

APPOINTMENTS TO KEWEENAW NATIONAL HISTORICAL
PARK ADVISORY COMMISSION

OCTOBER 7, 1999.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 748]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. APPOINTMENTS TO KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

Section 9(c)(1) of the Act entitled “An Act to establish the Keweenaw National Historical Park, and for other purposes” (Public Law 102-543; 16 U.S.C. 410yy-8(c)(1)) is amended by striking “from nominees” each place it appears and inserting “after consideration of nominees”.

Amend the title so as to read:

A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

PURPOSE OF THE BILL

As introduced, the purpose of H.R. 748 is to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local inter-

ests in appointing members of the Keweenaw National Historical Parks Advisory Commission.

BACKGROUND AND NEED FOR LEGISLATION

This bill would amend the Act that established Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission. The Keweenaw National Historical Park Advisory Commission has performed a number of duties since its establishment in 1992. The Advisory Commission serves as an advisory body which assists the Secretary of the Interior in many areas, including the preparation and implementation of the Historical Park's general management plan and disbursement of funds for developing non-federal property. The Commission also assists the Secretary in developing programs and policies for the conservation and protection of the scenic, historical, cultural, and natural resources which are found throughout the Historical Park.

The existing statute establishing the Keweenaw National Historical Park Advisory Commission states that members shall be appointed "from nominees" submitted by various local governmental entities. Apparently, this has raised Constitutional concerns as the statute directs the Secretary of the Interior to appoint to the Commission persons nominated by state and local officials. The Department of Justice has opined that this procedure does not satisfy the requirements imposed by the Appointments Clause. H.R. 748 addresses these Constitutional concerns by striking "from nominees" each place it appears and inserting "after consideration of nominees".

COMMITTEE ACTION

H.R. 748 was introduced on February 11, 1999, by Congressman Bart Stupak (D-MI). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On July 13, 1999, the Subcommittee held a hearing on the bill where the Administration testified in favor of the bill with a minor amendment. On August 5, 1999, the Subcommittee met to consider the bill. An amendment was offered by Congressman Carlos Romero-Barcelo (D-PR) which struck the provision requiring the Secretary of the Interior to justify in writing the reasons for not selecting a nominee submitted by the local governmental entity. The amendment was adopted by voice vote and then the bill, as amended, was ordered favorably reported to the Full Committee by voice vote. On September 22, 1999, the Full Committee met to consider the bill. No amendments were offered and the bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1999.

Hon. DON YOUNG,
Chairman, Committee on Resources
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 748, a bill to amend the act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 748—A bill to amend the act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission

H.R. 748 would change the way that the Secretary of the Interior chooses people to serve on the Keweenaw National Historical Park Advisory Commission. Specifically, the bill would eliminate the requirement that candidates for the commission be chosen from those nominated by state and local officials, allowing the Secretary to consider other candidates.

CBO estimates that implementing H.R. 748 would have no impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 748 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL ADVISORY COMMITTEE STATEMENT

This bill affects an advisory committee already in existence.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

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 italic, existing law in which no change is proposed is shown in roman):

SECTION 9 OF THE ACT OF OCTOBER 27, 1992

AN ACT To establish the Keweenaw National Historical Park, and for other purposes.

SEC. 9. KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) * * *

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(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of seven members appointed by the Secretary, of whom—

(A) two members shall be appointed **from** *after consideration of* nominees submitted by the Calumet Village Council and the Calumet Township Board;

(B) one member shall be appointed **from** *after consideration of* nominees submitted by the Quincy Township Board and the Franklin Township Board;

(C) one member shall be appointed **from** *after consideration of* nominees submitted by the Houghton County Board of Commissioners;

(D) one member shall be appointed **from** *after consideration of* nominees submitted by the Governor of the State of Michigan; and,

(E) two members who are qualified to serve on the Commission because of their familiarity with National Parks and historic preservation.