



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** House Committee on Natural Resources Republican Staff  
**Date:** Tuesday, May 7, 2024  
**Subject:** Markup of 4 bills

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The Committee on Natural Resources will hold a markup on **Tuesday, May 7, 2024, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 897 (Rep. Carl); H.R. 1395 (Rep. Fitzpatrick); H.R. 6062 (Rep. Radewagen); and H.R. 6852 (Rep. Espaillat).

Member offices are requested to notify Madeline Kelley ([madeline.kelley@mail.house.gov](mailto:madeline.kelley@mail.house.gov)) by 4:30 p.m. on Monday, May 6, 2024, to confirm their Member's attendance at the mark-up.

## **I. KEY MESSAGES & TOP LINE ACTIONS**

- Bills expected to move by unanimous consent: H.R. 897 (Rep. Carl), "*Alabama Underwater Forest National Marine Sanctuary and Protection Act*"; H.R. 1395 (Rep. Fitzpatrick), "*Delaware River Basin Conservation Reauthorization Act of 2023*"; H.R. 6062 (Rep. Radewagen), To restore the ability of the people of American Samoa to approve amendments to the territorial constitution based on majority rule in a democratic act of self-determination, as authorized pursuant to an Act of Congress delegating administration of Federal territorial law in the territory to the President, and to the Secretary of the Interior under Executive Order 10264, dated June 29, 1951, under which the Constitution of American Samoa was approved and may be amended without requirement for further congressional action, subject to the authority of Congress under the Territorial Clause in article IV, section 3, clause 2 of the United States Constitution; and H.R. 6852 (Rep. Espaillat), "*Holcombe Rucker Park Landmark Act*".

## **II. EXPECTED LEGISLATION**

### **H.R. 897 (Rep. Carl), "*Alabama Underwater Forest National Marine Sanctuary and Protection Act*"**

H.R. 897 would establish an underwater forest that is ten miles off the coast of Gulf Shores, Alabama, as a National Marine Sanctuary. This forest was first discovered by commercial

fishermen in 2004,<sup>1</sup> and is approximately 70,000 years old.<sup>2</sup> This designation by the National Oceanic and Atmospheric Administration (NOAA) would allow for the valuable research that is currently being done at this forest to continue with minimal disruption.

Notably, the legislation provides exceptions for recreational and commercial fishing activity, national defense, and law enforcement activity within the marine sanctuary and for the exploration, development, and production of oil and gas that was authorized or permitted prior to enactment of this legislation. The legislation also requires the Secretary of Commerce to establish an advisory council, which must include a representative from the Alabama Department of Conservation to manage the sanctuary. An amendment will be filed that removes the authorization of appropriations, as NOAA can enact the legislation through the use of existing funds.

H.R. 897 has four Democrat cosponsors and two Republican cosponsors.

Hearing information, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

Staff contact: Annick Miller ([Annick.Miller@mail.house.gov](mailto:Annick.Miller@mail.house.gov)) and Kirby Struhar ([Kirby.Struhar@mail.house.gov](mailto:Kirby.Struhar@mail.house.gov))

### **H.R. 1395 (Rep. Fitzpatrick), “*Delaware River Basin Conservation Reauthorization Act of 2023*”**

H.R. 1395 reauthorizes the Delaware River Basin Restoration Program through Fiscal Year (FY) 2030. This program serves as a nonregulatory organization that works to “identify, prioritize, and implement restoration and protection activities within the Basin”<sup>3</sup> helping to advance “science-based restoration and protection activities.”<sup>4</sup>

H.R. 1395 makes two changes to the program. The first is a technical change to add the state of Maryland to the authorizing statute, which will “expand cross-jurisdictional conservation practices to address the needs of the watershed more comprehensively.”<sup>5</sup> The bill also alters the Federal cost share for certain projects to allow for a 90 percent contribution of Federal funds for projects in small, rural, and disadvantaged communities, with a 10 percent match.

H.R. 1395 has eighteen cosponsors.

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<sup>1</sup> NBC News. The Unveiling of an Ancient Underwater Forest off Alabama Coast. September 25, 2017. <https://www.nbcnews.com/science/environment/unveiling-ancient-underwater-forest-alabama-coast-n804496>.

<sup>2</sup> Testimony of Mr. Ben Raines. [https://naturalresources.house.gov/uploadedfiles/testimony\\_raines.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_raines.pdf)

<sup>3</sup> P.L. 114-322, Water Infrastructure Improvements for the Nation Act <https://www.govinfo.gov/content/pkg/PLAW-114publ322/pdf/PLAW-114publ322.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> Responses to Questions for the Record from Mr. Kelly Knutson. <https://docs.house.gov/meetings/II/II13/20240321/116893/HHRG-118-II13-Bio-KnutsonK-20240321.pdf>

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Annick Miller ([Annick.Miller@mail.house.gov](mailto:Annick.Miller@mail.house.gov)) and Kirby Struhar ([Kirby.Struhar@mail.house.gov](mailto:Kirby.Struhar@mail.house.gov))

**H.R. 6062 (Rep. Radewagen), To restore the ability of the people of American Samoa to approve amendments to the territorial constitution based on majority rule in a democratic act of self-determination, as authorized pursuant to an Act of Congress delegating administration of Federal territorial law in the territory to the President, and to the Secretary of the Interior under Executive Order 10264, dated June 29, 1951, under which the Constitution of American Samoa was approved and may be amended without requirement for further congressional action, subject to the authority of Congress under the Territorial Clause in article IV, section 3, clause 2 of the United States Constitution.**

H.R. 6062 would repeal Section 12 of Public Law 98-213, granting the President of the United States, and subsequently the Secretary of the Interior, the power to approve amendments to the Constitution of American Samoa without Congressional approval. Congress would still retain its authority to regulate the territories, including the authority to make any changes to the Constitution of American Samoa, provided under the Territories Clause of the U.S. Constitution.

In 1983, Congress passed, and the President signed into law Public Law 98-213. Section 12 of the law stated that any changes to the Constitution of American Samoa may be made only by an Act of Congress. Prior to 1983, only the approval of the Secretary of the Interior was required for constitutional amendments. At the time the law was enacted, there were concerns within American Samoa about the Department of the Interior making unilateral decisions on amendments to the Constitution of American Samoa. Changing federal law ensured that the Secretary of the Interior could not unilaterally amend the Constitution of American Samoa, as Congress would need to approve such decisions.

Since 1984, American Samoa has made attempts to return to the pre-1983 policy, where the Secretary of the Interior has the sole authority to approve changes to the Constitution of American Samoa. Furthermore, concerns have been raised within American Samoa that Section 12 has stalled the approval of all amendments to the Constitution of American Samoa and that it is inequitable for American Samoa to be the only U.S. territory to have this process.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Ken Degenfelder ([Ken.Degenfelder@mail.house.gov](mailto:Ken.Degenfelder@mail.house.gov)) and Justin Rhee ([Justin.Rhee@mail.house.gov](mailto:Justin.Rhee@mail.house.gov))

## **H.R. 6852 (Rep. Espaillat) “*Holcombe Rucker Park Landmark Act*”**

Located in the heart of New York City’s (NYC) Harlem neighborhood, the Greg Marius Court at Holcombe Rucker Park (Rucker Park) is a historically significant basketball destination. Holcombe Rucker, the park’s namesake, served as a playground director for various NYC parks from 1948 to 1964 and was the originator of the “Rucker Tournament,” a popular basketball contest that has provided a positive outlet for local youth and promoted racial equality in sports.<sup>6</sup> Through such efforts, Rucker was credited with helping over 700 children receive college scholarships for athletics.<sup>7</sup> Over the subsequent decades, Rucker Park and its associated basketball tournaments have continued to grow in importance—both as a cultural resource for Harlem and as an attraction for basketball enthusiasts everywhere. The park has been described as a “Mecca of Basketball,” and many legendary NBA players, such as Wilt Chamberlin, Kobe Bryant, and LeBron James, have traveled to play there.<sup>8</sup> In recognition of this unique history, H.R. 6852 would designate Rucker Park as a National Commemorative Site. This designation would not make Rucker Park a unit of the National Park System, infringe on private property rights, or affect the administration of the park by NYC and the State of New York. An amendment will be offered at markup reflecting technical assistance from the National Park Service.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler ([Aniela@mail.house.gov](mailto:Aniela@mail.house.gov)) and Brandon Miller ([Brandon.Miller@mail.house.gov](mailto:Brandon.Miller@mail.house.gov)).

### **III. CBO SCORES**

**None available.**

### **IV. EFFECT ON CURRENT LAW (RAMSEYER)**

**[H.R. 1395](#)**

**[H.R. 6062](#)**

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<sup>6</sup> “Holcombe Rucker Park,” New York City Department of Parks & Recreation, <https://www.nycgovparks.org/parks/holcombe-rucker-park/history>. “Harlem’s Holcombe Rucker,” Harlem World, November 6, 2011, <https://www.harlemworldmagazine.com/harlems-holcombe-rucker/>.

<sup>7</sup> *Id.*

<sup>8</sup> Jonathan Abrams, “A Street Basketball Mecca Gets a Face-Lift,” The New York Times, October 10, 2021, <https://www.nytimes.com/2021/10/10/sports/basketball/rucker-park-renovation.html>.