118TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPT. 118–168 Part 1

TREATING TRIBES AND COUNTIES AS GOOD NEIGHBORS ACT

SEPTEMBER 1, 2023.—Ordered to be printed

Mr. THOMPSON of Pennsylvania, from the Committee on Agriculture, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 1450]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 1450) to amend the Agricultural Act of 2014 to modify the treatment of revenue from timber sale contracts and certain payments made by counties to the Secretary of Agriculture and the Secretary of the Interior under good neighbor agreements, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

BRIEF EXPLANATION

This legislation, as reported out of Committee, makes certain technical corrections to the Good Neighbor Authority (GNA) to provide counties and Tribes, in addition to States, the authority to retain timber sale revenues derived from GNA agreements and to use such revenues on forest restoration projects on county or Tribal land.

PURPOSE AND NEED

GNA agreements allow the Forest Service (FS) and Bureau of Land Management to authorize states, counties, and federally recognized Tribes to conduct federal forest restoration and management activities. Through these cooperative agreements, partners have reduced hazardous fuels and wildfire risk, improved species

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habitat, and enhanced watersheds on federal forests. However, while GNA was expanded in the 2018 Farm Bill to broaden the possible partners and uses of the authority, few counties or Tribes have used this authority due to the inability to retain timber sale revenues and reinvest in restoration activities across jurisdictions.

H.R. 1450, the Treating Tribes and Counties as Good Neighbors Act, provides technical corrections to the 2018 Farm Bill to provide Tribes and counties with the ability to reinvest timber receipts and enables GNA restoration activities to cross jurisdictions on non-federal lands. H.R. 1450 also provides a technical correction to properly recognize Tribes in statute.

The Committee believes H.R. 1450 provides the needed technical corrections to accelerate, incentivize, and streamline forest restoration and management on National Forest System lands.

H.R. 1450, TREATING TRIBES AND COUNTIES AS GOOD NEIGHBORS ACT

SECTION-BY-SECTION

Section 1. Short title

The "Treating Tribes and Counties as Good Neighbors Act":

Section 2. Modification of the treatment of certain revenue and payments under Good Neighbor agreements

Subsection (a)(1) of section 2 amends section 8206 of the Agricultural Act of 2014 to change the definition of "Governor" to no longer include an executive official of an Indian Tribe so that the word "Governor" would apply only to the executive or appropriate executive official of an affected State (or Puerto Rico).

Subsection (a)(2) of section 2 amends section 8206 of the Agricultural Act of 2014 to add "Indian tribe" alongside "county" and "Governor" as defined above, as officials or entities the Secretary of Agriculture may enter into a good neighbor agreement with.

This subsection further amends section 8206 of the Agricultural Act of 2014 by expanding which officials or entities shall keep funds received from the sale of timber under a good neighbor agreement from only a "governor" to also include Indian tribes or counties, as applicable.

This subsection also repeals the limitation that sale funds be used only on authorized restoration services on *federal* land under a good neighbor agreement, so that such funds may be used on land also held by Indian tribes or counties with a good neighbor agreement.

Furthermore, this subsection adds "Indian tribes'" alongside Governor or county as an official or entity that shall not have delegated to it the power to make a decision required by the National Environmental Policy Act of 1969 regarding authorized restoration services provided by good neighbor agreements on federal land.

This subsection also strikes paragraph 4 of section 8206(b), which currently states that payments by a county to the Secretary of Agriculture under a project conducted under a good neighbor agreement shall not be considered monies received from National Forest System land or Bureau of Land Management; under H.R.

1450 counties (and Indian tribes) would keep such monies themselves.

Subsection (b) of section 2 concerns conforming amendments.

Subsection (c) of section 2 provides that the effective date of the amendments made by H.R. 1450 would apply to all good neighbor agreement projects enacted after the date of enactment of the Agriculture Improvement Act of 2018.

Committee Consideration

I. FULL COMMITTEE

On May 11, 2023, the Committee on Agriculture met pursuant to notice, with a quorum present, to consider H.R. 1450, Treating Tribes and Counties as Good Neighbors Act. Chairman Thompson made an opening statement, as did Ranking Member Scott. Without objection, H.R. 1450 was placed before the Committee for consideration, a first reading of the bill was waived, and it was open for amendment at any point. The Subcommittee on Forestry was discharged from further consideration of the legislation.

Representative Marie Gluesenkamp Perez of Washington State, Representative Doug LaMalfa of California, Representative Dusty Johnson of South Dakota, Representative Gabe Vasquez of New Mexico, and Representative Jim Costa of California all were recognized and spoke in favor of the legislation. No further discussion occurred, and without objection, the Committee considered the bill. There being no amendments, the Committee moved to report the bill favorably. Mr. LaMalfa requested a roll call vote, of which the final tally was 51 in favor and none opposed.

At the conclusion of consideration of the bill, Chairman Thompson advised Members that pursuant to the Rules of the House, Members had until Monday, May 15, 2023, to file any supplemental, minority, additional, or dissenting views with the Committee. Without objection, staff was given permission to make any necessary technical, clarifying, or conforming changes to reflect the intent of the Committee.

Committee Votes

In compliance with clause 3 (b) of rule XIII of the House of Representatives, H.R. 1450 was reported favorably by a recorded vote of 51 yeas and 0 nays, 3 not voting.

ROLLCALL NO. 1

Summary: Roll call vote on reporting the measure favorably to the House.

Offered by: Mr. David Scott

Result: Agreed to

YEAS

1. Mr. Thompson	27. Mrs. Chavez-DeRemer
2. Mr. Lucas	28. Mr. David Scott
3. Mr. Austin Scott	29. Mr. Costa
4. Mr. Crawford	30. Mr. McGovern
5. Mr. DesJarlais	31. Ms. Adams
6. Mr. LaMalfa	32. Ms. Spanberger

7. Mr. Rouzer
8. Mr. Kelly
9. Mr. Bacon
10. Mr. Bost
11. Mr. Johnson
12. Mr. Baird
13. Mr. Mann
14. Mr. Feenstra
15. Mrs. Miller of Illinois
16. Mr. Moore
17. Mrs. Cammack
18. Mr. Finstad
19. Mr. Rose
20. Mr. Jackson of Texas
21. Mr. Molinaro
22. Ms. De La Cruz
23. Mr. Langworthy
24. Mr. Nunn
25. Mr. Alford
26. Mr. Van Orden
33. Mrs. Hayes
34. Ms. Brown
35. Ms. Davids of Kansas
36. Ms. Slotkin
37. Ms. Caraveo
38. Ms. Salinas
39. Ms. Perez
40. Mr. Davis of North Carolina
41. Ms. Tokuda
42. Ms. Budzinski
43. Mr. Sorenson
44. Mr. Vasquez
45. Ms. Crockett
46. Mr. Jackson of Illinois
47. Mr. Casar
48. Ms. Pingree
49. Ms. Craig
50. Mr. Soto
51. Mr. Bishop

NOT VOTING

1. Mr. Duarte
2. Mr. Miller of Ohio
3. Mr. Carbajal

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture's oversight findings and recommendations are reflected in the body of this report.

EARMARK STATEMENT

H.R. 1450 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House Representatives.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 1450 is to provide a technical fix that will help with more forest restoration on National Forest System lands.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

Federal Mandates Statement

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

Duplication of Federal Programs

This bill does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Budget Act Compliance (Sections 308, 402, and 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

H.R 1450, Treating Tribes and Counties as Good Neighbors Act
As ordered reported by the House Committee on Agriculture on May 11, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1450 would authorize Indian tribes and counties to retain the proceeds of timber sales under cooperative forestry agreements, also known as good neighbor agreements (GNAs). (Under current law, through October 1, 2023, only states can retain the proceeds of timber sales under GNAs to cover the costs of restoration and protection projects.) The Bureau of Land Management (BLM) and the Forest Service enter into GNAs with states, federally recognized Indian tribes, and counties to carry out forest, rangeland, and watershed restoration and protection projects on federal land.

Based on information from BLM and the Forest Service, CBO expects that without the authority to retain proceeds, timbers sales under GNAs with tribes and counties would not occur. On that basis, CBO estimates that enacting the bill would not affect the federal budget. If such sales did occur in the absence of that authority, any income is classified in the federal budget as an offsetting receipt (or reduction in direct spending).

On August 10, 2023, CBO transmitted a cost estimate for H.R. 1450, the Treating Tribes and Counties as Good Neighbors Act, as ordered reported by the House Committee on Natural Resources on June 13, 2023. The two bills are similar; the version ordered reported by the House Committee on Agriculture would not extend the authority for participants to retain the proceeds from timber sales. CBO's cost estimates reflect that difference.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

AGRICULTURAL ACT OF 2014

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TITLE VIII—FORESTRY

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Subtitle C—Reauthorization of Other Forestry-Related Laws

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SEC. 8206. GOOD NEIGHBOR AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term "authorized restoration services" means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land, non-Federal land, and land owned by an Indian tribe; and

(B) by either the Secretary or a Governor*, Indian tribe,* or county, as applicable, pursuant to a good neighbor agreement.

(2) COUNTY.—The term "county" means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means land that is—

(i) National Forest System land; or

(ii) public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUSIONS.—The term "Federal land" does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(4) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—

(A) IN GENERAL.—The term "forest, rangeland, and watershed restoration services" means—

(i) activities to treat insect- and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term "forest, rangeland, and watershed restoration services" does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a National Forest System or Bureau of Land Management managed road that is—

(I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire SuppressionFunding and Forest Management Activities Act), decommissioned in accordance with subparagraph (A)(iii)—

(aa) in a manner that is consistent with the applicable travel management plan; and

(bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or

(ii) construction, alteration, repair or replacement of public buildings or works.

(5) GOOD NEIGHBOR AGREEMENT.—The term "good neighbor agreement" means a cooperative agreement or contract (includ-

ing a sole source contract) entered into between the Secretary and a Governor, *Indian tribe,* or county, as applicable, to carry out authorized restoration services under this section.

(6) GOVERNOR.—The term "Governor" means the Governor or any other appropriate executive official of an affected State [or Indian tribe] or the Commonwealth of Puerto Rico.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) NATIONAL FOREST SYSTEM ROAD.—The term "National Forest System road" has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire Suppression Fundingand Forest Management Activities Act).

(9) ROAD.—The term "road" has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(10) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) GOOD NEIGHBOR AGREEMENTS.—

(1) GOOD NEIGHBOR AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a good neighbor agreement with a Governor, *Indian tribe,* or county to carry out authorized restoration services in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.

(2) TIMBER SALES.—

(A) IN GENERAL.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a(d) and (g)) shall not apply to services performed under a good neighbor agreement.

(B) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(C) TREATMENT OF REVENUE.—

[(i) IN GENERAL.—Funds received from the sale of timber by a Governor of a State under a good neighbor agreement shall be retained and used by the Governor—

[(I) to carry out authorized restoration services on Federal land under the good neighbor agreement; and

[(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services on Federal land within the State under other good neighbor agreements.]

(i) IN GENERAL.—Funds received from the sale of timber by a Governor, an Indian tribe, or a county under a good neighbor agreement shall be retained and

used by the Governor, Indian tribe, or county, as applicable—

(I) to carry out authorized restoration services under the good neighbor agreement; and

(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services under other good neighbor agreements.

(ii) TERMINATION OF EFFECTIVENESS.—The authority provided by this subparagraph terminates effective October 1, 2023.

(3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor*, Indian tribe,* or county.

[(4) RECEIPTS.—Notwithstanding any other provision of law, any payment made by a county to the Secretary under a project conducted under a good neighbor agreement shall not be considered to be monies received from National Forest System land or Bureau of Land Management land, as applicable.]

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ADDITIONAL VIEWS

I write to you today, to share my support for H.R. 1450: Treating Tribes and Counties as Good Neighbors Act.

This bill will H.R. 1450: Treating Tribes and Counties as Good Neighbors Act, which would allow Indian Tribes and counties to retain revenue generated from timber sales under a Good Neighbor agreement. Additionally, this bill authorizes those entities to use that revenue for restoration projects on nonfederal lands, which is an expansion beyond the current scope of the program that allows for "good neighbors"' to support forest management on federal lands. In this way, Tribes and Counties would be treated like States.

I fully support this bill as a step forward for tribal communities and future tribal generations.

SALUD CARBAJAL,
Member of Congress.

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