



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Tuesday, June 13, 2023
Subject: Full Committee Markup of 8 Bills and 1 Committee Resolution

The Natural Resources Committee will hold a markup on **Tuesday, June 13, 2023, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 188 (Rep. McClintock), H.R. 630 (Rep. Grijalva), H.R. 1240 (Rep. Feenstra), H.R. 1314 (Rep. Moore of Utah), H.R. 1450 (Rep. Fulcher), H.R. 3371 (Rep. Johnson of SD), H.R. 3389 (Rep. Valadao), and H.R. 3562 (Rep. Neguse). The Committee will also consider a Committee resolution to establish the Indo-Pacific Task Force in the Committee on Natural Resources.

Member offices are requested to notify Madeline Bryant (madeline.bryant@mail.house.gov) by 4:30 p.m. on Monday, June 12, 2023, to confirm their Members attendance at the mark-up.

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 188 (Rep. McClintock), “*Proven Forest Management Act*”; and H.R. 1450 (Rep. Fulcher), “*Treating Tribes and Counties as Good Neighbors Act*”. Both H.R. 188 and H.R. 1450 have an amendment in the nature of a substitute (ANS). Members should draft any amendments to H.R. 188 and H.R. 1450 to the ANS thereto.
- Bills expected to move by unanimous consent: H.R. 3389 (Rep. Valadao), “*Emergency Wildfire Fighting Technology Act of 2023*”; H.R. 1314 (Rep. Moore of Utah), “*LODGE Act*”; H.R. 3562 (Rep. Neguse), “*Forest Service Flexible Housing Partnerships Act of 2023*”; H.R. 1240 (Rep. Feenstra), “*Winnebago Land Transfer Act of 2023*”; H.R. 3371 (Rep. Johnson of SD), “*Wounded Knee Massacre Memorial and Sacred Site Act*”; and H.R. 630 (Rep. Grijalva), “*Urban Indian Health Confer Act*”.

II. EXPECTED LEGISLATION

[H.R. 188](#) (Rep. McClintock), “*Proven Forest Management Act*”

H.R. 188 would expand a Categorical Exclusion (CE) currently available only in the Lake Tahoe Basin to the entire National Forest System and on all public lands managed by the Bureau of Land Management (BLM). This would empower land managers across the country with the same critical tool that helped save South Lake Tahoe from devastation during the Caldor Fire. Under

this CE, land managers, in coordination with local governments and interested stakeholders, can develop projects of up to 10,000 acres to reduce forest fuels.

The expedited forest treatments made possible by this CE have been literal lifesavers. Just two years ago, the Caldor Fire was bearing down on South Lake Tahoe when it reached fuel treatment areas that had been treated under that special CE.¹ These treatments slowed the fire and allowed firefighters the ability to take an “active and aggressive approach to suppress the fire, and prevent any structural loss.”² The prior fuels reduction treatments that gave wildland firefighters an opportunity to fight against an out-of-control wildfire likely saved roughly 600 homes from destruction. The success story that saved South Lake Tahoe is regrettably an outlier in this tragic wildfire that burned 221,835 acres and destroyed 1,005 structures.³ The Town of Grizzly Flats, which was completely decimated, offers a sobering contrast. That community is surrounded by the Eldorado National Forest, which is not permitted to use the same 10,000-acre CE. Without that CE, efforts to address the wildfire risk threatening that community suffered delays for decades.⁴ The fates of Grizzly Flats and South Lake Tahoe, that are less than 100 miles from one another, offers a sobering illustration of the need to expand streamlining authorities. The ANS offered by Congressman McClintock makes several technical changes to the legislation.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Brandon Miller (Brandon.Miller@mail.house.gov)

H.R. 1450 (Rep. Fulcher), “*Treating Tribes and Counties as Good Neighbors Act*”

H.R. 1450 would extend the ability to retain timber receipts from Good Neighbor Authority (GNA) projects to counties and tribes for additional restoration projects. This bipartisan legislation would also improve cross-boundary restoration work by allowing restoration projects to occur not just on federal lands, but also on lands approved under the project’s Good Neighbor Agreement, including state and tribal lands. This bill will increase coordination and buy-in from counties and tribes and lead to more active forest management. This legislation, which is also referred to the House Agriculture Committee, passed out of that Committee in May 2023 by a unanimous vote of 51 to 0.

Congress developed GNA to give states the ability to assist in active forest management. The 2018 Farm Bill expanded this authority to counties and federally recognized Indian tribes.⁵ States also became authorized to retain funds from timber sales to fund additional restoration activities

¹ Wildfire Today, “Examining how fuel treatments affected suppression of the Caldor Fire in California”, Bill Gabbert, October 8, 2021, <https://wildfiretoday.com/2021/10/08/examining-how-fuel-treatments-affected-suppression-of-the-caldor-fire-in-california/>.

² *Id.*

³ Cal Fire, “Caldor Fire Incident Report”, <https://www.fire.ca.gov/incidents/2021/8/14/caldor-fire/>.

⁴ Rodd, Scott, “Stalled U.S. Forest Service project could have protected California town from Caldor Fire destruction,” CapRadio, August 16, 2022, <https://www.capradio.org/articles/2022/08/16/stalled-us-forest-service-project-could-have-protected-california-town-from-caldor-fire-destruction/>.

⁵ Congressional Research Service, The Good Neighbor Authority on Federal Lands, January 11, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF11658>

on the land under the existing GNA agreement. GNA has been a successful program with over 490 projects that have started in 34 states since 2014.⁶ While State GNA projects have flourished, the participation of counties and tribes has been limited thus far.⁷ The primary reason for this lack of participation has been the fact that tribes and counties have not been given the same authority that states have to retain timber receipts for use on additional conservation and restoration work.⁸ This removes a significant incentive to partner on these projects. H.R. 1450 will fix this problem and lead to better forest management. A bipartisan companion bill, S. 697 has been introduced by Senator Risch from Idaho in the Senate. An ANS offered by Representative Fulcher amends the underlying GNA statute to extend the expiration of this authority from 2023 to 2028.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Brandon Miller (Brandon.Miller@mail.house.gov)

[H.R. 3389](#) (Rep. Valadao), “*Emergency Wildfire Fighting Technology Act of 2023*”

H.R. 3389 would require the U.S. Forest Service (USFS) and the Department of the Interior (DOI) to conduct an evaluation on the use of container aerial firefighting system (CAFFS) in response to wildfires. The evaluation will focus on effectiveness, cost, ease of delivery, and safety. As the wildfire season continues to increase in severity, it is critical firefighting agencies have all tools and methods available to fight fires and protect lives. In addition to on the ground crews, agencies have air support to drop water and fire retardant. One solution to provide more aircrafts for fighting wildland fires is using a boxed delivery system of water or fire retardant. This method is known as CAFFS. This technology could increase the response time and number of aircrafts available. This technology is not new, but it has not been actively studied by the wildland firefighting agencies. An ANS offered by Chairman Westerman adjusts the reporting and protocol updates for this bill.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

[H.R. 1314](#) (Rep. Moore of Utah), “*LODGE Act*”

H.R. 1314 would amend current law to provide the National Park Service (NPS) with improved authorities to enter into innovative partnerships with non-federal entities and other federal agencies for the development of employee housing. The LODGE Act was developed in consultation with NPS to increase the availability and affordability of housing in and adjacent to

⁶ National Association of State Foresters, “Good Neighbor Authority”, <https://www.stateforesters.org/state-defined-solutions/good-neighbor-authority/#:~:text=It%20is%20simply%20good%20government.more%20than%20490%20GNA%20projects.>

⁷ Congressional Research Service, The Good Neighbor Authority, October 5, 2020, <https://crsreports.congress.gov/product/pdf/IF/IF11658/3>

⁸ *Id.*

our nation's parks. The "*LODGE Act*" would reduce costs to the taxpayer, provide modern housing for both NPS employees and the private sector to rent, and improve NPS's ability to hire and retain employees by allowing: 1) non-NPS staff and NPS staff to share housing; 2) NPS and developers to negotiate rental rates; 3) developers to directly collect rents from tenants; 4) NPS to enter into non-competitive housing agreements under certain conditions; and 5) upfront federal investment that reduces long-term costs to the developer. In 1996, Congress provided NPS with authority to enter into public-private partnerships to develop new housing and reduce the need for federal appropriations. Unfortunately, this authority is largely unutilized due to limitations in statute that make partnership opportunities unattractive to housing developers.

Skyrocketing housing costs and overcrowding in the cities and towns adjacent to our parks, known as "gateway communities," is causing a severe housing shortage for NPS employees, leaving many parks understaffed in peak seasons. The rapidly rising cost of housing is impacting recruitment and retention of both NPS and private sector service employees that rely on available and affordable housing. The lack of available and affordable housing for employees has contributed to one of the most pressing issues facing our national parks, overcrowding of visitors. While increased visitation is beneficial to both NPS and local economies, surges in tourism also cause extreme overcrowding at many of our nation's most iconic parks, diminishing visitor experiences through long wait times and congestion at popular destinations. The lack of affordable housing is exacerbating overcrowding, as NPS and private sector job openings are going unfilled for months due in large part to the lack of available and affordable housing.⁹ This is leaving many key positions both in and outside of parks unstaffed, contributing to longer wait times and less flexibility within parks.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Aniela Butler (Aniela@mail.house.gov)

[H.R. 3562](#) (Rep. Neguse), "*Forest Service Flexible Housing Partnerships Act of 2023*"

H.R. 3562 would provide additional authority for USFS to lease underutilized lands for housing partnerships. This bill amends the "Agricultural Improvement Act of 2018," or the Farm Bill, by adding additional clarification about the leasing authority of USFS. It specifies leases can be 100 years and renewed if needed. One of the most pressing issues affecting wildland firefighters is the lack of available and affordable housing. There are many concerning examples of "firefighters liv[ing] out of their cars and trailers and camp[ed] out on the side of the road, even when they're not actively fighting a fire."¹⁰ This, along with other factors like pay and increasingly severe on-the-ground conditions, has contributed to the recruitment and retention challenges facing agencies like USFS and DOI when it comes to hiring a sufficient number of

⁹ Wall Street Journal, "Ketchum, Idaho, Has Plenty of Available Jobs, but Workers Can't Afford Housing," Dan Frosch, July 7, 2021, <https://www.wsj.com/articles/ketchum-idaho-has-plenty-of-available-jobs-but-workers-cant-afford-housing-11625659200>

¹⁰ Montana Public Radio, "Firefighting is a tough job. It's even tougher when you're living out of your car.," May 27, 2022, <https://www.ypradio.org/regional-news/2022-05-27/firefighting-is-a-tough-job-its-even-tougher-when-youre-living-out-of-your-car>.

federal wildland firefighters. These hiring challenges are exacerbated by certain states like California that often provide their firefighters with hotel rooms when they are on fire assignment. While this issue has affected firefighters primarily, it also affects other USFS employees working in remote locations that lack affordable housing.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Aniela Butler (Aniela@mail.house.gov)

[H.R. 1240](#) (Rep. Feenstra), “*Winnebago Land Transfer Act of 2023*”

H.R. 1240 would transfer administrative jurisdiction of approximately 1,600 acres of land from the Army Corps of Engineers in the state of Iowa to the Bureau of Indian Affairs to be held in trust for the Winnebago Tribe of Nebraska. This federal land was seized through eminent domain by the Army Corps of Engineers in the 1970’s for the Snyder-Winnebago Oxbow Lake Recreation Complex project which was never completed. In response, the Tribe challenged the Army Corps of Engineers condemnation in federal court, both in Iowa and Nebraska. They were successful in Nebraska. However, in the Iowa litigation, a failure to properly preserve a right of appeal meant that the Eighth Circuit could not return the land to the tribe through a court order, and congressional action would be required to return the land to the tribe. A map of the tracts to be placed into trust can be found [here](#).

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

[H.R. 3371](#) (Rep. Johnson of SD), “*Wounded Knee Massacre Memorial and Sacred Site Act*”

H.R. 3371 would place approximately 40 acres of fee land located within the Pine Ridge Indian Reservation, into restricted fee status for the Oglala Sioux Tribe and Cheyenne River Sioux Tribe as a memorial and as a sacred site for the approximately 300 Indian people killed in the Wounded Knee Massacre in 1890. Restricted fee land contains the same restrictions against alienation and taxation as land held in trust, but title is not held by the federal government. In September 2022, the Oglala Sioux Tribe and Cheyenne River Sioux Tribe jointly purchased 40 acres of land where an old trading post was located, and which contains a portion of the area where the Wounded Knee massacre took place. On October 21, 2022, both tribes signed a [covenant](#), stating that this property shall be held and maintained as a memorial and sacred site without any economic development, and prohibiting any gaming. A map of the land to be placed into restricted fee status can be found [here](#).

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

H.R. 630 (Rep. Grijalva), “Urban Indian Health Confer Act”

H.R. 630 would require all agencies within the Department of Health and Human Services (HHS) to establish an Urban Indian Organization (UIO) confer policy. Currently, only the Indian Health Service (IHS) is required to confer with UIOs. Other agencies within HHS that provide services to American Indians and Alaska Natives (AI/ANs), such as the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services, do not have policies regarding conferring with UIOs. These agencies are only required to consult and confer with Indian tribes, consistent with Executive Order 13175. As highlighted by the National Council of Urban Indian Health, during the COVID-19 pandemic, UIOs were not provided notice by HHS that they were required to make a selection for COVID-19 vaccine distribution until the day of the deadline imposed by the agency. Direct communication with agencies that impact urban Indian health could improve health care access to urban AI/AN populations.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

Committee Resolution Authorizing the Indo-Pacific Task Force in the Committee on Natural Resources (Reps. Westerman, Grijalva)

The Committee Resolution Authorizing the Indo-Pacific Task Force in the Committee on Natural Resources (Indo-Pacific Task Force Resolution) would establish in the Committee the Indo-Pacific Task Force. The resolution also prescribes the functions of the Task Force, establishes its membership, which comprises seven Republicans and seven Democrats, names the Chair and Co-Chair of the Task Force, and sets the expiration date of the Task Force as December 12, 2023.

Staff contacts: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Tom Connally (Tom.Connally@mail.house.gov)

III. CBO SCORES

H.R. 630 (Grijalva), *Urban Indian Health Confer Act*

Unknown. However, the Congressional Budget Office (CBO) has estimated that an identical companion bill, S. 460, would not affect direct spending or revenues and would have an insignificant effect on spending subject to appropriation for HHS staff to confer periodically with urban Indian organizations.¹¹

None available for the remaining bills.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 1450](#)

[H.R. 1314](#)

[H.R. 3562](#)

[H.R. 630](#)

¹¹ CBO Cost Estimate, S. 460, Urban Indian Health Confer Act. May 17, 2023. Available at: <https://www.cbo.gov/system/files/2023-05/s460.pdf>.