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SENATE

{ REPORT
110-161

NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION REAUTHORIZATION ACT OF 2007

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1728]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1728) to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1728 is to reauthorize the Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau) advisory commission through December 31, 2017.

BACKGROUND AND NEED

Kaloko-Honokohau National Historical Park, located on the western coast of the Island of Hawaii, was established in 1978 to provide for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, to demonstrate historic land use patterns, and to provide for the education, enjoyment, and appreciation of traditional native Hawaiian activities and culture.

Section 505(f) of the park's enabling legislation (16 U.S.C. 396d(F)(7)) established an advisory commission for the park, the Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau). The commission is composed of nine members appointed by the Secretary of the Interior, at least five of whom are selected from nominations provided by native Hawaiian organiza-

tions. The advisory commission originally had a term of 10 years, expiring in 1988. The commission was reestablished for another 10 years in 1996. S. 1728 would extend the advisory commission through the end of 2017.

LEGISLATIVE HISTORY

S. 1728 was introduced by Senator Akaka on June 28, 2007. The Subcommittee on National Parks held a hearing on the bill on July 12, 2007.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 1728 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 1728.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007.”

Section 2 amends section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission through December 31, 2017.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

JULY 30, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1728, the Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 1728—Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007

S. 1728 would extend through December 31, 2017, the life of the Na Hoa Pili O Kaloko-Honokohau Advisory Commission. The previous authority for the commission expired in November 2006.

CBO estimates that implementing S. 1728 would have no significant effect on the federal budget and would not affect direct spending or revenues. In past years, the advisory commission has typically received funds from appropriations to the National Park Service of less than \$20,000 a year.

S. 1728 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1728. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1728, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the July 12, 2007 Subcommittee hearing on S. 1728 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1728, a bill to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili o Kaloko-Honokōhau Advisory Commission.

The Department supports enactment of S. 1728. This legislation, which would reestablish the advisory commission for Kaloko-Honokōhau National Historical Park for ten years, would enable the National Park Service to benefit from the advice and counsel of Hawaiian residents who have expertise in Native Hawaiian language, history, and cultural arts during a period when the park will be engaged in projects critical to the interpretation of traditional Native Hawaiian activities and culture.

"Na Hoa Pili o Kaloko-Honokōhau," which means "Friends of Kaloko-Honokōhau," is the name of the advisory commission that was authorized for ten years as part of the original 1978 authorization for the park (Public Law 95-625), and that was reestablished for ten years, after a lapse, in 1996 (Public Law 104-333). S. 1728 would authorize the reestablishment of the commission effective upon the date of enactment, to last until December 31, 2017. The composition, purpose, and responsibilities of the commission would remain as provided for under existing law.

From the beginning, the law has provided for the commission to advise the National Park Service with respect to the historical, archeological, cultural, and interpretive

programs of the park, affording particular emphasis to the quality of traditional Native Hawaiian culture demonstrated in the park. It was helpful to have the commission's sound, pragmatic, and critical advice on these matters during the initial stages of establishing the park. It will be equally helpful to receive such advice over the next decade, particularly on two major projects—design and construction of traditional structures that will serve as a cultural center, and completion of the restoration of the historic Kaloko fishpond.

The advisory commission would provide advice in the planning and design of the thatched structures made of local natural materials that will house traditional Native Hawaiian cultural activities. Once the structures are built, the commission would provide guidance in the interpretation of cultural activities, make recommendations on the preservation, interpretation, and perpetuation of traditional Native Hawaiian culture, and facilitate the participation of Native Hawaiians, especially the kupuna, or elders, in activities.

The commission would also continue to provide advice concerning the reconstruction and interpretation of the centuries-old fishpond, an enclosure contained by 30-foot-wide stone seawalls, where restorers are practicing the native traditional masonry work under the guidance of some of the finest masons in Hawaii. This impressive reconstruction represents both the general cultural significance of fishponds and the uniqueness of engineering and management skills of Native Hawaiians. The commission would help ensure that the significance of the fishpond to Native Hawaiian culture and history is fully and accurately interpreted.

The advisory commission has been instrumental in facilitating the collaborative partnership that the National Park Service has developed with the Native Hawaiian community. With enactment of S. 1728, we will look forward to another decade of assistance from the commission in fulfilling the mandate of the enabling legislation for the park—the preservation, interpretation, and perpetuation of traditional Native Hawaiian activities and culture, the demonstration of historic land use patterns, and the provision of education, enjoyment, and appreciation of such traditional Native Hawaiian activities and culture by local residents and visitors.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1728, as ordered 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):

PUBLIC LAW 95-625—NOV. 10, 1978, AS AMENDED

AN ACT To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho

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

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the “National Parks and Recreation Act of 1978”.

* * * * *

KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK

SEC. 505. (a)(1) In order to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource for the education, enjoyment, and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors, there is established the Kaloko-Honokohau Park (hereinafter in this section referred to as the “park”) in Hawaii comprising approximately one thousand three hundred acres as generally depicted on the map entitled “Kaloko-Honokohau National Historical Park,” numbered KHN-80,000, and dated May 1978.

* * * * *

(f) There is hereby established the Kaloko-Honokohau Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau) an Advisory Commission for the park. The Commission shall be composed of nine members, appointed by the Secretary, at least five of whom shall be selected from nominations provided by native Hawaiian organizations. All members of the Commission shall be residents of the State of Hawaii, and at least six members shall be native Hawaiians. Members of the Commission shall be appointed for five-year terms except that initial appointment(s) shall consist of two members appointed for a term of five years, two for a term of four years, two for a term of three years, two for a term of two years, and one for a term on one year. No member may serve more than one term consecutively.

* * * * *

(7) The Advisory Commission shall terminate [ten years after the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996] *on December 21, 2017.*

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