

108TH CONGRESS  
2D SESSION

# H. R. 5015

To establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2004

Mr. McHUGH (for himself, Mr. SANDERS, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on Government Reform

---

## A BILL

To establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley 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 “Samuel de Champlain  
5       400th Commemoration Commission Act of 2004”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1) Samuel de Champlain (1567–1635) was a  
9       French explorer and navigator who mapped much of

1 northeastern North America and established a set-  
2 tlement in Quebec;

3 (2) in 1609, Champlain entered the valley  
4 where he observed the lake that today carries his  
5 name, Lake Champlain, which borders the States of  
6 Vermont and New York and a portion of the border  
7 between Canada and the United States;

8 (3) the 8,234 square mile Lake Champlain  
9 Basin is an extraordinary cultural, historical, and  
10 recreational resource that had a significant role in  
11 the history and culture of pre-European America,  
12 colonial North America, and the formation and early  
13 development of the United States;

14 (4) Lake Champlain has a recognized national  
15 significance, not only for scenic beauty, but also for  
16 the impact of the lake on the local, regional, and na-  
17 tional economy;

18 (5) Lake Champlain is supported by a water-  
19 shed of more than 8,200 square miles and supports  
20 a regional economy of more than \$9,000,000,000;

21 (6) the importance of Lake Champlain spreads  
22 throughout the Northeast, because residents of New  
23 England and the Mid-Atlantic States cherish the  
24 lake and the resources of the lake for recreational,  
25 ecological, and scenic values; and

1           (6) the States of Vermont and New York have  
2 both established Champlain 400th Commemoration  
3 Commissions.

4       (b) PURPOSE.—

5           (1) IN GENERAL.—The purpose of this Act is to  
6 establish the Samuel de Champlain 400th Com-  
7 memoration Commission to provide technical and fi-  
8 nancial assistance to the States of Vermont and New  
9 York and communities in the States to commemo-  
10 rate—

11           (A) the arrival of Samuel de Champlain  
12 into the Champlain Valley; and

13           (B) the heritage of the greater Lake  
14 Champlain Basin.

15       (2) INCLUSIONS.—The assistance described in  
16 paragraph (1) shall, at a minimum—

17           (A) ensure a suitable national observance,  
18 in 2009, of the Samuel de Champlain anniver-  
19 sary by complementing the programs and activi-  
20 ties of the States of Vermont and New York;

21           (B) cooperate with and assist the programs  
22 and activities of the States in commemorating  
23 the Samuel de Champlain 2009 anniversary;

24           (C) assist in ensuring that the commemo-  
25 ration provides an excellent visitor experience

1 and beneficial interaction between visitors and  
2 the natural and cultural resources of the Cham-  
3 plain Valley;

4 (D) assist in ensuring that the Samuel de  
5 Champlain 2009 observances are inclusive and  
6 appropriately recognize the experiences and her-  
7 itage of all peoples present when Samuel de  
8 Champlain arrived in the Champlain Valley;

9 (E) provide assistance to States, localities,  
10 and nonprofit organizations in the development  
11 of programs, activities, and facilities to recog-  
12 nize the cultural and historical significance of  
13 Lake Champlain;

14 (F) facilitate international involvement in  
15 the Samuel de Champlain 2009 commemora-  
16 tion;

17 (G) support and facilitate marketing ef-  
18 forts for a commemorative coin, stamp, and re-  
19 lated activities for the Samuel de Champlain  
20 commemoration;

21 (H) support and facilitate the related ef-  
22 forts of the Lake Champlain Basin Program  
23 and the Champlain 400th Commemoration  
24 Commissions established by the States of  
25 Vermont and New York; and

1 (I) assist in the appropriate development  
2 of heritage tourism and economic benefits to  
3 the United States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **COMMEMORATION.**—The term “commemo-  
7 ration” means the commemoration of the 400th an-  
8 niversary of Samuel de Champlain first arriving in  
9 the Champlain Valley in 1609.

10 (2) **COMMISSION.**—The term “Commission”  
11 means the Samuel de Champlain 400th Commemo-  
12 ration Commission established by section 4(a).

13 (3) **GOVERNOR.**—The term “Governor” means  
14 the Governor of each State.

15 (4) **LAKE CHAMPLAIN BASIN PROGRAM.**—The  
16 term “Lake Champlain Basin Program” means the  
17 partnership with Federal agencies established by the  
18 States of Vermont and New York to implement the  
19 Lake Champlain management plan entitled “Oppor-  
20 tunities for Action”.

21 (5) **SECRETARY.**—The term “Secretary” means  
22 the Secretary of the Interior.

23 (6) **STATE.**—

24 (A) **IN GENERAL.**—The term “State”  
25 means—

1 (i) the State of Vermont; and

2 (ii) the State of New York.

3 (B) INCLUSIONS.—The term “State” in-  
4 cludes agencies and entities of each State speci-  
5 fied in subparagraph (A).

6 **SEC. 4. SAMUEL DE CHAMPLAIN 400TH COMMEMORATION**  
7 **COMMISSION.**

8 (a) IN GENERAL.—There is established a commission  
9 to be known as the “Samuel de Champlain 400th Com-  
10 memoration Commission”.

11 (b) MEMBERSHIP.—

12 (1) IN GENERAL.—The Commission shall be  
13 composed of 13 members, of whom—

14 (A) 4 members shall be appointed by the  
15 Secretary from the Champlain 400th Com-  
16 memoration Commission established by the  
17 State of Vermont, after consideration of the  
18 recommendations of the Governor of Vermont;

19 (B) 4 members shall be appointed by the  
20 Secretary, from the Champlain 400th Com-  
21 memoration Commission established by the  
22 State of New York, after consideration of the  
23 recommendations of the Governor of New York;

24 (C) 2 members shall be employees of the  
25 National Park Service, of whom—

1 (i) 1 member shall be the Director of  
2 the National Park Service (or a designee);  
3 and

4 (ii) 1 member shall be an employee of  
5 the National Park Service having experi-  
6 ence relevant to the commemoration, to be  
7 appointed by the Secretary; and

8 (D) 3 members shall be individuals that  
9 have an interest in, support for, and expertise  
10 appropriate to, the commemoration, to be ap-  
11 pointed by the Secretary.

12 (2) TERM; VACANCIES.—

13 (A) TERM.—A member of the Commission  
14 shall be appointed for the life of the Commis-  
15 sion.

16 (B) VACANCIES.—

17 (i) IN GENERAL.—A vacancy on the  
18 Commission shall be filled in the same  
19 manner as the original appointment was  
20 made.

21 (ii) PARTIAL TERM.—A member ap-  
22 pointed to fill a vacancy on the Commis-  
23 sion shall serve for the remainder of the  
24 term for which the predecessor of the  
25 member was appointed.

1 (3) MEETINGS.—

2 (A) IN GENERAL.—The Commission shall  
3 meet—

4 (i) at least twice each year; or

5 (ii) at the call of the Chairperson or  
6 the majority of the members of the Com-  
7 mission.

8 (B) INITIAL MEETING.—Not later than 30  
9 days after the date on which all members of the  
10 Commission have been appointed, the Commis-  
11 sion shall hold the initial meeting of the Com-  
12 mission.

13 (4) VOTING.—

14 (A) IN GENERAL.—The Commission shall  
15 act only on an affirmative vote of a majority of  
16 the members of the Commission.

17 (B) QUORUM.—A majority of the members  
18 of the Commission shall constitute a quorum.

19 (5) CHAIRPERSON AND VICE CHAIRPERSON.—

20 (A) IN GENERAL.—The Commission shall  
21 annually elect the Chairperson and the Vice  
22 Chairperson of the Commission from among the  
23 members of the Commission.



1           (B) AUTHORITY.—The Vice Chairperson  
2           shall serve as the Chairperson in the absence of  
3           the Chairperson.

4       (c) DUTIES.—

5           (1) IN GENERAL.—The Commission shall—

6                (A) plan, develop, and execute programs  
7                and activities appropriate for the commemora-  
8                tion;

9                (B) generally facilitate activities relating to  
10               the commemoration throughout the United  
11               States;

12               (C) encourage civic, patriotic, historical,  
13               educational, religious, economic, and other or-  
14               ganizations throughout the United States to or-  
15               ganize and participate in anniversary activities  
16               to expand the understanding and appreciation  
17               of the significance of Lake Champlain;

18               (D) consult with the Lake Champlain  
19               Basin Program and other relevant organiza-  
20               tions to plan and develop programs and activi-  
21               ties for the commemoration;

22               (E) provide technical assistance to States,  
23               localities, and nonprofit organizations to carry  
24               out activities relating to the commemoration;

1 (F) coordinate and facilitate public schol-  
2 arly research on the history of Samuel de  
3 Champlain and the Lake Champlain basin; and

4 (G) ensure that the commemoration pro-  
5 vides a lasting legacy and long-term public ben-  
6 efit by assisting in the development of appro-  
7 priate programs, projects, and facilities.

8 (2) PLANS; REPORTS.—

9 (A) STRATEGIC PLAN; ANNUAL PERFORM-  
10 ANCE PLANS.—In accordance with section 306  
11 of title 5, United States Code, and section 1115  
12 of title 31, United States Code, the Commission  
13 shall prepare a strategic plan and annual per-  
14 formance plans for the activities of the Commis-  
15 sion carried out under this Act.

16 (B) FINAL REPORT.—Not later than Sep-  
17 tember 30, 2010, the Commission shall submit  
18 to the Secretary a final report that contains—

19 (i) a summary of the activities of the  
20 Commission;

21 (ii) a final accounting of funds re-  
22 ceived and expended by the Commission;  
23 and

24 (iii) the findings and recommenda-  
25 tions of the Commission.

1 (d) POWERS OF THE COMMISSION.—The Commission  
2 may—

3 (1) accept and dispose of donations of money,  
4 personal services, and personal property related to  
5 the settling of the Champlain Basin and the signifi-  
6 cance of Lake Champlain in the history of the  
7 United States;

8 (2) appoint such advisory committees as the  
9 Commission determines to be necessary to carry out  
10 this Act;

11 (3) authorize any member or employee of the  
12 Commission to take any action that the Commission  
13 is authorized to take by this Act;

14 (4) procure supplies, services, and property, and  
15 make or enter into contracts, leases, or other legal  
16 agreements, to carry out this Act (except that any  
17 contracts, leases, or other legal agreements made or  
18 entered into by the Commission, either directly or  
19 with administrative assistance from the Lake Cham-  
20 plain Basin Program, shall not extend beyond the  
21 date of termination of the Commission);

22 (5) use the United States mails in the same  
23 manner and under the same conditions as other  
24 Federal agencies;

1           (6) subject to approval by the Commission, with  
2           assistance from the Lake Champlain Basin Pro-  
3           gram, make grants in amounts not to exceed  
4           \$25,000 to communities and nonprofit organizations  
5           to develop programs and facilities to assist in the  
6           commemoration and recognition of Lake Champlain  
7           cultural and historical resources and projects;

8           (7) make grants to research and scholarly orga-  
9           nizations to research, publish, or distribute informa-  
10          tion relating to the early history of the Champlain  
11          Valley; and

12          (8) provide technical assistance to States, local-  
13          ities, and nonprofit organizations to further the com-  
14          memoration.

15          (e) COMMISSION PERSONNEL MATTERS.—

16                (1) COMPENSATION OF MEMBERS OF THE COM-  
17                MISSION.—

18                   (A) IN GENERAL.—Except as provided in  
19                   subparagraph (B), a member of the Commis-  
20                   sion shall serve without compensation.

21                   (B) FEDERAL EMPLOYEES.—A member of  
22                   the Commission who is an officer or employee  
23                   of the Federal Government shall serve without  
24                   compensation in addition to the compensation

1 received for the services of the member as an  
2 officer or employee of the Federal Government.

3 (C) TRAVEL EXPENSES.—A member of the  
4 Commission shall be allowed travel expenses, in-  
5 cluding per diem in lieu of subsistence, at rates  
6 authorized for an employee of an agency under  
7 subchapter I of chapter 57 of title 5, United  
8 States Code, while away from the home or reg-  
9 ular place of business of the member in the per-  
10 formance of the duties of the Commission.

11 (2) STAFF.—

12 (A) IN GENERAL.—The Chairperson of the  
13 Commission may, without regard to the civil  
14 service laws (including regulations), appoint  
15 and terminate an executive director and such  
16 other additional personnel, including personnel  
17 appointed from the Lake Champlain Basin Pro-  
18 gram, as are necessary to enable the Commis-  
19 sion to perform the duties of the Commission.

20 (B) CONFIRMATION OF EXECUTIVE DIREC-  
21 TOR.—The employment of an executive director  
22 shall be subject to confirmation by the Commis-  
23 sion.

24 (3) COMPENSATION.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the Chairperson of the Com-  
3 mission may fix the compensation of the execu-  
4 tive director and other personnel without regard  
5 to the provisions of chapter 51 and subchapter  
6 III of chapter 53 of title 5, United States Code,  
7 relating to classification of positions and Gen-  
8 eral Schedule pay rates.

9 (B) MAXIMUM RATE OF PAY.—The rate of  
10 pay for the executive director and other per-  
11 sonnel shall not exceed the rate payable for  
12 level V of the Executive Schedule under section  
13 5316 of title 5, United States Code.

14 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

15 (A) FEDERAL EMPLOYEES.—

16 (i) IN GENERAL.—At the request of  
17 the Commission, the head of any Federal  
18 agency may detail, on a reimbursable or  
19 nonreimbursable basis, any of the per-  
20 sonnel of the agency to the Commission to  
21 assist the Commission in carrying out the  
22 duties of the Commission under this Act.

23 (ii) CIVIL SERVICE STATUS.—The de-  
24 tail of an employee under clause (i) shall

1 be without interruption or loss of civil serv-  
2 ice status or privilege.

3 (B) STATE EMPLOYEES.—The Commission  
4 may—

5 (i) accept the services of personnel de-  
6 tailed from States (including subdivisions  
7 of States); and

8 (ii) reimburse States for services of  
9 detailed personnel.

10 (C) LAKE CHAMPLAIN BASIN PROGRAM  
11 EMPLOYEES.—The Commission may—

12 (i) accept the services of personnel  
13 from the Lake Champlain Basin Program;  
14 and

15 (ii) reimburse the Lake Champlain  
16 Basin Program for the services of detailed  
17 personnel.

18 (5) VOLUNTEER AND UNCOMPENSATED SERV-  
19 ICES.—Notwithstanding section 1342 of title 31,  
20 United States Code, the Commission may accept and  
21 use voluntary and uncompensated services as the  
22 Commission determines necessary.

23 (6) SUPPORT SERVICES.—The Director of the  
24 National Park Service shall provide to the Commis-

1        sion, on a reimbursable basis, such administrative  
2        support services as the Commission may request.

3        (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
4        TENT SERVICES.—The Chairperson of the Commission  
5        may procure temporary and intermittent services in ac-  
6        cordance with section 3109(b) of title 5, United States  
7        Code, at rates for individuals that do not exceed the daily  
8        equivalent of the annual rate of basic pay prescribed for  
9        level V of the Executive Schedule under section 5316 of  
10       that title.

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

14       (h) NO EFFECT ON AUTHORITY.—Nothing in this  
15       section supersedes the authority of the States or the Na-  
16       tional Park Service concerning the commemoration.

17       (i) TERMINATION.—The Commission shall terminate  
18       on December 31, 2010.

○