AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 377

110TH CONGRESS
1st Session

SENATE

REPORT
110–179

HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION 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. 1148]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1148) to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hudson-Fulton-Champlain Quadricentennial Commemoration Commission Act of 2007".

SEC. 2. COORDINATION.

Each commission established under this Act shall coordinate with the other respective commission established under this Act to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHAMPLAIN COMMEMORATION.—The term "Champlain commemoration" means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term "Champlain Commission" means the Champlain Quadricentennial Commemoration Commission established by section 4(a).

(3) COMMISSION.—The term "Commission" means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term "Hudson-Fulton commemoration" means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term "Hudson-Fulton Commission" means the Hudson-Fulton 400th Commemoration Commission established by section 5(a).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term "Lake Champlain Basin Program" means the partnership established by section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, "Opportunities for Action: An Evolving Plan for the Lake Champlain Basin".

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF CHAMPLAIN COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Champlain Quadricentennial Commemoration Commission".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(A) 1 member shall be the Director of the National Park Service (or a designee);

(B) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(i) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(ii) residents of Champlain Valley, New York;

(C) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(i) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(ii) residents of the State of Vermont; and

(D) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(i) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(ii) knowledge relating to the history of the Champlain Valley.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(B) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(c) DUTIES.—The Champlain Commission shall—

(1) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(2) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(3) coordinate the activities of the Champlain Commission with—

(A) State commemoration commissions;

(B) appropriate Federal agencies;

(C) the Lake Champlain Basin Program;

(D) the National Endowment for the Arts; and

(E) the Smithsonian Institution;

(4) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(5) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(6) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(7) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(8) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(9) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

SEC. 5. ESTABLISHMENT OF HUDSON-FULTON COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Hudson-Fulton 400th Commemoration Commission".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(A) 1 member shall be the Director of the National Park Service (or a designee);

(B) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(C) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(D) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(E) 2 members shall be—

(i) appointed by the Secretary; and

(ii) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(I) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(II) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(F) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(G) 2 members shall be appointed by the Secretary, after—

(i) considering the recommendation of the Mayor of the city of New York; and

(ii) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(B) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(c) DUTIES.—The Hudson-Fulton Commission shall—

(1) plan, develop, and execute programs and activities appropriate to commemorate—

(A) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(B) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(2) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(3) coordinate the activities of the Hudson-Fulton Commission with—

(A) State commemoration commissions;

(B) appropriate Federal agencies;

(C) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(D) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(E) the National Endowment for the Humanities;

(F) the National Endowment for the Arts; and

(G) the Smithsonian Institution;

(4) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(5) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(6) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(7) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(8) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

SEC. 6. COMMISSION MEETINGS.

(a) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this Act have been appointed, the applicable Commission shall hold an initial meeting.

(b) MEETINGS.—A commission established under this Act shall meet—

(1) at least twice each year; or

(2) at the call of the Chairperson or the majority of the members of the Commission.

(c) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(2) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) VOTING.—A commission established under this Act shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

SEC. 7. COMMISSION POWERS.

(a) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(b) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this Act.

(c) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this Act.

(d) PROCUREMENT.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(2) LIMITATION.—The Commission may not purchase real property.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) GRANTS.—

(1) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(A) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(B) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(2) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(A) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(B) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(g) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(h) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under subsections (f)(1) and (g) for the development of activities commemorating the voyage of Samuel de Champlain.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from the State of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(B) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(3) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(A) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(B) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(g) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(h) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 9. REPORTS.

Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;
(2) a final accounting of funds received and expended by the Commission; and
(3) the findings and recommendations of the Commission.

SEC. 10. TERMINATION OF COMMISSIONS.

(a) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(b) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in subsection (a), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2008 through 2011—
(1) $500,000 to the Champlain Commission; and
(2) $500,000 to the Hudson-Fulton Commission.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

PURPOSE

The purpose of S. 1148 is to establish two Federal commissions: the Champlain Quadricentennial Commemoration Commission to commemorate the 400th anniversary of the voyage of Samuel de Champlain; and the other to establish the Hudson-Fulton 400th Commemoration Commission to commemorate the 400th anniversary of the voyage of Henry Hudson and the 200th anniversary of the voyage of Robert Fulton.

BACKGROUND AND NEED

S. 1148 would establish two federal commissions to commemorate the 400th anniversary of the voyages of Henry Hudson and Samuel de Champlain, and the 200th anniversary of the voyage of Robert Fulton.

Henry Hudson (c. 1565–1611) was an English navigator and explorer who searched in the early part of the seventeenth century to try and find a route from Europe to Asia via the Arctic Ocean. His third expedition was under contract to the Dutch East India Company. Sailing from Holland in 1609 on the vessel "Half Moon," Hudson had to abandon his northeast voyage because of bad weather. Instead, he sailed along the Atlantic coast of North America in search of the Northwest Passage to the Pacific Ocean. He eventually entered the river, now named after him, and sailed up the river for approximately 150 miles, until determining that the river was not the Northwest Passage.

Hudson returned to North America again in 1610, entering into what is now known as Hudson Bay. When winter weather forced his return to England, Hudson and his son were overthrown by a crew mutiny, and cast adrift in Hudson Bay.

Samuel de Champlain (1567–1635) was a French explorer. Following an expedition to the Caribbean, Champlain sailed as an observer in 1603 on a voyage up the "River of Canada," now known as the St. Lawrence River. The following year, he sailed to the Acadia region around the Bay of Fundy, spending three years there.

In 1608, Champlain led another expedition up the St. Lawrence River and founded the city of Quebec. He survived the first winter there with only eight other settlers. However, they were joined by new colonists the following year. While there he established a fur trade with local Indian tribes, and in 1609, visited the lake now

named after him, the first European to do so. Although the fur trade collapsed in 1611, threatening the abandonment of Quebec, Champlain convinced King Louis XIII to maintain the settlement, eventually serving as commandant of New France, as the area was known. Champlain made his final voyage from France to Quebec in 1633.

Robert Fulton (1765–1815) was an American inventor and engineer credited with designing the first commercially successful steam-powered boat. In 1801, after failing to succeed as an artist in Europe, Fulton met Robert Livingston, the Minister to France, who had obtained a 20-year monopoly of steamboat navigation within the State of New York. Fulton and Livingston agreed to work together toward building a steamboat, using Fulton's design. Although their initial attempts were unsuccessful, in 1807 a 150-foot twin paddlewheel steamboat made the 150-mile averaging almost 5 miles per hour, almost three times faster than the fastest sailing sloops of the day. Eventually Fulton strengthened and modified the original boat design, calling the new ship the "North River Steamboat of Clermont," later reduced to the "Clermont."

Hudson and Champlain's explorations led to the establishment of Fort Orange, a Dutch, and later English, settlement of what is now Albany, New York, as well as the establishment of French trading posts, military forts, and settlements as far south as Lake George. From these early establishments came increased trade, commerce, cultural, and religious impact deep into the Mohawk Valley and as far west as Lake Erie. Fulton's efforts almost 200 years later revolutionized waterborne commerce.

LEGISLATIVE HISTORY

S. 1148 was introduced by Senators Clinton, Schumer, Leahy, and Sanders on April 18, 2007. The Subcommittee on National Parks held a hearing on the bill on July 12, 2007.

Similar legislation, S. 1311, was introduced by Senator Clinton in the 108th Congress. The Subcommittee on National Parks held a hearing on the bill on September 21, 2004 (S. Hrg. 108–739). Legislation was also introduced in the 109th Congress, S. 2059, but no action was taken on the bill.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 1148 favorably reported with an amendment in the nature of a substitute.

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. 1148, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1148, the Committee adopted an amendment in the nature of a substitute. The amendment incorporates several clarifying changes and modifies the appointment of commission members to address Constitutional concerns raised by the Department of Justice. The amendment is described in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Hudson-Fulton-Champlain Quadricentennial Commemoration Commission Act of 2007."

Section 2 requires the two commissions established under this Act to coordinate with each other to ensure that the commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are consistent with the plans of New York and Vermont State commemorative commissions.

Section 3 defines key terms used in the bill.

Section 4(a) establishes the Champlain Quadricentennial Commemoration Commission.

Subsection (b) provides for the appointment of the 10 commission members by the Secretary of the Interior.

Subsection (c) sets for the duties of the commission, which include planning, developing, and executing programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain.

Section 5(a) establishes the Hudson-Fulton 400th Commemoration Commission.

Subsection (b) provides for the appointment of the 15 commission members by the Secretary of the Interior.

Subsection (c) sets forth the duties of the commission, which include planning, developing, and executing programs and activities appropriate to commemorate the 400th anniversary of the voyage of Henry Hudson and the 200th anniversary of the voyage of Robert Fulton.

Section 6 addresses meeting requirements for both commissions.

Subsection (a) requires each commission to meet within 30 days after all members have been appointed.

Subsection (b) requires each commission to meet at least twice each year or at the call of the Chairperson or a majority of the commission members.

Subsection (c) provides that a majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

Subsection (d) states that each commission shall elect a Chairperson and a Vice Chairperson on an annual basis, and in the absence of the Chairperson, the Vice Chairperson shall chair the commission.

Subsection (e) authorizes each commission to act only upon the affirmative vote of a majority of its voting members.

Section 7 lists commission powers, and applies to both commissions.

Subsection (a) authorizes each commission to solicit, accept, use, and dispose of gifts, bequests, devises, and other property to aid or facilitate the work of the commission.

Subsection (b) allows each commission to appoint any advisory commission it determines necessary.

Subsection (c) provides that each commission may authorize a member or employee of the commission to take any action the commission is authorized to take.

Subsection (d) authorizes each commission to procure supplies, services, and property, and enter into contracts, leases, or other legal agreements, except that the commission may not purchase real property.

Subsection (e) states that each commission may use the United States mail in the same manner and under the same conditions as other Federal agencies.

Subsection (f) authorizes each commission to make grants not to exceed $20,000 to various listed entities.

Subsection (g) authorizes each commission to provide technical assistance to States, localities, and non-profit organizations.

Subsection (h) requires the Champlain Commission to coordinate and consult with the Lake Champlain Basin Program.

Section 8 addresses commission personnel matters, and applies to both commissions.

Subsection (a) provides that commission members shall serve without compensation. Officers or employees of the Federal government who serve as a commission member may not receive additional compensation for serving on the commission.

Subsection (b) provides for the payment of per diem expenses for commission members while on official business.

Subsection (c) authorizes each commission to appoint an Executive Director and hire such other personnel as are necessary without regard to the Civil Service laws.

Subsection (d) allows each commission to fix compensation for the Executive Director and other staff without regard to the Federal rates of pay, except that no employee may be paid at a rate greater than the rate payable for level V of the Executive Service (currently $136,200).

Subsection (e) authorizes Federal and State agencies to detail personnel to either commission on a reimbursable or non-reimbursable basis.

Subsection (f) authorizes each commission to accept and use voluntary services.

Subsection (g) requires the Department of the Interior to provide administrative support services on a reimbursable basis.

Subsection (h) waives section 14(b) of the Federal Advisory Committee Act, which requires approval of a charter.

Section 9 requires each commission to submit a report to the Secretary of the Interior by September 30, 2010, summarizing the activities of the commission, providing a final accounting of funds, and including any findings and recommendations of the commission.

Section 10(a) provides that both commissions shall terminate on December 31, 2010.

Subsection (b) requires each commission to transfer all of its documents to the National Archives or other appropriate Federal entity prior to termination.

Section 11 authorizes the appropriation of $500,000 for each of fiscal years 2008 through 2011 for each commission.

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. 1148, the Hudson-Fulton-Champlain Quadricentennial Commemoration Commission Act of 2007.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 1148—Hudson-Fulton-Champlain Quadricentennial Commemoration Commission Act of 2007

S. 1148 would establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission. The first commission—consisting of 10 members—would plan, develop, and execute programs and activities related to the 400th anniversary of the voyage of Samuel De Champlain. The second commission—consisting of 15 members—would plan, develop, and execute programs and activities related to the 400th anniversary of the voyage of Henry Hudson and the 200th anniversary of the voyage of Robert Fulton.

Each commission would have three years to report on its activities, findings, and recommendations. Members would serve without pay, but would be reimbursed for travel expenses. The legislation would allow the commissions to make grants to communities, nonprofit organizations, and other groups to commemorate and research the voyages. In addition, the commissions could hire staff, use personnel from other federal agencies or state governments, and rely on volunteers. Each commission would submit its final report in September 2010 and terminate in December 2010. To fund the costs of the commissions, the bill would authorize the appropriation of $1 million ($500,000 per commission) annually over the 2008–2011 period.

Assuming the appropriation of the authorized amounts, CBO estimates that implementing S. 1148 would cost about $4 million over the 2008–2011 period. Because S. 1148 would authorize the commissions to accept and use gifts, the legislation could affect revenues and direct spending. CBO estimates that any revenues from contributions and subsequent direct spending would be less than $500,000 annually.

S. 1148 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the states of New York, New Jersey, and Vermont.

On July 26, 2007, CBO transmitted a cost estimate for H.R. 1520, the Hudson-Fulton-Champlain Quadricentennial Commemoration Act of 2007, as ordered reported by the House Committee on Oversight and Government Reform on July 19, 2007. The two bills are similar and the estimated costs are identical.

The CBO staff contact for this estimate is Matthew Pickford. This 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. 1148. 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. 1148, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the July 12, 2007, Subcommittee hearing on S. 1148 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 present the views of the Department of the Interior on S. 1148, a bill to provide for the establishment of the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission.

The Department supports this bill. The Department of Justice has advised us that it has constitutional concerns about certain appointment provisions in sections 102(b) and 202(b) of the bill and will transmit amendments at a later date to resolve these concerns.

S. 1148 provides for the establishment of two separate commissions to undertake activities celebrating the contributions of Samuel de Champlain, and those of Henry Hudson and Robert Fulton to the history of our nation. The French explorer, Samuel de Champlain, was the first European to discover and explore what is now called Lake Champlain in 1609. Henry Hudson, as the master of the vessel Half Moon, was the first European to sail up the river that now bears his name, also in 1609. In 1807, Robert Fulton navigated up the same river between New York City and Albany in the steamboat Claremont, revolutionizing the method of waterborne transportation and influencing forever commerce, the world's navies, and transoceanic travel and trade.

Title I would establish the Champlain Quadricentennial Commemoration Commission, composed of 11 members, who would be appointed by the Secretary of the Interior. Four of the members would be from among individuals serving on the Hudson-Fulton-Champlain Commission of the State of New York and residents of the Champlain Valley, and four members would be from among individ-

uals serving on the Champlain Quadricentennial Commission of the State of Vermont and residents of Vermont.

Title II would establish the Hudson-Fulton 400th Commemoration Commission, composed of 16 members, would be appointed by the Secretary, six of whom would be after consideration of nominations from members of the House of Representatives whose districts encompass the Hudson River Valley, two after consideration of nominations submitted by members of the U.S. Senate from the State of New York, and two after consideration of the recommendations of the Mayor of the City of New York and consultation with members of the House of Representatives whose districts encompass the City of New York.

The duties of the respective Commissions are to plan, develop, and execute appropriate commemorative actions, coordinate with federal and state entities, promote scholarly research, and encourage a wide range of organizations to participate in activities and expand understanding and appreciation of the significance of the voyages of these three men. They are granted broad powers to accomplish these tasks. Both are also to coordinate their respective efforts with each other to ensure that the commemorations conducted pursuant to the legislation are consistent with the plans of the commemorative commissions established by the States of New York and Vermont.

The bill provides annual funding authorizations of $500,000 for each commission to be available until expended. Specific allocations of funds to be expended by the commissions are also included. The Champlain Commission's authorized appropriations between fiscal years 2008 and 2011 shall be expended with 45% going to activities in New York; 45% for activities in Vermont; and 10% for other activities in accordance with purposes of the legislation. The Commission will terminate on December 31, 2010. The Hudson-Fulton Commission's authorized appropriations, also between fiscal year 2008 and 2011, shall be expended with 80% for activities in the Hudson River Valley; 10% for activities in the City of New York; and 10% for other activities in accordance with the purposes of the legislation. This Commission will also terminate on December 31, 2010.

Both commissions are authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of real money or other real or personal property for use in aiding or facilitating their work. Both are also authorized to appoint advisory committees as they determine necessary for carrying out the purposes of the legislation.

Back in the 108th Congress, the Department testified on a similar bill to establish the Hudson-Fulton-Champlain Commission. During that hearing, the Department raised three concerns we had with the bill. First, we were concerned about size of the commission that numbered 31 members. Second, we recommended that the bill clearly state that the commission was authorized to accept monetary donations to accomplish its purposes. And third, we

recommended that the authorization of appropriations to the commission be capped. S. 1148 integrates all three of our recommended amendments.

The persons and events associated with the explorations of Lake Champlain and the Hudson River, and the inauguration of steam powered water-borne transportation form significant elements in our nation's history. As we commemorate the contributions of Samuel de Champlain, Henry Hudson and Robert Fulton, citizens of the United States and those abroad will come to have a better understanding of their impacts on early exploration, navigation, our national heritage, and the development of the United States.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or other members of the committee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1148, as ordered reported.

○