

112TH CONGRESS
2D SESSION

S. 3590

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Mr. BEGICH (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Denali Commission
5 Reauthorization Act of 2012”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 Section 303 of the Denali Commission Act of 1998
8 (42 U.S.C. 3121 note; Public Law 105–277) is amend-
9 ed—

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

3 “(b) MEMBERSHIP.—

4 “(1) COMPOSITION.—The Commission shall be
5 composed of 7 members with a Statewide perspective
6 and knowledge regarding rural Alaska matters (in-
7 cluding transportation, health, education and train-
8 ing, energy, economic development, community and
9 regional planning, design, construction, and mainte-
10 nance of rural infrastructure, workforce develop-
11 ment, and communication infrastructure and sys-
12 tems), of whom—

13 “(A) 5 shall appointed by the Secretary of
14 Commerce (referred to in this title as the ‘Sec-
15 retary’), of whom—

16 “(i) 1 shall represent the views and
17 perspectives of an organized labor or voca-
18 tional training group within the State of
19 Alaska;

20 “(ii) 1 shall represent the views and
21 perspectives of Native Corporations (as de-
22 fined in section 3 of the Alaska Native
23 Claims Settlement Act (43 U.S.C. 1602));

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

4 “(iv) 1 shall represent the views and
5 perspectives of rural local government in-
6 terests in the State of Alaska; and

7 “(v) 1 shall represent the views and
8 perspectives of rural tribal interests in the
9 State of Alaska;

10 “(B) 1 shall be the Governor of the State
11 of Alaska or an individual selected by the Sec-
12 retary from nominations submitted by the Gov-
13 ernor; and

14 “(C) 1 shall be the Federal Cochairperson
15 of the Commission, to be appointed by the Sec-
16 retary in accordance with paragraph (3).

17 “(2) DATE OF APPOINTMENTS.—The appoint-
18 ments of the members of the Commission under sub-
19 paragraphs (A) and (B) of paragraph (1) shall be
20 made by not later than 90 days after the date of en-
21 actment of the Denali Commission Reauthorization
22 Act of 2012.

23 “(3) FEDERAL COCHAIRPERSON.—

24 “(A) RECOMMENDATIONS.—Not later than
25 30 days after the date of appointment of the

1 members of the Commission described in para-
2 graph (2), those members shall submit to the
3 Secretary recommendations for an individual to
4 serve as Federal Cochairperson of the Commis-
5 sion under paragraph (1)(C).

6 “(B) SELECTION.—

7 “(i) IN GENERAL.—Not later than 60
8 days after the date of receipt of the rec-
9 ommendations under subparagraph (A),
10 the Secretary shall appoint an individual to
11 serve as Federal Cochairperson of the
12 Commission.

13 “(ii) CONSIDERATION.—In appointing
14 the Federal Cochairperson under clause
15 (i), the Secretary may take into consider-
16 ation, but shall not be required to select,
17 any individual recommended under sub-
18 paragraph (A).

19 “(C) TREATMENT.—The Federal Cochair-
20 person shall be a nonvoting member of the
21 Commission.

22 “(D) VACANCY.—

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

1 be filled in the same manner as the origi-
2 nal appointment.

3 “(ii) INTERIM FEDERAL COCHAIR-
4 PERSON.—Before vacating the position of
5 Federal Cochairperson, the Federal Co-
6 chairperson shall appoint to serve as In-
7 terim Federal Cochairperson, for the pe-
8 riod beginning on the date on which the
9 vacancy in the position of Federal Cochair-
10 person occurs and ending on the date on
11 which a new Federal Cochairperson is ap-
12 pointed under clause (i), the staff member
13 of the Commission with the most seniority.

14 “(4) STATUS.—No member of the Commission
15 (other than the Federal Cochairperson) shall be con-
16 sidered to be an employee of the Federal Govern-
17 ment for any purpose.”; and

18 (2) in subsection (c)—

19 (A) in the first sentence, by striking “The
20 Federal Cochairperson” and inserting the fol-
21 lowing:

22 “(1) FEDERAL COCHAIRPERSON.—The Federal
23 Cochairperson”; and

24 (B) by striking the second and third sen-
25 tences and inserting the following:

1 “(2) MEMBERS.—

2 “(A) TERMS.—A member of the Commis-
3 sion shall be appointed for a term of 4 years,
4 except that, of the members first appointed—

5 “(i) the members appointed under
6 clauses (ii) and (iv) of subsection (b)(1)(A)
7 shall be appointed for terms of 3 years;
8 and

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

12 “(B) VACANCIES.—

13 “(i) IN GENERAL.—A vacancy on the
14 Commission—

15 “(I) shall not affect the powers of
16 the Commission;

17 “(II) shall be filled in the manner
18 in which the original appointment was
19 made; and

20 “(III) shall be subject to any
21 conditions that applied with respect to
22 the original appointment.

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

1 appointed for the unexpired term of the
2 member replaced.

3 “(C) EXPIRATION.—The term of any mem-
4 ber shall not expire before the date on which
5 the successor of the member takes office.”.

6 **SEC. 3. FUNDING REQUIREMENTS; DUTIES.**

7 (a) IN GENERAL.—Section 304 of the Denali Com-
8 mission Act of 1998 (42 U.S.C. 3121 note; Public Law
9 105–277) is amended to read as follows:

10 **“SEC. 304. FUNDING REQUIREMENTS; DUTIES.**

11 “(a) COST SHARE.—

12 “(1) IN GENERAL.—In carrying out any con-
13 struction project or activity under this Act, the Com-
14 mission shall require a cost share of—

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

17 “(B) for a construction project or activity
18 carried out in a distressed community (as deter-
19 mined by the department of labor and work-
20 force development of the State of Alaska or by
21 the Commission), up to 20 percent of the total
22 cost of the construction project or activity.

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

1 not apply with respect to preconstruction proce-
 2 dures.

3 “(b) PUBLIC COMMENTS.—The Commission mem-
 4 bers and the Federal Cochairperson shall seek comments
 5 from rural Alaska communities and other stakeholder
 6 groups regarding rural development needs.

7 “(c) DUTIES.—The members of the Commission
 8 shall—

9 “(1) advise the Commission regarding coordi-
 10 nated infrastructure planning (including annual and
 11 multiyear strategies) among and for—

12 “(A) rural Alaska communities;

13 “(B) the State of Alaska;

14 “(C) Federal agencies; and

15 “(D) other governmental and nongovern-
 16 mental entities;

17 “(2) establish a list of priorities of the Commis-
 18 sion for rural Alaska communities on an annual
 19 basis, including funding recommendations and the
 20 means by which the recommendations—

21 “(A) address multiyear strategies; and

22 “(B) are coordinated with—

23 “(i) rural Alaska communities;

24 “(ii) the State of Alaska;

25 “(iii) Federal agencies; and

1 “(iv) other government and non-
2 governmental entities;

3 “(3) review ongoing and completed Commis-
4 sion-funded projects and programs for compliance
5 with stated objectives and outcomes; and

6 “(4) examine Commission-funded projects and
7 programs—

8 “(A) for consistency and standardization;
9 and

10 “(B) to determine a means of improving
11 the management and success of future Commis-
12 sion-funded projects and programs.

13 “(d) OPERATIONAL MATTERS.—The Federal Co-
14 chairperson (and not the members of the Commission)
15 shall be responsible for Commission operational matters,
16 including budgetary matters.”.

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

21 “(c) DEMONSTRATION HEALTH PROJECTS.—

22 “(1) IN GENERAL.—To demonstrate the value
23 of adequate health facilities and services to the eco-
24 nomic development of the region, the Secretary of
25 Health and Human Services may make interagency

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

6 “(2) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated such sums
 8 as are necessary to carry out this subsection.”.

9 **SEC. 4. POWERS OF COMMISSION.**

10 Section 305 of the Denali Commission Act of 1998
 11 (42 U.S.C. 3121 note; Public Law 105–277) is amended
 12 by striking subsection (d) and inserting the following:

13 “(d) DETAIL OF FEDERAL EMPLOYEES; AGREE-
 14 MENTS, GRANTS, AND PAYMENTS.—

15 “(1) DETAIL OF FEDERAL EMPLOYEES.—Any
 16 employee of the Federal Government may be de-
 17 tailed to the Commission—

18 “(A) without reimbursement; and

19 “(B) without interruption or loss of civil
 20 service status or privilege.

21 “(2) AGREEMENTS, GRANTS, AND PAYMENTS.—

22 The Commission, acting through the Federal Co-
 23 chairperson, may enter into contracts and coopera-
 24 tive agreements, award grants, and make payments

1 necessary to carry out the purposes of the Commis-
2 sion.”.

3 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

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

8 “(a) COMPENSATION OF MEMBERS.—

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

12 “(2) FEDERAL COCHAIRPERSON.—The Federal
13 Cochairperson shall be compensated at the annual
14 rate prescribed for level IV of the Executive Sched-
15 ule under section 5315 of title 5, United States
16 Code.”.

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

20 (1) by striking “The members” and inserting
21 the following:

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the members”; and

24 (2) by adding at the end the following:

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

4 (c) INSPECTOR GENERAL.—

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

9 “(h) INSPECTOR GENERAL.—The Commission shall
10 use the services of the Inspector General of the Depart-
11 ment of Commerce.”.

12 (2) CONFORMING AMENDMENT.—Section
13 8G(a)(2) of the Inspector General Act of 1978 (5
14 U.S.C. App.) is amended by striking “the Denali
15 Commission,”.

16 **SEC. 6. REAUTHORIZATION.**

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

21 “(a) IN GENERAL.—There are authorized to be ap-
22 propriated to the Commission such sums as are necessary
23 to carry out this title, in accordance with the purposes
24 of this title, for fiscal year 2013 and each fiscal year there-
25 after.”.

1 **SEC. 7. REPEALS.**

2 (a) IN GENERAL.—

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

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

12 (b) CONFORMING AMENDMENTS.—Sections 309 and
13 310 of the Denali Commission Act of 1998 (42 U.S.C.
14 3121 note; Public Law 105–277) are redesignated as sec-
15 tions 308 and 309, respectively.

16 **SEC. 8. BUDGET COMMITTEE.**

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

20 **“SEC. 310. BUDGET COMMITTEE.**

21 “(a) ESTABLISHMENT.—Not later than 180 days
22 after the date of enactment of the Denali Commission Re-
23 authorization Act of 2012, the Federal Cochairperson
24 shall establish a Budget Committee to serve the Commis-
25 sion.

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

3 “(1) 1 shall be the Governor of the State of
4 Alaska or a member of the Commission selected in
5 accordance with section 303(b)(1)(B);

6 “(2) 1 shall be a Federal employee or detailee
7 with expertise in the Federal budget process, to be
8 selected by the Federal Cochairperson; and

9 “(3) 1 shall be a member of the Commission,
10 to be selected by the members of the Commission.

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

13 “(1) Review the operating budget of the Com-
14 mission.

15 “(2) Make appropriate recommendations to the
16 Federal Cochairperson.

17 “(d) COMPENSATION OF MEMBERS.—

18 “(1) IN GENERAL.—The members of the Budg-
19 et Committee shall serve without compensation.

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

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

