

108TH CONGRESS
2D SESSION

S. 2738

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 SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. LEAHY (for himself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 (7) 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.

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as are necessary to carry out this Act.

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