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112TH CONGRESS
2D SESSION

H. R. 6478

To amend the Denali Commission Act of 1998 to reauthorize and modify the membership of the Denali Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2012

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To amend the Denali Commission Act of 1998 to reauthorize and modify the membership of the Denali Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Denali Commission Reauthorization Act of 2012''.

SEC. 2. ESTABLISHMENT OF COMMISSION.

Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Commission shall be composed of 7 members with a statewide perspective and knowledge regarding rural Alaska matters (including transportation, health, education and training, energy, economic development, community and regional planning, design, construction, and maintenance of rural infrastructure, workforce development, and communication infrastructure and systems), of whom—

"(A) 5 shall be appointed by the Secretary of Commerce (referred to in this title as the 'Secretary'), of whom—

"(i) 1 shall represent the views and perspectives of an organized labor or vocational training group within the State of Alaska;

"(ii) 1 shall represent the views and perspectives of Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

"(iii) 1 shall have experience relating to project management and construction in rural Alaska;

"(iv) 1 shall represent the views and perspectives of rural local government interests in the State of Alaska; and

"(v) 1 shall represent the views and perspectives of rural tribal interests in the State of Alaska;

"(B) 1 shall be the Governor of the State of Alaska or an individual selected by the Secretary from nominations submitted by the Governor; and

"(C) 1 shall be the Federal Cochairperson of the Commission, to be appointed by the Secretary in accordance with paragraph (3).

"(2) DATE OF APPOINTMENTS.—The appointments of the members of the Commission under subparagraphs (A) and (B) of paragraph (1) shall be made by not later than 90 days after the date of enactment of the Denali Commission Reauthorization Act of 2012.

"(3) FEDERAL COCHAIRPERSON.—

"(A) RECOMMENDATIONS.—Not later than 30 days after the date of appointment of the

members of the Commission described in paragraph (2), those members shall submit to the Secretary recommendations for an individual to serve as Federal Cochairperson of the Commission under paragraph (1)(C).

"(B) SELECTION.—

"(i) IN GENERAL.—Not later than 60 days after the date of receipt of the recommendations under subparagraph (A), the Secretary shall appoint an individual to serve as Federal Cochairperson of the Commission.

"(ii) CONSIDERATION.—In appointing the Federal Cochairperson under clause (i), the Secretary may take into consideration, but shall not be required to select, any individual recommended under subparagraph (A).

"(C) TREATMENT.—The Federal Cochairperson shall be a nonvoting member of the Commission.

"(D) VACANCY.—

"(i) IN GENERAL.—Any vacancy in the position of Federal Cochairperson shall

be filled in the same manner as the original appointment.

"(ii) INTERIM FEDERAL COCHAIRPERSON.—Before vacating the position of Federal Cochairperson, the Federal Cochairperson shall appoint to serve as Interim Federal Cochairperson, for the period beginning on the date on which the vacancy in the position of Federal Cochairperson occurs and ending on the date on which a new Federal Cochairperson is appointed under clause (i), the staff member of the Commission with the most seniority.

"(4) STATUS.—No member of the Commission (other than the Federal Cochairperson) shall be considered to be an employee of the Federal Government for any purpose."; and

(2) in subsection (c)—

(A) in the first sentence, by striking "The Federal Cochairperson" and inserting the following:

"(1) FEDERAL COCHAIRPERSON.—The Federal Cochairperson"; and

(B) by striking the second and third sentences and inserting the following:

"(2) MEMBERS.—

"(A) TERMS.—A member of the Commission shall be appointed for a term of 4 years, except that, of the members first appointed—

"(i) the members appointed under clauses (ii) and (iv) of subsection (b)(1)(A) shall be appointed for terms of 3 years; and

"(ii) the members appointed under clauses (i) and (iii) of subsection (b)(1)(A) shall be appointed for terms of 2 years.

"(B) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the Commission—

"(I) shall not affect the powers of the Commission;

"(II) shall be filled in the manner in which the original appointment was made; and

"(III) shall be subject to any conditions that applied with respect to the original appointment.

"(ii) FILLING UNEXPIRED TERM.—An individual selected to fill a vacancy shall be

appointed for the unexpired term of the member replaced.

"(C) EXPIRATION.—The term of any member shall not expire before the date on which the successor of the member takes office.".

SEC. 3. FUNDING REQUIREMENTS; DUTIES.

(a) IN GENERAL.—Section 304 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended to read as follows:

"SEC. 304. FUNDING REQUIREMENTS; DUTIES.

"(a) COST SHARE.—

"(1) IN GENERAL.—In carrying out any construction project or activity under this title, the Commission shall require a cost share of—

"(A) up to 50 percent of the total cost of the construction project or activity; or

"(B) for a construction project or activity carried out in a distressed community (as determined by the department of labor and workforce development of the State of Alaska or by the Commission), up to 20 percent of the total cost of the construction project or activity.

"(2) PRECONSTRUCTION PROCEDURES.—The cost-share requirements under paragraph (1) shall

not apply with respect to preconstruction procedures.

"(b) PUBLIC COMMENTS.—The Commission members and the Federal Cochairperson shall seek comments from rural Alaska communities and other stakeholder groups regarding rural development needs.

"(c) DUTIES.—The members of the Commission shall—

"(1) advise the Commission regarding coordinated infrastructure planning (including annual and multiyear strategies) among and for—

"(A) rural Alaska communities;

"(B) the State of Alaska;

"(C) Federal agencies; and

"(D) other governmental and nongovernmental entities;

"(2) establish a list of priorities of the Commission for rural Alaska communities on an annual basis, including funding recommendations and the means by which the recommendations—

"(A) address multiyear strategies; and

"(B) are coordinated with—

"(i) rural Alaska communities;

"(ii) the State of Alaska;

"(iii) Federal agencies; and

"(iv) other government and non-governmental entities;

"(3) review ongoing and completed Commission-funded projects and programs for compliance with stated objectives and outcomes; and

"(4) examine Commission-funded projects and programs—

"(A) for consistency and standardization; and

"(B) to determine a means of improving the management and success of future Commission-funded projects and programs.

"(d) OPERATIONAL MATTERS.—The Federal Co-chairperson (and not the members of the Commission) shall be responsible for Commission operational matters, including budgetary matters.".

(b) CONFORMING AMENDMENT.—Section 307 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended by striking subsection (c) and inserting the following:

"(c) DEMONSTRATION HEALTH PROJECTS.—

"(1) IN GENERAL.—To demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services may make interagency

transfers to the Commission to plan, construct, and equip demonstration health, nutrition, and child care projects, including hospitals, health care clinics, and mental health facilities (including drug and alcohol treatment centers).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 4. POWERS OF COMMISSION.

Section 305 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended by striking subsection (d) and inserting the following:

"(d) DETAIL OF FEDERAL EMPLOYEES; AGREEMENTS, GRANTS, AND PAYMENTS.—

"(1) DETAIL OF FEDERAL EMPLOYEES.—Any employee of the Federal Government may be detailed to the Commission—

"(A) without reimbursement; and

"(B) without interruption or loss of civil service status or privilege.

"(2) AGREEMENTS, GRANTS, AND PAYMENTS.—The Commission, acting through the Federal Co-chairperson, may enter into contracts and cooperative agreements, award grants, and make payments

necessary to carry out the purposes of the Commission.''.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Section 306 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended by striking subsection (a) and inserting the following:

''(a) COMPENSATION OF MEMBERS.—

''(1) IN GENERAL.—Subject to paragraph (2), the members of the Commission shall serve without compensation.

''(2) FEDERAL COCHAIRPERSON.—The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.''.

(b) TRAVEL EXPENSES.—Section 306(b) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) by striking ''The members'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the members''; and

(2) by adding at the end the following:

"(2) WAIVER.—A member of the Commission may waive all or any portion of the travel expenses provided to the member under paragraph (1).".

(c) INSPECTOR GENERAL.—

(1) IN GENERAL.—Section 306 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended by striking subsection (h) and inserting the following:

"(h) INSPECTOR GENERAL.—The Commission shall use the services of the Inspector General of the Department of Commerce.".

(2) CONFORMING AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Denali Commission,".

SEC. 6. REAUTHORIZATION.

The first section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (relating to authorization of appropriations) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this title, in accordance with the purposes of this title, for fiscal year 2013 and each fiscal year thereafter.".

SEC. 7. REPEALS.

(a) IN GENERAL.—

(1) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—Section 308 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is repealed.

(2) ECONOMIC DEVELOPMENT COMMITTEE.—The second section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (relating to the Economic Development Committee) is repealed.

(b) CONFORMING AMENDMENTS.—Sections 309 and 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) are redesignated as sections 308 and 309, respectively.

SEC. 8. BUDGET COMMITTEE.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as amended by section 7(b)) is amended by adding at the end the following:

"SEC. 310. BUDGET COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Denali Commission Reauthorization Act of 2012, the Federal Cochairperson shall establish a Budget Committee to serve the Commission.

"(b) MEMBERSHIP.—The Budget Committee shall be composed of 3 members, of whom—

"(1) 1 shall be the Governor of the State of Alaska or a member of the Commission selected in accordance with section 303(b)(1)(B);

"(2) 1 shall be a Federal employee or detailee with expertise in the Federal budget process, to be selected by the Federal Cochairperson; and

"(3) 1 shall be a member of the Commission, to be selected by the members of the Commission.

"(c) DUTIES.—The Budget Committee shall carry out the following activities for the Commission:

"(1) Review the operating budget of the Commission.

"(2) Make appropriate recommendations to the Federal Cochairperson.

"(d) COMPENSATION OF MEMBERS.—

"(1) IN GENERAL.—The members of the Budget Committee shall serve without compensation.

"(2) TRAVEL EXPENSES.—The members of the Budget Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places

1 of business in the performance of services for the
2 Budget Committee.''.

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