5. Tribal prescribed burn and cultural burn demonstration projects.
- Sec. 6. Tribal Forest Protection Act amendments.
- Sec. 7. Indian Tribe sawmill infrastructure demonstration project.
- Sec. 8. Land management goals under stewardship end result contracting projects.
- Sec. 9. Good neighbor agreements.
- Sec. 10. Wood for Life.
- Sec. 11. Report on Indian forest land or rangeland wildland fire pay.
- Sec. 12. Rule of application.

6 **SEC. 2. MANAGEMENT OF INDIAN FOREST LAND.**

7 Section 305 of the National Indian Forest Resources
8 Management Act (25 U.S.C. 3104) is amended by adding
9 at the end the following:

10 “(c) **INCLUSION OF CERTAIN NATIONAL FOREST**
11 **SYSTEM LAND AND PUBLIC LAND.**—

12 “(1) **AUTHORITY.**—Notwithstanding any other
13 provision of law, at the request of an Indian Tribe,
14 the Secretary concerned may agree to treat Federal
15 forest land as Indian forest land for purposes of
16 planning and conducting forest land management
17 activities under this section if the Federal forest
18 land is located within, or mostly within, a geographic

1 area that presents a feature or involves cir-
2 cumstances principally relevant to that Indian Tribe.

3 “(2) REQUIREMENTS.—As part of the agree-
4 ment to treat Federal forest land as Indian forest
5 land under paragraph (1), the Secretary concerned
6 and the Indian Tribe making the request shall—

7 “(A) to the maximum extent practicable,
8 subject to any Indian trust asset management
9 plan approved under section 204 of the Indian
10 Trust Asset Management Demonstration
11 Project Act of 2016 (25 U.S.C. 5613), provide
12 for the continuation of public access to the Fed-
13 eral forest land in the same manner as such ac-
14 cess was available on the day before the date of
15 the agreement under paragraph (1);

16 “(B) with respect to revenue generated by
17 the Federal forest land, provide for revenue
18 sharing agreements with State and local gov-
19 ernments—

20 “(i) on the terms applicable to the
21 Federal forest land on the day before the
22 date of the agreement under paragraph
23 (1); or

24 “(ii) at the option of the Indian Tribe,
25 on terms agreed to by the Indian Tribe,

1 the Secretary concerned, and the State and
2 county governments participating in the
3 revenue sharing agreement for the Federal
4 forest land;

5 “(C) comply with the requirements applica-
6 ble to the Federal forest land on the day before
7 the date of the agreement under paragraph (1)
8 relating to the export of unprocessed logs har-
9 vested from the Federal forest land;

10 “(D) recognize all valid existing rights in
11 place on Federal forest land on the day before
12 the date of the agreement under paragraph (1);

13 “(E) subject to any applicable Indian trust
14 asset management plan approved under section
15 204 of the Indian Trust Asset Management
16 Demonstration Project Act of 2016 (25 U.S.C.
17 5613), ensure that under the agreement under
18 paragraph (1)—

19 “(i) all commercial timber removed
20 from the Federal forest land and sold is so
21 sold on a competitive bid basis; and

22 “(ii) the Indian Tribe has the right of
23 first refusal with respect to the sale of
24 commercial timber under clause (i); and

1 “(F) subject to any applicable Indian trust
2 asset management plan approved under section
3 204 of the Indian Trust Asset Management
4 Demonstration Project Act of 2016 (25 U.S.C.
5 5613), cooperate with the appropriate State
6 fish and wildlife agency to achieve mutual
7 agreement on the management of fish and wild-
8 life on the Federal forest land.

9 “(3) LIMITATION.—Treating Federal forest
10 land as Indian forest land for purposes of planning
11 and conducting management activities pursuant to
12 paragraph (1) shall not be construed to designate
13 the Federal forest land as Indian forest lands for
14 any other purpose.

15 “(4) PRINCIPALLY RELEVANT LANDS.—

16 “(A) IN GENERAL.—For purposes of para-
17 graph (1), with respect to an Indian Tribe, a
18 geographic area shall be considered to present
19 a feature or involve circumstances principally
20 relevant to the Indian Tribe—

21 “(i) if the geographic area is located
22 within, or mostly within—

23 “(I) Federal forest land ceded to
24 the United States by a treaty with the
25 Indian Tribe;

1 “(II) Federal forest land in-
2 tended to be ceded to the United
3 States by an unratified treaty with
4 the Indian Tribe;

5 “(III) Federal forest land within
6 the boundaries of a current or former
7 reservation of the Indian Tribe;

8 “(IV) Federal forest land adju-
9 dicated to be Tribal homelands of the
10 Indian Tribe; or

11 “(V) Federal forest land located
12 within any specific geographic area
13 identified by Congress to be for the
14 benefit of the Indian Tribe.

15 “(ii) if the geographic area is located
16 within, or mostly within, Federal forest
17 land determined by the Secretary con-
18 cerned to be Tribal homelands or lands
19 historically, culturally, or economically im-
20 portant to the Indian Tribe pursuant to
21 subparagraph (B); or

22 “(iii) if the Secretary concerned deter-
23 mines the geographic area presents a fea-
24 ture or involves circumstances principally

1 relevant to the Indian Tribe for any other
2 reason.

3 “(B) DETERMINATION OF IMPORTANT
4 LANDS.—

5 “(i) CRITERIA.—Not later than 120
6 days after the date of enactment of this
7 subsection, the Secretary concerned, in
8 consultation with Indian Tribes, shall pre-
9 scribe regulations establishing criteria that
10 the Secretary concerned will use to deter-
11 mine if a geographic area located within,
12 or mostly within, Federal forest land is,
13 with respect to an Indian Tribe, for pur-
14 poses of subparagraph (A)(ii)—

15 “(I) Tribal homelands of the In-
16 dian Tribe; or

17 “(II) lands historically, cul-
18 turally, or economically important to
19 the Indian Tribe.

20 “(ii) DETERMINATION PROCESS.—Not
21 later than 120 days after the date of en-
22 actment of this subsection, the Secretary
23 concerned shall establish a process through
24 which an Indian Tribe may—

1 “(I) request that, for purposes of
2 subparagraph (A)(ii), the Secretary
3 concerned determine a geographic
4 area of Federal forest land to be Trib-
5 al homelands of the Indian Tribe or
6 lands historically, culturally, or eco-
7 nomically important to the Indian
8 Tribe; and

9 “(II) submit to the Secretary
10 concerned such information as the
11 Secretary determines necessary to
12 demonstrate that such geographic
13 area meets the criteria established
14 pursuant to clause (i).

15 “(5) INCLUSION OF LANDS TREATED AS INDIAN
16 FOREST LAND IN ITAMPS.—

17 “(A) IN GENERAL.—If an Indian Tribe
18 seeks to amend an Indian Trust Asset Manage-
19 ment Plan approved under section 204 of the
20 Indian Trust Asset Management Demonstration
21 Project Act of 2016 (25 U.S.C. 5613) to in-
22 clude Federal forest lands treated as Indian
23 forest land under paragraph (1), the Secretary
24 may approve such amendment.

1 “(B) TIMBER MANAGEMENT ACTIVITY.—
2 Notwithstanding any Federal forest manage-
3 ment plans, surface leasing transactions or for-
4 est management activities approved by the Sec-
5 retary under section 205 of the Indian Trust
6 Asset Management Demonstration Project Act
7 of 2016 (25 U.S.C. 5614) shall be the sole au-
8 thority for timber management activities on
9 Federal forest lands—

10 “(i) treated as Indian forest land
11 under paragraph (1); and

12 “(ii) subject to an Indian Trust Asset
13 Management Plan amended under sub-
14 paragraph (A).

15 “(6) DEFINITIONS.—In this subsection:

16 “(A) FEDERAL FOREST LAND.—The term
17 ‘Federal forest land’ means—

18 “(i) National Forest System lands;
19 and

20 “(ii) public lands (as defined in sec-
21 tion 103(e) of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C.
23 1702(e))), including Coos Bay Wagon
24 Road Grant lands reconveyed to the
25 United States pursuant to the first section

1 of the Act of February 26, 1919 (40 Stat.
2 1179), and Oregon and California Railroad
3 Grant lands.

4 “(B) OREGON AND CALIFORNIA RAILROAD
5 GRANT LANDS.—The term ‘Oregon and Cali-
6 fornia Railroad Grant lands’ means the fol-
7 lowing:

8 “(i) All lands in the State of Oregon
9 revested in the United States under the
10 Act of June 9, 1916 (39 Stat. 218), that
11 are administered by the Secretary of the
12 Interior, acting through the Bureau of
13 Land Management, pursuant to the first
14 section of the Act of August 28, 1937 (43
15 U.S.C. 1181a).

16 “(ii) All lands in that State obtained
17 by the Secretary of the Interior pursuant
18 to the land exchanges authorized and di-
19 rected by section 2 of the Act of June 24,
20 1954 (43 U.S.C. 1181h).

21 “(iii) All lands in that State acquired
22 by the United States at any time and
23 made subject to the provisions of title II of
24 the Act of August 28, 1937 (43 U.S.C.
25 1181f).

1 “(C) SECRETARY CONCERNED.—The term
2 ‘Secretary concerned’ means—

3 “(i) the Secretary of Agriculture, with
4 respect to the Federal forest land referred
5 to in subparagraph (A)(i); and

6 “(ii) the Secretary of the Interior,
7 with respect to the Federal forest land re-
8 ferred to in subparagraph (A)(ii).”.

9 **SEC. 3. TRIBAL AND ALASKA NATIVE BIOMASS DEM-**
10 **ONSTRATION PROJECT EXTENSION.**

11 (a) TRIBAL BIOMASS DEMONSTRATION PROJECT.—
12 Section 3(a) of the Tribal Forest Protection Act of 2004
13 (25 U.S.C. 3104 note) is amended by striking “2017
14 through 2021” and inserting “2025 through 2032”.

15 (b) ALASKA NATIVE BIOMASS DEMONSTRATION
16 PROJECT.—Section 202(c)(2) of the Indian Tribal Energy
17 Development and Self-Determination Act Amendments of
18 2017 (25 U.S.C. 3104 note) is amended by striking “2017
19 through 2021” and inserting “2025 through 2032”.

20 **SEC. 4. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-**
21 **ONSTRATION PROJECT.**

22 The Tribal Forest Protection Act of 2004 (25 U.S.C.
23 3115a et seq.) is amended—

24 (1) in section 2—

25 (A) by striking subsection (a);

1 (B) by redesignating subsections (b)
2 through (g) as subsections (a) through (f), re-
3 spectively;

4 (C) by striking “subsection (b)” each place
5 it appears and inserting “subsection (a)”; and

6 (D) by striking “subsection (c)” each place
7 it appears and inserting “subsection (b)”; and
8 (2) by adding at the end the following:

9 **“SEC. 4. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-**
10 **ONSTRATION PROJECTS.**

11 “(a) PROGRAMS ESTABLISHED.—Beginning with the
12 first fiscal year that begins after the date of the enactment
13 of this section and each of the 6 fiscal years thereafter,
14 the Secretary shall—

15 “(1) carry out a program to enter into steward-
16 ship contracts or similar agreements (excluding di-
17 rect service contracts) with Indian Tribes to carry
18 out demonstration projects to support the develop-
19 ment and commercialization of biochar, including
20 any associated utilization of undervalued wood prod-
21 ucts, on Indian forest land or rangeland and in near-
22 by communities by providing reliable supplies of
23 feedstock from Federal land; and

24 “(2) carry out a program to enter into steward-
25 ship contracts or similar agreements (excluding di-

1 rect service contracts) with Alaska Native Corpora-
2 tions to carry out demonstration projects to support
3 the development and commercialization of biochar,
4 including any associated utilization of undervalued
5 wood products, in Alaska by providing reliable sup-
6 plies of feedstock from Federal land.

7 “(b) DEMONSTRATION PROJECTS.—In each fiscal
8 year for which projects are authorized, at least 4 new dem-
9 onstration projects that meet the eligibility criteria de-
10 scribed in subsection (c) shall be carried out under each
11 program established under subsection (a).

12 “(c) ELIGIBILITY CRITERIA.—To be eligible to enter
13 into a contract or agreement under this section, an Indian
14 Tribe or Alaska Native Corporation shall submit to the
15 Secretary an application that includes—

16 “(1) such information as the Secretary may re-
17 quire; and

18 “(2) a description of the demonstration project
19 proposed to be carried out by the Indian Tribe or
20 Alaska Native Corporation, including the land on
21 which such demonstration project will be carried out.

22 “(d) SELECTION.—In evaluating the applications
23 submitted under subsection (c), the Secretary shall—

24 “(1) take into consideration whether a proposed
25 project—

1 “(A) creates new jobs and enhances the
2 economic development of the Indian Tribe or
3 Alaska Native Corporation;

4 “(B) demonstrates new and innovative
5 uses of biochar or viable markets for cost effec-
6 tive biochar-based products;

7 “(C) improves forest health or watersheds;

8 “(D) demonstrates new investments in
9 biochar infrastructure or otherwise promotes
10 the development and commercialization of
11 biochar, including any associated utilization of
12 undervalued wood products;

13 “(E) is located in an area with—

14 “(i) nearby lands identified as having
15 a high, very high, or extreme risk of wild-
16 fire;

17 “(ii) availability of sufficient quan-
18 tities of feedstock; or

19 “(iii) a high level of demand for
20 biochar or other commercial byproducts of
21 biochar; or

22 “(F) any combination of purposes specified
23 in subparagraphs (A) through (E); and

1 “(2) exclude from consideration any merchant-
2 able logs that have been identified by the Secretary
3 for commercial sale.

4 “(e) IMPLEMENTATION.—The Secretary shall—

5 “(1) ensure that the criteria described in sub-
6 section (c) are publicly available by not later than
7 120 days after the date of the enactment of this sec-
8 tion; and

9 “(2) to the maximum extent practicable, consult
10 with Indian Tribes and Alaska Native Corporations
11 and appropriate intertribal organizations likely to be
12 affected in developing the application and otherwise
13 carrying out this section.

14 “(f) REPORT.—Not later than 2 years after the date
15 of the enactment of this section and every year thereafter,
16 the Secretary shall submit to Congress a report that de-
17 scribes, with respect to the reporting period—

18 “(1) each individual application received under
19 this section; and

20 “(2) each contract and agreement entered into
21 pursuant to this section.

22 “(g) INCORPORATION OF MANAGEMENT PLANS.—In
23 carrying out a contract or agreement under this section,
24 on receipt of a request from an Indian Tribe or Alaska
25 Native Corporation, as applicable, the Secretary shall in-

1 corporate into the contract or agreement, to the maximum
2 extent practicable, management plans (including forest
3 management and integrated resource management plans)
4 in effect with respect to the land on which the applicable
5 demonstration project will be carried out.

6 “(h) TERM.—A contract or agreement entered into
7 under this section—

8 “(1) shall be for a term of not more than 20
9 years; and

10 “(2) may be renewed in accordance with this
11 section for not more than an additional 10 years.”.

12 **SEC. 5. TRIBAL PRESCRIBED BURN AND CULTURAL BURN**
13 **DEMONSTRATION PROJECTS.**

14 The Tribal Forest Protection Act of 2004 (25 U.S.C.
15 3115a et seq.) (as amended by this Act) is further amend-
16 ed by adding at the end the following:

17 **“SEC. 5. TRIBAL PRESCRIBED BURN AND CULTURAL BURN**
18 **DEMONSTRATION PROJECTS.**

19 “(a) IN GENERAL.—The Secretary may enter into a
20 contract or agreement with an Indian Tribe under this Act
21 that provides for prescribed burns or cultural burns on
22 Federal land under the additional authorities provided in
23 this section.

1 “(b) SCOPE OF CONTRACT OR AGREEMENT.—Con-
2 tracts or agreements entered into under this section may,
3 notwithstanding any other provision of law—

4 “(1) utilize burn plans that, once approved by
5 the Secretary, allow multiple prescribed burns or
6 cultural burns to be conducted in accordance with
7 the burn plan to—

8 “(A) eliminate the need for individual burn
9 plans for each prescribed burn or cultural burn;
10 and

11 “(B) enable forest managers to have the
12 flexibility to conduct prescribed burns, and for
13 the Indian Tribe to have flexibility to conduct
14 cultural burns, when conditions allow; and

15 “(2) include terms that—

16 “(A) authorize the Secretary to delegate
17 their authority to an Indian Tribe to plan, co-
18 ordinate, and execute prescribed burns on the
19 behalf of the Secretary within the scope of the
20 burn plan including, but not limited to, apply-
21 ing the National Wildfire Coordinating Group
22 standards for Prescribed Fire Planning and Im-
23 plementation, to the extent authorized by Fed-
24 eral law;

1 “(B) authorize an Indian Tribe to plan, co-
2 ordinate, and execute cultural burns (as defined
3 by the Indian Tribe) within the scope of the
4 burn plan;

5 “(C) any applicable Federal standard that
6 requires a certain number of personnel to be
7 on-hand during prescribed burns or cultural
8 burns may be satisfied by regional Federal,
9 State, or Tribal resources and personnel; and

10 “(D) where appropriate, the Secretary
11 shall work with other Federal agencies and
12 Tribal, State, and local governments to coordi-
13 nate and communicate the shared objectives of
14 the prescribed burn or cultural burn and ensure
15 burn activities comply with applicable law and
16 regulations.”.

17 **SEC. 6. TRIBAL FOREST PROTECTION ACT AMENDMENTS.**

18 (a) PROMPT CONSIDERATION OF TRIBAL RE-
19 QUESTS.—Subsection (a) of section 2 of the Tribal Forest
20 Protection Act of 2004 (25 U.S.C. 3115a), as redesign-
21 nated by section 4(1), is amended—

22 (1) in paragraph (1), by striking “Not later
23 than 120 days after the date on which an Indian
24 tribe submits to the Secretary” and inserting “In re-

1 sponse to the submission by an Indian Tribe of”;
2 and

3 (2) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) TIMING REQUIREMENTS RELATED TO RE-
6 QUESTS.—

7 “(A) INITIAL RESPONSE.—Not later than
8 120 days after the date on which the Secretary
9 receives a Tribal request under paragraph (1),
10 the Secretary shall provide an initial response
11 to the Indian Tribe regarding—

12 “(i) whether the request meets the se-
13 lection criteria described subsection (b);
14 and

15 “(ii) the likelihood of the Secretary
16 entering into an agreement or contract
17 with the Indian Tribe for activities de-
18 scribed in paragraph (3).

19 “(B) DEEMED APPROVAL IN ABSENCE OF
20 DENIAL.—If, during the 120-day period begin-
21 ning on the date on which the Secretary re-
22 ceives a Tribal request under paragraph (1),
23 the Secretary does not deny the request or if
24 the Secretary fails to issue notice under sub-
25 section (c) of the denial, the request shall be

1 deemed to be approved beginning on the first
2 date immediately after such period.

3 “(C) ENVIRONMENTAL ANALYSIS; COMPLE-
4 TION OF AGREEMENT.—Not later than 2 years
5 after the date on which the Secretary receives
6 a Tribal request under paragraph (1), other
7 than a Tribal request denied under subsection
8 (c), the Secretary shall—

9 “(i) complete all necessary environ-
10 mental analysis related to such request;
11 and

12 “(ii) enter into an agreement or con-
13 tract with the Indian Tribe.”.

14 (b) DEFINITIONS.—The Tribal Forest Protection Act
15 of 2004 (25 U.S.C. 3115a et seq.) (as amended by this
16 Act) is further amended by adding at the end the fol-
17 lowing:

18 **“SEC. 6. DEFINITIONS.**

19 “**In this Act:**

20 “(1) ALASKA NATIVE CORPORATION.—The term
21 ‘Alaska Native Corporation’ has the meaning given
22 the term ‘Native Corporation’ in section 3 of the
23 Alaska Native Claims Settlement Act (43 U.S.C.
24 1602).

1 “(2) BIOCHAR.—The term ‘biochar’ means car-
2 bonized biomass produced by converting feedstock
3 through reductive thermal processing for non-fuel
4 uses.

5 “(3) FEDERAL LAND.—The term ‘Federal land’
6 means—

7 “(A) land of the National Forest System
8 (as defined in section 11(a) of the Forest and
9 Rangeland Renewable Resources Planning Act
10 of 1974 (16 U.S.C. 1609(a)) administered by
11 the Secretary of Agriculture, acting through the
12 Chief of the Forest Service; and

13 “(B) public lands (as defined in section
14 103 of the Federal Land Policy and Manage-
15 ment Act of 1976 (43 U.S.C. 1702)), the sur-
16 face of which is administered by the Secretary
17 of the Interior, acting through the Director of
18 the Bureau of Land Management.

19 “(4) FEEDSTOCK.—The term ‘feedstock’ means
20 excess biomass in the form of plant matter or mate-
21 rials that serves as the raw material for the produc-
22 tion of biochar.

23 “(5) INDIAN FOREST LAND OR RANGELAND.—
24 The term ‘Indian forest land or rangeland’ means
25 land that—

1 “(A) is held in trust by, or with a restric-
2 tion against alienation by, the United States for
3 an Indian Tribe or a member of an Indian
4 Tribe; and

5 “(B)(i)(I) is Indian forest land (as defined
6 in section 304 of the National Indian Forest
7 Resources Management Act (25 U.S.C. 3103));
8 or

9 “(II) has a cover of grasses, brush, or any
10 similar vegetation; or

11 “(ii) formerly had a forest cover or vegeta-
12 tive cover that is capable of restoration.

13 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
14 means an Indian Tribe (as defined in section 102 of
15 the Federally Recognized Indian Tribe List Act of
16 1994 (25 U.S.C. 5130)) that is recognized in the
17 most recent list published under section 104 of such
18 Act (25 U.S.C. 5131).

19 “(7) SECRETARY.—The term ‘Secretary’
20 means—

21 “(A) the Secretary of Agriculture, with re-
22 spect to land under the jurisdiction of the For-
23 est Service; and

1 “(B) the Secretary of the Interior, with re-
2 spect to land under the jurisdiction of the Bu-
3 reau of Land Management.”.

4 (c) CONFORMING AND TECHNICAL AMENDMENTS.—
5 Section 2 of the Tribal Forest Protection Act of 2004 (25
6 U.S.C. 3115a) is further amended—

7 (1) in subsections (a)(1) and (e)(1), as redesign-
8 ated by section 4(1) of this Act, by striking “sec-
9 tion 347 of the Department of the Interior and Re-
10 lated Agencies Appropriations Act, 1999 (16 U.S.C.
11 2104 note; Public Law 105–277) (as amended by
12 section 323 of the Department of the Interior and
13 Related Agencies Appropriations Act, 2003 (117
14 Stat. 275))” and inserting “section 604 of the
15 Healthy Forests Restoration Act of 2003 (16 U.S.C.
16 6591c)”;

17 (2) in subsection (a)(3), as redesignated by sub-
18 section (a) of this section, by striking “under para-
19 graph (2)” and inserting “as described in paragraph
20 (1)”;

21 (3) in subsection (c), as redesignated by sub-
22 section (a) of this section, by striking “the Secretary
23 may” and inserting “the Secretary shall”.

1 **SEC. 7. INDIAN TRIBE SAWMILL INFRASTRUCTURE DEM-**
2 **ONSTRATION PROJECT.**

3 (a) IN GENERAL.—The Secretary concerned shall es-
4 tablish a program under which the Secretary concerned
5 may enter into stewardship contracts or other similar
6 agreements with Indian Tribes to carry out sawmill infra-
7 structure demonstration projects to—

8 (1) with respect to Federal land that is within
9 50 miles of the land on which such project is lo-
10 cated—

11 (A) expedite the removal of salvage timber;

12 or

13 (B) if such land is identified as a high-risk
14 fireshed, process timber from hazardous fuels
15 reduction activities (including commercial
16 thinning) conducted on such land; or

17 (2) conduct hazardous fuels management activi-
18 ties on Federal land that is identified as a high-risk
19 fireshed.

20 (b) SAWMILL INFRASTRUCTURE DEMONSTRATION
21 PROJECT DURATION.—A stewardship contract or other
22 similar agreement under this section—

23 (1) shall be for a period of 20 years; and

24 (2) may be renewed by the Secretary concerned,
25 with the consent of the relevant Indian Tribe, for
26 one additional period of 10 years.

1 (c) ELIGIBILITY CRITERIA.—To be eligible to enter
2 into a stewardship contract or other similar agreement
3 under this section, an Indian Tribe shall submit to the
4 Secretary concerned an application in such form, at such
5 time, and containing such information as the Secretary
6 concerned determines appropriate.

7 (d) SELECTION CRITERIA.—

8 (1) IN GENERAL.—In evaluating an application
9 submitted under this section, the Secretary con-
10 cerned shall consider whether a sawmill infrastruc-
11 ture demonstration project proposed in the applica-
12 tion will—

13 (A) be carried out at a sawmill that is or
14 is proposed to be—

15 (i) located on Tribal land;

16 (ii) owned by an Indian Tribe or
17 owned in partnership between an Indian
18 Tribe and a non-Tribal industry organiza-
19 tion; and

20 (iii) located not further than 100
21 miles from—

22 (I) the boundary of a parcel of
23 land on which a wildfire has burned
24 on a date that is not more than 2
25 years before the date on which the ap-

1 plication for the sawmill infrastruc-
2 ture demonstration project is sub-
3 mitted; or

4 (II) the boundary of a high-risk
5 fireshed;

6 (B) create jobs and economic opportunities
7 for the participating Indian Tribe;

8 (C) provide forest restoration benefits
9 within 5 years after a catastrophic wildfire;

10 (D) improve forest health; and

11 (E) prevent catastrophic wildfire.

12 (2) PRIORITY.—In selecting an applicant with
13 which to enter into a stewardship contract or other
14 similar agreement under this section, the Secretary
15 concerned shall prioritize applicants who propose to
16 carry out sawmill infrastructure demonstration
17 projects in areas that, as of the date of the enact-
18 ment of this section, do not have sawmill infrastruc-
19 ture sufficient to process timber from salvage oper-
20 ations and hazardous fuels management activities.

21 (e) REPORT.—Not later than 2 years after the date
22 of the enactment of this section, and each year thereafter
23 in which a stewardship contract or other similar agree-
24 ment is entered into or renewed under this section, the

1 Secretary concerned shall submit to Congress a report
2 that includes—

3 (1) the number of applications for sawmill in-
4 frastructure demonstration projects received under
5 this section during the period covered by the report;

6 (2) the number of stewardship contracts and
7 other similar agreements entered into or renewed
8 under this section during the period covered by the
9 report;

10 (3) for the period covered by the report, statis-
11 tics demonstrating the economic effects of each saw-
12 mill infrastructure demonstration project carried out
13 under this section pursuant to a stewardship con-
14 tract or other similar agreement with an Indian
15 Tribe, including—

16 (A) the amount of revenue attributable to
17 the sawmill infrastructure demonstration
18 project and generated for the Indian Tribe; and

19 (B) employment data with respect to the
20 Indian Tribe;

21 (4) for the period beginning on the date on
22 which the program under subsection (a) commences
23 through the last date covered by the report, statis-
24 tics demonstrating the long-term economic effects of
25 such program, including statistics on—

1 (A) the total amount of revenue attrib-
2 utable to sawmill infrastructure demonstration
3 projects under this section and generated for an
4 Indian Tribe; and

5 (B) employment data with respect to In-
6 dian Tribes subject to a stewardship contract or
7 other similar agreement under this section;

8 (5) a description of any ancillary benefits, as
9 identified by the Secretary concerned, to Indian
10 Tribes subject to a stewardship contract or other
11 similar agreement under this section;

12 (6) a description of any significant challenges,
13 as identified by the Secretary concerned, to imple-
14 menting sawmill infrastructure demonstration
15 projects under this section; and

16 (7) suggestions of the Secretary concerned for
17 mitigating or eliminating each significant challenge
18 described in paragraph (6).

19 (f) DEFINITIONS.—In this section:

20 (1) FEDERAL LAND.—The term “Federal land”
21 means—

22 (A) National Forest System lands; and

23 (B) public lands.

1 (2) HAZARDOUS FUELS MANAGEMENT ACTIV-
2 ITY.—The term “hazardous fuels management activ-
3 ity” means—

4 (A) means a vegetation management activ-
5 ity carried out to reduce the risk of wildfire;
6 and

7 (B) includes mechanical thinning, mastica-
8 tion, prescribed burning, cultural burning by an
9 Indian Tribe (as determined by the Indian
10 Tribe), timber harvest, and livestock grazing.

11 (3) HIGH-RISK FIRESHED.—The term “high-
12 risk fireshed” means an area identified as a fireshed
13 in the top 10 percent of wildfire exposure, as deter-
14 mined by the most recent models of fireshed risk ex-
15 posure published by the Chief of the Forest Service.

16 (4) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5304).

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

1 (6) PUBLIC LANDS.—The term “public lands”
2 has the meaning given the term in section 103 of the
3 Federal Land Policy and Management Act of 1976
4 (43 U.S.C. 1702).

5 (7) SALVAGE OPERATION.—The term “salvage
6 operation” means a forest management activity or
7 restoration activity carried out in response to a cata-
8 strophic event for which the primary purpose is to—

9 (A) prevent wildfire as a result of the cata-
10 strophic event, or, if the catastrophic event was
11 wildfire, to prevent a re-burn of the fire-im-
12 pacted area;

13 (B) provide an opportunity for utilization
14 of forest materials damaged as a result of the
15 catastrophic event; or

16 (C) provide a funding source for reforest-
17 ation and other restoration activities on Na-
18 tional Forest System lands or public lands im-
19 pacted by the catastrophic event.

20 (8) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means the—

22 (A) Secretary of Agriculture, acting
23 through the Chief of the Forest Service, with
24 respect to National Forest System lands; and

1 (B) Secretary of the Interior, with respect
2 to public lands.

3 **SEC. 8. LAND MANAGEMENT GOALS UNDER STEWARDSHIP**
4 **END RESULT CONTRACTING PROJECTS.**

5 Section 604(c) of the Healthy Forests Restoration
6 Act of 2003 (16 U.S.C. 6591c(c)) is amended by adding
7 at the end the following:

8 “(8) Retention of existing forest products infra-
9 structure that will assist in accomplishing land man-
10 agement goals on one or more units of the National
11 Forest System.

12 “(9) The development of new or expansion of
13 existing wood processing facilities on lands managed
14 by an Indian Tribe (as such term is defined in sec-
15 tion 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304)) or in part-
17 nership with such a Tribe.”.

18 **SEC. 9. GOOD NEIGHBOR AGREEMENTS.**

19 (a) MODIFICATION OF THE TREATMENT OF CERTAIN
20 REVENUE AND PAYMENTS UNDER GOOD NEIGHBOR AU-
21 THORITY.—

22 (1) IN GENERAL.—Section 8206 of the Agricul-
23 tural Act of 2014 (16 U.S.C. 2113a) is amended—

24 (A) in subsection (a)(6), by striking “or
25 Indian tribe”; and

- 1 (B) in subsection (b)—
- 2 (i) in paragraph (1)(A), by inserting
- 3 “, Indian tribe,” after “Governor”;
- 4 (ii) in paragraph (2)(C)(ii), by strik-
- 5 ing “2028” and inserting “2030”;
- 6 (iii) in paragraph (3), by inserting “,
- 7 Indian tribe,” after “Governor”; and
- 8 (iv) by striking paragraph (4).

9 (2) CONFORMING AMENDMENTS.—Section

10 8206(a) of the Agricultural Act of 2014 (16 U.S.C.

11 2113a(a)) is amended—

12 (A) in paragraph (1)(B), by inserting “,

13 Indian tribe,” after “Governor”; and

14 (B) in paragraph (5), by inserting “, In-

15 dian tribe,” after “Governor”.

16 (3) EFFECTIVE DATE.—The amendments made

17 by this subsection apply to any project initiated pur-

18 suant to a good neighbor agreement (as defined in

19 section 8206(a) of the Agricultural Act of 2014 (16

20 U.S.C. 2113a(a)))—

21 (A) before the date of enactment of this

22 subsection, if the project was initiated after the

23 date of enactment of the Agriculture Improve-

24 ment Act of 2018 (Public Law 115–334; 132

25 Stat. 4490); or

1 (B) on or after the date of enactment of
2 this subsection.

3 (b) OUTREACH TO INDIAN TRIBES REGARDING GOOD
4 NEIGHBOR AGREEMENTS AND AGREEMENTS UNDER
5 TRIBAL FOREST PROTECTION ACT OF 2004.—

6 (1) IN GENERAL.—Not later than 6 months
7 after the date of enactment of this Act, and every
8 5 years thereafter, or at any time upon request of
9 an Indian Tribe, the Chief of the Forest Service and
10 the Director of the Bureau of Land Management
11 shall solicit meetings with Indian Tribes to—

12 (A) discuss opportunities to enter into—

13 (i) good neighbor agreements under
14 section 8206 of the Agricultural Act of
15 2014 (16 U.S.C. 2113a); and

16 (ii) agreements or contracts under the
17 Tribal Forest Protection Act of 2004 (25
18 U.S.C. 3115a);

19 (B) identify and discuss any obstacles, as
20 experienced by the Indian Tribe, to applying for
21 or implementing a good neighbor agreement
22 under section 8206 of the Agricultural Act of
23 2014 (16 U.S.C. 2113a); and

24 (C) collect information about the amount
25 of awareness of the Indian Tribe with respect

1 to the existence and availability of good neigh-
2 bor agreements under section 8206 of the Agri-
3 cultural Act of 2014 (16 U.S.C. 2113a).

4 (2) INDIAN TRIBE DEFINED.—In this sub-
5 section, the term “Indian Tribe” has the meaning
6 given the term in section 4 of the Indian Self-Deter-
7 mination and Education Assistance Act (25 U.S.C.
8 5304).

9 **SEC. 10. WOOD FOR LIFE.**

10 (a) IN GENERAL.—Subject to the availability of ap-
11 propriations made in advance for such purpose, not later
12 than 1 year after the date of enactment of this Act, the
13 Secretary of Agriculture, acting through the Chief of the
14 Forest Service, shall establish a program (or expand an
15 existing program) to be known as the “Wood for Life Pro-
16 gram” (in this section referred to as the “Program”)
17 under which the Secretary may enter into partnerships
18 with covered entities to carry out Wood for Life projects,
19 as described in subsection (b).

20 (b) WOOD FOR LIFE PROJECTS.—For purposes of
21 the Program, a Wood for Life project is a project to carry
22 out hazardous fuels management activities on National
23 Forest System lands for the purpose of—

24 (1) reducing the risk of wildfire or improving
25 forest health; and

1 (2) providing firewood harvested as a result of
2 such activities to Indian Tribes.

3 (c) APPLICATION.—To be eligible to enter into a
4 partnership under the Program, a covered entity shall sub-
5 mit to the Secretary an application at such time, in such
6 manner, and containing such information as the Secretary
7 may require, including a proposal to carry out a Wood
8 for Life project.

9 (d) PRIORITY.—In selecting applicants for entry into
10 a partnership under the Program, the Secretary shall give
11 priority to covered entities that propose to carry out a
12 Wood For Life project that—

13 (1) has the most potential to reduce wildfire
14 risk or improve forest health, as determined by the
15 Secretary;

16 (2) is located in an area with high dem-
17 onstrated-need for community firewood from any In-
18 dian Tribe in or near the area; and

19 (3) has the most potential to create jobs for
20 members of an Indian Tribe, as determined by the
21 Secretary.

22 (e) LOCATION OF PROJECTS.—In carrying out the
23 Program, the Secretary shall, to the maximum extent
24 practicable, enter into partnerships with covered entities

1 such that not fewer than one Wood For Life project is
2 carried out in each region of the Forest Service.

3 (f) USE OF EXISTING AUTHORITIES.—To the max-
4 imum extent practicable, the Secretary shall use the au-
5 thorities provided under this section in combination with
6 the following authorities to carry out Wood for Life
7 projects:

8 (1) Good neighbor agreements entered into
9 under section 8206 of the Agricultural Act of 2014
10 (16 U.S.C. 2113a) (as amended by this Act).

11 (2) Stewardship contracting projects entered
12 into under section 604 of the Healthy Forests Res-
13 toration Act of 2003 (16 U.S.C. 6591e) (as amend-
14 ed by this Act).

15 (3) Self-determination contracts and self-gov-
16 ernance compact entered into under the Indian Self-
17 Determination and Education Assistance Act (25
18 U.S.C. 5301 et seq.).

19 (4) Agreements entered into under the Tribal
20 Forest Protection Act of 2004 (25 U.S.C. 3115a et
21 seq.) (as amended by this Act).

22 (g) FIREWOOD USE.—Sections 223.2 and 223.5 of
23 title 36, Code of Federal Regulations, (as in effect as of
24 the date of enactment of this Act) shall apply with respect

1 to trees, portions of trees, or other forest products har-
2 vested as a result of a Wood For Life project.

3 (h) SUNSET.—The authority provided under this sec-
4 tion shall terminate on the date that is 7 years after the
5 date of enactment of this Act.

6 (i) DEFINITIONS.—In this section:

7 (1) COVERED ENTITY.—The term “covered en-
8 tity” means—

9 (A) an Indian Tribe;

10 (B) the National Forest Foundation;

11 (C) a private, non-profit, or cooperative en-
12 tity or organization;

13 (D) an academic or research institution;
14 and

15 (E) a partnership or consortium of two or
16 more entities described in subparagraphs (A)
17 through (D).

18 (2) HAZARDOUS FUELS MANAGEMENT ACTIVI-
19 TIES.—The term “hazardous fuels management ac-
20 tivities” means any vegetation management activities
21 (or combination thereof) that reduce the risk of
22 wildfire, including mechanical thinning, mastication,
23 prescribed burning, cultural burning (as determined
24 by the applicable Indian Tribe), timber harvest, and
25 grazing.

1 **SEC. 11. REPORT ON INDIAN FOREST LAND OR RANGELAND**
2 **WILDLAND FIRE PAY.**

3 Not later than 60 days after the date of the enact-
4 ment of this Act, the Secretary of Agriculture and the Sec-
5 retary of the Interior shall jointly submit to Congress a
6 report on the rate of basic pay and premium pay for indi-
7 viduals serving as wildland firefighters on Indian forest
8 land or rangeland (as defined in section 2(a) of the Tribal
9 Forest Protection Act of 2004 (25 U.S.C. 3115a(a)), in-
10 cluding pursuant to a contract under the Indian Self-De-
11 termination and Education Assistance Act (25 U.S.C.
12 5301 et seq.), that includes—

13 (1) whether pay disparities exist between such
14 wildland firefighters and other wildland firefighters
15 who are employees of the Department of the Interior
16 or the Department of Agriculture, including with re-
17 spect to basic pay and premium pay; and

18 (2) policy recommendations to address any such
19 disparity.

20 **SEC. 12. RULE OF APPLICATION.**

21 Nothing in this Act, or the amendments made by this
22 Act, shall be construed—

23 (1) as interfering with, diminishing, or con-
24 flicting with the authority, jurisdiction, or responsi-
25 bility of any State to exercise primary management,
26 control, or regulation of fish and wildlife on land or

1 water within the State (including on public land)
2 under State law; or
3 (2) to affect any treaty right of an Indian
4 Tribe.