

CONTINUED RAPID OHIA DEATH RESPONSE ACT OF 2023

SEPTEMBER 20, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1726]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1726) to require the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continued Rapid Ohia Death Response Act of 2023”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **RAPID OHIA DEATH.**—The term “Rapid Ohia Death” means the disease caused by the fungal pathogen known as *Ceratocystis fimbriata* that affects the tree of the species *Metrosideros polymorpha*.

(2) **STATE.**—The term “State” means the State of Hawaii.

SEC. 3. COLLABORATION.

The Secretary of the Interior shall partner and collaborate with the Secretary of Agriculture and the State to address Rapid Ohia Death.

SEC. 4. SUSTAINED EFFORTS.

(a) **TRANSMISSION.**—The Secretary of the Interior, acting through the Director of the United States Geological Survey, and the Chief of the Forest Service, acting through the Forest Service Institute of Pacific Islands Forestry, shall continue to conduct research on Rapid Ohia Death vectors and transmission.

(b) **UNGULATE MANAGEMENT.**—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall continue to partner with the Secretary of Agriculture, the State, and with local stakeholders to manage ungulates in Rapid Ohia Death control areas on Federal, State, and private land, with the consent of private landowners.

(c) RESTORATION AND RESEARCH.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall continue to provide—

- (1) financial assistance, including through agreements with the Secretary of the Interior—
 - (A) to prevent the spread of Rapid Ohia Death; and
 - (B) to restore the native forests of the State; and
- (2) staff and necessary infrastructure funding to the Institute of Pacific Islands Forestry to conduct research on Rapid Ohia Death.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1726 is to require the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Rapid Ohia Death (ROD) is a fungal disease devastating Hawaii's Ohia tree population. The disease is caused by two species of fungi, *Ceratocystis lukuohia* and *Ceratocystis huliohia*. Both were unknown to science before 2018 and are believed to have been introduced to Hawaii from other parts of the world. ROD spreads rapidly and kills trees within a matter of weeks or months, causing significant ecological and economic impacts.

The Ohia tree is a very important species in Hawaii, playing a vital role in the island's ecosystems. It provides habitat for numerous endemic species, regulates water flow, and helps prevent soil erosion. The spread of ROD not only impacts the natural beauty of Hawaii, but also has the potential to cause long-term damage to the island's ecosystems and water supply, have significant economic impacts, including loss of tourism revenue, and increase costs for water treatment and erosion control. Efforts are underway to contain the spread of ROD through a combination of measures, including restricting the movement of potentially infected plant material and implementing sanitation protocols. Unfortunately, there is currently no cure for trees which have been infected.

H.R. 1726, the Continued Rapid Ohia Death Response Act of 2023, introduced by Representative Tokuda, requires the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death. It also directs continued detection, prevention, and restoration efforts to combat Rapid Ohia Death, including financial assistance and staff for the necessary research.

COMMITTEE ACTION

H.R. 1726 was introduced on March 22, 2023, by Rep. Jill N. Tokuda (D-HI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Agriculture. On May 23, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On June 21, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 1726 by unanimous consent. Rep. Joe Neguse (D-CO) offered an amendment in the nature of a substitute, designated Neguse ANS. The amendment in the nature of a substitute offered by Rep. Neguse was adopted by unanimous consent. The bill, as amended,

was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on May 23, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Continued Rapid Ohia Death Response Act of 2023.”

Section 2. Definitions

Section 2 defines the term “Rapid Ohia Death” to mean the disease caused by the fungal pathogen known as *Ceratocystis fimbriata* that affects the tree of the species *Metrosideros polymorpha*. This section also defines the term “State” to mean the State of Hawaii.

Section 3. Collaboration

Section 3 requires the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address ROD.

Section 4. Sustained efforts

Section 4 requires the Secretary of the Interior to conduct collaborative research on ROD vectors and transmission. It directs the Secretary of the Interior to partner with federal, state, and local stakeholders to manage ungulates in ROD control areas. Additionally, it directs the Secretary of Agriculture to provide financial and staff support to prevent the spread of ROD.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 1726, Continued Rapid Ohia Death Response Act of 2023			
As ordered reported by the House Committee on Natural Resources on June 21, 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	30	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1726 would require the Department of the Interior to work with various federal agencies, the State of Hawaii, and private landowners to address Rapid Ohia Death (ROD), a fungal disease of Hawaii's 'ōhi'a lehua trees. Specifically, the bill would require the Forest Service to provide financial assistance to prevent the spread of ROD, restore native Hawaiian forests, and conduct ROD research at the Institute of Pacific Islands Forestry.

Many federal, state, and local agencies engage in work to understand and address ROD through research, surveys, disease control, and collaborative engagement. On that basis and considering the costs of similar tasks, CBO estimates that implementing H.R. 1726 would cost about \$5 million in 2024 (with costs growing each year to account for anticipated inflation) and \$30 million over the 2023–2028 period for ongoing research and restoration activities; any spending would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1726

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
Estimated Authorization	0	5	6	6	6	7	30
Estimated Outlays	0	5	6	6	6	7	30

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

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 1726 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

APPLICABILITY TO 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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 1726 makes no changes in existing law.

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September 15, 2023

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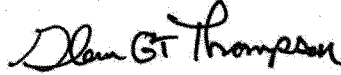
Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 1726, the "Continued Rapid Ohio Death Response Act of 2023". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 1726 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,



Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Kevin McCarthy, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 18, 2023

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 1726, the "Continued Rapid Ohia Death Response Act of 2023," which was ordered reported by the Committee on Natural Resources on June 21, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of the bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 1726 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Kevin McCarthy, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives