

117TH CONGRESS  
1ST SESSION

# S. 2705

To require the Secretary of the Interior to establish Tribal Wildlife Corridors,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 10, 2021

Mr. LUJÁN (for himself and Mr. BOOKER) introduced the following bill; which  
was read twice and referred to the Committee on Indian Affairs

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## A BILL

To require the Secretary of the Interior to establish Tribal  
Wildlife Corridors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Wildlife Cor-  
5 ridors Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INDIAN TRIBE.—The term “Indian Tribe”  
9 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 5304).

3 (2) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior, acting through the Di-  
5 rector of the United States Fish and Wildlife Serv-  
6 ice, in consultation with the Director of the Bureau  
7 of Indian Affairs.

8 **SEC. 3. TRIBAL WILDLIFE CORRIDORS.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—

11 (A) NOMINATIONS.—An Indian Tribe may  
12 nominate a corridor within the boundaries of  
13 the land of the Indian Tribe as a Tribal Wild-  
14 life Corridor by submitting to the Secretary an  
15 application at such time, in such manner, and  
16 containing such information as the Secretary  
17 may require.

18 (B) DETERMINATION.—Not later than 90  
19 days after the date on which the Secretary re-  
20 ceives an application under subparagraph (A),  
21 the Secretary shall determine whether the nomi-  
22 nated Tribal Wildlife Corridor described in the  
23 application meets the criteria established under  
24 paragraph (2).

1 (C) PUBLICATION.—On approval of an ap-  
2 plication under subparagraph (B), the Sec-  
3 retary shall publish in the Federal Register a  
4 notice of the establishment of the Tribal Wild-  
5 life Corridor, which shall include a map and  
6 legal description of the land designated as a  
7 Tribal Wildlife Corridor.

8 (2) CRITERIA.—

9 (A) IN GENERAL.—Not later than 18  
10 months after the date of enactment of this Act,  
11 the Secretary shall establish criteria for deter-  
12 mining whether a corridor nominated by an In-  
13 dian Tribe under paragraph (1)(A) qualifies as  
14 a Tribal Wildlife Corridor.

15 (B) INCLUSIONS.—The criteria established  
16 under subparagraph (A) shall include, at a min-  
17 imum, the following:

18 (i) The restoration of historical habi-  
19 tat for the purposes of facilitating  
20 connectivity.

21 (ii) The management of land for the  
22 purposes of facilitating connectivity.

23 (iii) The management of land to pre-  
24 vent the imposition of barriers that may  
25 hinder current or future connectivity.

1 (3) REMOVAL.—

2 (A) IN GENERAL.—An Indian Tribe may  
3 elect to remove the designation of a Tribal  
4 Wildlife Corridor on the land of the Indian  
5 Tribe by notifying the Secretary.

6 (B) EFFECT OF REMOVAL.—An Indian  
7 Tribe that elects to remove a designation under  
8 subparagraph (A) may not receive assistance  
9 under subsection (c) or (d).

10 (b) COORDINATION OF LAND USE PLANS.—Section  
11 202 of the Federal Land Policy and Management Act of  
12 1976 (43 U.S.C. 1712) is amended—

13 (1) in subsection (b)—

14 (A) by striking “Indian tribes by” and in-  
15 serting the following: “Indian Tribes—  
16 “(1) by”;

17 (B) in paragraph (1) (as so designated), by  
18 striking the period at the end and inserting “;  
19 and”;

20 (C) by adding at the end the following:

21 “(2) for the purposes of determining whether  
22 the land use plans for land in the National Forest  
23 System would provide additional connectivity to ben-  
24 efit the purposes of a Tribal Wildlife Corridor estab-

1 lished under section 3(a)(1) of the Tribal Wildlife  
2 Corridors Act of 2021.”; and

3 (2) by adding at the end the following:

4 “(g) TRIBAL WILDLIFE CORRIDORS.—On the estab-  
5 lishment of a Tribal Wildlife Corridor under section  
6 3(a)(1) of the Tribal Wildlife Corridors Act of 2021, the  
7 Secretary shall conduct a meaningful consultation with the  
8 Indian Tribe that administers the Tribal Wildlife Corridor  
9 to determine whether, through the revision of 1 or more  
10 existing land use plans, the Tribal Wildlife Corridor can—

11 “(1) be expanded into public lands; or

12 “(2) otherwise benefit connectivity between pub-  
13 lic lands and the Tribal Wildlife Corridor.”.

14 (c) TECHNICAL ASSISTANCE.—The Secretary shall  
15 provide to Indian Tribes technical assistance relating to  
16 the establishment, management, and expansion of a Tribal  
17 Wildlife Corridor, including assistance with accessing wild-  
18 life data and working with voluntary private landowners  
19 to access Federal and State programs to improve wildlife  
20 habitat and connectivity on non-Federal land.

21 (d) AVAILABILITY OF ASSISTANCE.—

22 (1) TRIBAL WILDLIFE CORRIDORS GRANT PRO-  
23 GRAM.—

24 (A) ESTABLISHMENT.—The Secretary  
25 shall establish a Tribal Wildlife Corridors grant

1 program (referred to in this subsection as the  
2 “program”) to encourage wildlife movement in  
3 accordance with this section.

4 (B) GRANTS.—Beginning not later than 3  
5 years after the date of enactment of this Act,  
6 the Secretary shall make grants under the pro-  
7 gram to 1 or more Indian Tribes to increase  
8 connectivity through Tribal Wildlife Corridors.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—  
10 There is authorized to be appropriated to the Sec-  
11 retary to carry out the program \$50,000,000 for fis-  
12 cal year 2022 and each fiscal year thereafter.

13 (e) SAVINGS CLAUSE.—Nothing in this section au-  
14 thorizes or affects the use of private property or Indian  
15 land.

16 **SEC. 4. PROTECTION OF INDIAN TRIBES.**

17 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in  
18 this Act or an amendment made by this Act amends, al-  
19 ters, or waives the Federal trust responsibility to Indian  
20 Tribes.

21 (b) FREEDOM OF INFORMATION ACT.—

22 (1) EXEMPTION.—Information described in  
23 paragraph (2) shall not be subject to disclosure  
24 under section 552 of title 5, United States Code  
25 (commonly known as the “Freedom of Information

1 Act’), if the head of the agency that receives the in-  
2 formation, in consultation with the Secretary and  
3 the affected Indian Tribe, determines that disclosure  
4 may—

5 (A) cause a significant invasion of privacy;

6 (B) risk harm to human remains or re-  
7 sources, cultural items, uses, or activities; or

8 (C) impede the use of a traditional reli-  
9 gious site by practitioners.

10 (2) INFORMATION DESCRIBED.—Information  
11 referred to in paragraph (1) is information received  
12 by a Federal agency—

13 (A) pursuant to this Act or an amendment  
14 made by this Act relating to—

15 (i) the location, character, or owner-  
16 ship of human remains of a person of In-  
17 dian ancestry; or

18 (ii) resources, cultural items, uses, or  
19 activities identified by an Indian Tribe as  
20 traditional or cultural because of the long-  
21 established significance or ceremonial na-  
22 ture to the Indian Tribe; or

1                   (B) pursuant to the Native American  
2 Graves Protection and Repatriation Act (25  
3 U.S.C. 3001 et seq.).

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