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APPROVED
SEP 4 - 1976

89/4/16

THE WHITE HOUSE
WASHINGTON
September 2, 1976

ACTION
Last Day: September 7

Filed 9/6
To ARCHIVES 9/7

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *[Signature]*
SUBJECT: H.R. 10370 - Canaveral National Seashore, Florida

Attached for your consideration is H.R. 10370, sponsored by Representatives Chappell and Frey.

The enrolled bill would amend the Canaveral National Seashore Act of 1975 to increase from five to six the membership of the Canaveral National Seashore Advisory Commission.

A discussion of the provisions of the bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 10370 at Tab B.

266 7 1010



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10370 - Canaveral
National Seashore, Florida
Sponsors - Rep. Chappell (D) Florida and
Rep. Frey (R) Florida

Last Day for Action

September 7, 1976 - Tuesday

Purpose

Amends the Canaveral National Seashore Act of 1975 to increase from five to six the membership of the Canaveral National Seashore Advisory Commission.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

The Canaveral National Seashore Act of 1975 provided for a five-member advisory commission to be appointed by the Secretary of the Interior. The advisory commission has no administrative authority, but does consult with and advise the National Park Service with respect to the Canaveral National Seashore.

To date, the Secretary has appointed four members, two on the recommendation of the Governor of Florida and two members representing the two counties (Brevard and Volusia) in which the

seashore is located. However, Interior has informally advised that appointment of a fifth member representing the general public has been delayed because both Congressmen Chappell and Frey have sought to have their own candidates appointed to the advisory commission (the seashore is contained within their congressional districts).

The enrolled bill would resolve the problem cited above by increasing the commission's membership from five to six, and by stipulating that a representative of the general public be included from each county in which the seashore is located. As a practical matter, this will enable the Secretary to appoint a general public member from each congressional district.

James M. Frey
Assistant Director for
Legislative Reference

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 1

Time: 600pm

FOR ACTION: George Humphreys *gh* cc (for information): Jack Marsh
Max Friedersdorf *mf* Ed Schmults
Ken Lazarus *kl*

FROM THE STAFF SECRETARY

Syd 9/4/76

DUE: Date: September 2

Time: 500pm

SUBJECT:

H.R. 10370-Canaveral National Seashore, Fla.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to Judy Johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 30 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on H.R. 10370, "To amend the Act of January 3, 1975, establishing the Canaveral National Seashore."

We recommend that the President approve the bill.

H.R. 10370 would amend the Act of January 3, 1975 (88 Stat. 2121, 2125), by increasing the membership of the Advisory Commission established in section 6 of the Act from five to six members and by changing the nature of the membership representing the general public from one member appointed by the Secretary to two members, of which one shall be appointed from each county in which the Seashore is located.

On March 26, 1975, the Canaveral National Seashore Advisory Commission was chartered in accordance with the provisions of the Federal Advisory Committee Act. Four members were appointed representing the two counties involved and the State of Florida pursuant to the Act. The Secretary has not appointed the statutory member representing the general public. We, therefore, support the enactment of this legislation to add another member to represent the general public.

The enactment of this bill is not expected to result in any increase in cost to the National Park Service.

Sincerely yours,

Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 1

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Ed Schmults

Jim Kavanaugh

FROM THE STAFF SECRETARY

DUE: Date: September 2

Time: 500pm

SUBJECT:

H.R. 10370-Canaveral National Seashore, Fla.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommended Approval

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 1

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus ✓

cc (for information): Jack Marsh
Ed Schmults

Jim Kavanaugh

FROM THE STAFF SECRETARY

DUE: Date: September 2

Time: 500pm

SUBJECT:

H.R. 10370-Canaveral National Seashore, Fla.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus 9/2/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

THE WHITE HOUSE

WASHINGTON

September 3, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: HR 10370 - Canaveral National Seashore, Fla.

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

AMENDING THE ACT OF JANUARY 3, 1975, ESTABLISHING
THE CANAVERAL NATIONAL SEASHORE

JANUARY 30, 1976.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 10370]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 10370) to amend the Act of January 3, 1975, establishing the Canaveral National Seashore, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 10370¹ would amend the Act which established the Canaveral National Seashore in the State of Florida by adding a sixth member to the Advisory Commission for the seashore, and by specifying that the two members representing the general public be selected on the basis of one resident from each of the two affected counties.

BACKGROUND

The Canaveral National Seashore was established by Public Law 93-626, and among other things, provided for a five-member advisory commission for the seashore. The advisory commission has no administrative authority, but simply consults with and advises the National Park Service with respect to the National Seashore.

Although the advisory commission was chartered in March 1975, followed by the appointment of two members recommended by the Governor of Florida and two members representing the two counties in which the seashore is located (Brevard and Volusia), the fifth member who was to represent the "general public" has not been named. In order to facilitate activation of the commission, the sponsor of this

¹ H.R. 10370 was introduced by Representative Chappell and Frey on October 28, 1975.

legislation and the Secretary of the Interior have recommended (1) that a sixth member be added to represent the general public, and (2) that the new member and the other member remaining to be designated be appointed one each from the two counties involved.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill amends the act establishing the Canaveral National Seashore to include a sixth member on the advisory commission. The act is further amended so that there would now be four members selected from within the two counties involved, and two members selected from within the State of Florida.

LEGISLATIVE HISTORY

The Subcommittee on National Parks and Recreation conducted hearings on H.R. 10370 on November 17, 1975. Representative Chapell explained the desire on the part of the residents in the vicinity of the National Seashore to have the two locally affected counties equally represented on the advisory commission. The Director of the National Park Service also testified at the hearing, and stated that there was no objection to the passage of H.R. 10370 by the Department of the Interior. The subcommittee ordered the bill reported without amendment on December 12, 1975.

COST AND BUDGET ACT COMPLIANCE

No additional authorization of funds is made by H.R. 10370. Members of the advisory commission serve without compensation, but do receive reimbursement for reasonable expenses incurred by Commission members in connection with their responsibilities. In this case, since the additional member is to be a local resident, such expenses should be minimal; consequently, there will be no significant impact made on the budget by H.R. 10370.

INFLATIONARY IMPACT

Passage of the legislation will have no inflationary impact.

OVERSIGHT STATEMENT

No recommendations were submitted to the committee pursuant to rule I, clause 2(b) (2).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session on January 27, 1976, by voice vote, ordered H.R. 10370 to be favorably reported without amendment for the consideration of the House of Representatives.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated November 14, 1975, is here printed in full:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 14, 1975.

HON. JOHN A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has requested the views of this Department on H.R. 10370, a bill, "To amend the act of January 3, 1975, establishing the Canaveral National Seashore."

H.R. 10370 would amend the act of January 3, 1975 (88 Stat. 2121, 2125), by increasing the membership of the Advisory Commission established in section 6 of the act from five to six members and by changing the nature of the membership representing the general public from one member appointed by the Secretary to two members, of which one shall be appointed from each county in which the seashore is located.

We recommend the enactment of H.R. 10370.

On March 26, 1975, the Canaveral National Seashore Advisory Commission was chartered in accordance with the provisions of the Federal Advisory Committee Act. Four members were appointed representing the two counties involved and the State of Florida pursuant to the act. The Secretary has not appointed the statutory member representing the general public. We, therefore, would support the enactment of this legislation to add another member to represent the general public.

The enactment of this bill is not expected to result in any increase in cost to the National Park Service.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN H. KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 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):

ACT OF JANUARY 3, 1975 (88 STAT. 2124; 16 U.S.C. 459;-5)

* * * * *

SEC. 6. (a) There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development, and operation of the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of this Act. The Commission shall terminate ten years after the date the seashore is established pursuant to this Act, unless extended by the Congress. The Commission shall be composed of ~~five members~~ *six members* who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county;

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

[(3) one member representing the general public.]

(3) two members representing the general public: Provided, That one member shall be appointed from each county in which the seashore is located.

(b) After the Secretary designates the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section.



AMENDING THE ACT ESTABLISHING THE CANAVERAL NATIONAL SEASHORE

—————
AUGUST 20, 1976.—Ordered to be printed
—————

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 10370]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 10370) to amend the act of January 3, 1975, establishing the Canaveral National Seashore, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

H.R. 10370 would increase the membership of the Advisory Commission from the present five members, to six so that one member of the general public can be selected from each of the two counties in which the Seashore is located.

BACKGROUND

The Canaveral National Seashore was established by Public Law 93-626 which, among other things, provided for a five-member advisory commission for the seashore. The advisory commission has no administrative authority, but simply consults with and advises the National Park Service with respect to the National Seashore.

Although the advisory commission was chartered in March, 1975, followed by the appointment of two members recommended by the Governor of Florida and two members representing the two counties in which the seashore is located (Brevard and Volusia), the fifth member who was to represent the "general public" has not been named. In order to facilitate activation of the commission, the sponsor of this legislation and the Secretary of the Interior have recommended (1) that a sixth member be added to represent the general public, and (2)

that the new member and the other member remaining to be designated by appointed one each from the two counties involved.

LEGISLATIVE HISTORY

This measure was passed by the House of Representatives on February 2, 1976 and was introduced in the Senate on February 3, 1976. The Subcommittee on Parks and Recreation conducted a hearing on July 27, 1976.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on August 5, 1976, by unanimous vote of a quorum present recommends that the Senate pass H.R. 10370 without amendment.

COST AND BUDGETARY CONSIDERATIONS

No additional authorization of funds is made by H.R. 10370.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 10370 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 21, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 10370, as passed by the House, a bill "To amend the Act of January 3, 1975, establishing the Canaveral National Seashore."

H.R. 10370 would amend the Act of January 3, 1975 (88 Stat. 2121, 2125), by increasing the membership of the Advisory Commission established in section 6 of the Act from five to six members and by changing the nature of the membership representing the general public from one member appointed by the Secretary to two members, of which one shall be appointed from each county in which the seashore is located.

We recommend the enactment of H.R. 10370.

On March 26, 1975, the Canaveral National Seashore Advisory Commission was chartered in accordance with the provisions of the Federal Advisory Committee Act. Four members were appointed representing the two counties involved and the State of Florida pursuant to the Act. The Secretary has not appointed the statutory member representing the general public. We, therefore, would support the enactment of this legislation to add another member to represent the general public.

The enactment of this bill is not expected to result in any increase in cost to the National Park Service.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the standing rules of the Senate, changes in existing law made by H.R. 10370, 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):

Act of January 3, 1975 (88 Stat. 2124; 16 U.S.C. 459;-5)

SEC. 6. (a) There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development, and operation of the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of this Act. The Commission shall terminate ten years after the date the seashore is established pursuant to this Act, unless extended by the Congress. The Commission shall be composed of ~~five members~~ *six members* who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county;

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

[(3) one member representing the general public.]

(3) two members representing the general public: Provided, That one member shall be appointed from each county in which the seashore is located.

(b) After the Secretary designate the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Act of January 3, 1975, establishing the Canaveral National Seashore.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of January 3, 1975 (88 Stat. 2121, 2125) is amended as follows:

(1) in subsection (a) delete "five members" and insert in lieu thereof "six members" and

(2) delete (a) (3) in its entirety and insert in lieu thereof

"(3) two members representing the general public: *Provided*, That one member shall be appointed from each county in which the seashore is located."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*