

109TH CONGRESS
1ST SESSION

S. 2059

To establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mrs. CLINTON (for herself, Mr. LEAHY, Mr. SCHUMER, 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 the Hudson-Fulton-Champlain 400th Commemoration Commission, 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 “Hudson-Fulton-Cham-
5 plain 400th Commemoration Commission Act of 2005”.

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

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The first European exploration of the Hud-
9 son River and Lake Champlain and the introduction
10 of steam navigation to maritime commerce were

1 events of major historical importance, both in the
2 United States and internationally.

3 (2) In 1609, Englishman Henry Hudson, acting
4 in service of the Dutch East India Company, was
5 the first European to sail up the river later named
6 for him in the vessel HALF MOON, and French ex-
7 plorer Samuel de Champlain was the first European
8 to see the lake later named for him.

9 (3) These voyages were two of the most signifi-
10 cant passages in the European exploration and dis-
11 covery of America, and began two of the earliest
12 contacts in the New World between Native Ameri-
13 cans and Europeans.

14 (4) These explorations led to the establishment
15 of Fort Orange, a Dutch (and later English) settle-
16 ment of what is now the capital city of the State of
17 New York, and settlement of French Quebec settle-
18 ments as far south as Lake George. From these
19 early settlements came an influence on the Nation's
20 history, culture, law, commerce, and traditions of
21 liberty which extends to the present day, and which
22 is constantly reflected in the position of the United
23 States as the leader of the nations of the free world.

24 (5) In 1807, Robert Fulton navigated the Hud-
25 son River from the city of New York to Albany in

1 the steamboat CLERMONT, successfully inau-
 2 gurating steam navigation on a commercial basis.
 3 This event is one of the most important events in
 4 the history of navigation. It revolutionized water-
 5 borne commerce on the great rivers of the United
 6 States, transformed naval warfare, and fostered
 7 international relations through transoceanic travel
 8 and trade.

9 (6) The National Park Service owns and oper-
 10 ates significant resources in New York related to the
 11 early history of the nation and the Hudson River
 12 Valley.

13 (7) In 2002, the State of New York established
 14 a Hudson-Fulton-Champlain Commission.

15 (8) In 2003, the State of Vermont established
 16 a Lake Champlain Quadricentennial Commission.

17 (b) PURPOSE.—The purpose of this Act is to estab-
 18 lish the Hudson-Fulton-Champlain 400th Commemora-
 19 tion Commission to—

20 (1) ensure a suitable national observance of the
 21 Henry Hudson, Robert Fulton, and Samuel de
 22 Champlain 2009 anniversaries through cooperation
 23 with and assistance to the programs and activities of
 24 New York, Vermont, and the commemorative com-
 25 missions formed by the States;

1 (2) assist in ensuring that Hudson-Fulton-
2 Champlain 2009 observances provide an excellent
3 visitor experience and beneficial interaction between
4 visitors and the natural and cultural resources of the
5 New York and Vermont sites;

6 (3) assist in ensuring that Hudson-Fulton-
7 Champlain 2009 observances are inclusive and ap-
8 propriately recognize the diverse Hudson River and
9 Lake Champlain communities that developed over
10 four centuries;

11 (4) facilitate international involvement in the
12 Hudson-Fulton-Champlain 2009 observances;

13 (5) support and facilitate marketing efforts for
14 a commemorative coin, a commemorative stamp, and
15 related activities for the Hudson-Fulton-Champlain
16 2009 observances;

17 (6) assist in the appropriate development of
18 heritage tourism and economic benefits to the
19 United States; and

20 (7) support and facilitate the related efforts of
21 the Lake Champlain Basin Program in the coordina-
22 tion of efforts to commemorate the voyage of Samuel
23 de Champlain.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) COMMEMORATION.—The term “commemo-
2 ration” means the commemoration of—

3 (A) the 200th anniversary of Robert Ful-
4 ton’s voyage in the CLERMONT;

5 (B) the 400th anniversary of Henry Hud-
6 son’s voyage in the HALF MOON; and

7 (C) the 400th anniversary of Samuel de
8 Champlain’s voyage.

9 (2) COMMISSION.—The term “Commission”
10 means the Hudson-Fulton-Champlain 400th Com-
11 memoration Commission established by section 4(a).

12 (3) GOVERNORS.—The term “Governors”
13 means the Governors of the States of New York and
14 Vermont.

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 New York and Vermont under section 120
19 of the Federal Water Pollution Control Act (33
20 U.S.C. 1270) to implement the Lake Champlain
21 management plan entitled “Opportunities for Ac-
22 tion”.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

25 (6) STATES.—The term “States”—

1 (A) means the States of New York and
 2 Vermont; and

3 (B) includes agencies and entities of each
 4 such State.

5 **SEC. 4. HUDSON-FULTON-CHAMPLAIN 400TH COMMEMORA-**
 6 **TION COMMISSION.**

7 (a) IN GENERAL.—The Secretary shall establish a
 8 commission to be known as the “Hudson-Fulton-Cham-
 9 plain 400th Commemoration Commission”.

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—The Commission shall be
 12 composed of 23 members, of whom—

13 (A) 2 members shall be appointed by the
 14 Secretary, after consideration of the rec-
 15 ommendations of the Governors;

16 (B) 8 members shall be appointed by the
 17 Secretary, after consideration of the rec-
 18 ommendations from the Members of the House
 19 of Representatives whose districts encompass
 20 the Hudson River Valley and Champlain Valley;

21 (C) 4 members shall be appointed by the
 22 Secretary, after consideration of the rec-
 23 ommendations from the Members of the Senate
 24 from New York and Vermont;

1 (D) 2 members shall be employees of the
2 National Park Service, of whom—

3 (i) one shall be the Director of the
4 National Park Service (or a designee); and

5 (ii) one shall be an employee of the
6 National Park Service having experience
7 relevant to the commemoration, who shall
8 be appointed by the Secretary;

9 (E) 3 members shall be appointed by the
10 Secretary from among individuals who have an
11 interest in, support for, and expertise appro-
12 priate to, the commemoration, of whom—

13 (i) one shall be knowledgeable of the
14 Hudson River Valley National Heritage
15 Area;

16 (ii) one shall be knowledgeable of the
17 Champlain Valley; and

18 (iii) one shall be knowledgeable of
19 New York City as it relates to the com-
20 memoration;

21 (F) one member shall be the chairperson of
22 any commemorative commission formed by New
23 York, or the designee of the chairperson;

24 (G) one member shall be the chairperson
25 of any commemorative commission formed by

1 Vermont, or the designee of the chairperson;
 2 and

3 (H) two members shall be appointed by the
 4 Secretary, after consideration of the rec-
 5 ommendation of the mayor of the City of New
 6 York and after consultation with Members of
 7 the House of Representatives whose districts
 8 encompass the City of New York.

9 (2) TERM; VACANCIES.—

10 (A) TERM.—Each member of the Commis-
 11 sion shall be appointed for the life of the Com-
 12 mission.

13 (B) VACANCIES.—

14 (i) IN GENERAL.—A vacancy on the
 15 Commission shall be filled in the same
 16 manner in which the original appointment
 17 was made.

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

23 (3) MEETINGS.—

24 (A) IN GENERAL.—The Commission shall
 25 meet—

- 1 (i) at least twice each year; or
 2 (ii) at the call of the Chairperson or
 3 the majority of the members of the Com-
 4 mission.

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

10 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

11 (A) The Commission shall elect the chair-
 12 person and the vice chairperson of the Commis-
 13 sion on an annual basis.

14 (B) The vice chairperson shall serve as the
 15 chairperson in the absence of the chairperson.

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

19 (6) VOTING.—

20 (A) IN GENERAL.—The Commission shall
 21 act only on an affirmative vote of a majority of
 22 the voting members of the Commission.

23 (B) NONVOTING MEMBERS.—The individ-
 24 uals appointed under subparagraphs (F) and
 25 (G) of paragraph (1) shall be nonvoting mem-

1 bers, and shall serve only in an advisory capac-
2 ity.

3 (c) DUTIES.—

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

5 (A) plan, develop, and execute programs
6 and activities appropriate to commemorate the
7 400th anniversary of the voyage of Henry Hud-
8 son, the first European to sail up the Hudson
9 River, the 200th anniversary of the voyage of
10 Robert Fulton, the first person to use steam
11 navigation on a commercial basis, the 400th an-
12 niversary of the voyage of Samuel de Cham-
13 plain, the first European to discover and ex-
14 plore Lake Champlain;

15 (B) facilitate Hudson-Fulton-Champlain-
16 related activities throughout the United States;

17 (C) coordinate its activities with State
18 commemoration commissions and appropriate
19 Federal Government agencies, including the De-
20 partments of Agriculture, Defense, State, and
21 Transportation, the National Park Service with
22 respect to the Hudson River Valley National
23 Heritage Area, and the American Heritage Riv-
24 ers Initiative Interagency Committee estab-
25 lished by Executive Order 13061, dated Sep-

tember 11, 1997, the Lake Champlain Basin Program, and the National Endowment for the Humanities and the National Endowment for the Arts;

(D) 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, Robert Fulton, and Samuel de Champlain;

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

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

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

1 (H) assist in ensuring that the observances
2 of the voyages of Samuel de Champlain and
3 Henry Hudson are inclusive and appropriately
4 recognize the experiences and heritage of all
5 people present when Samuel de Champlain ar-
6 rived in the Champlain Valley and Henry Hud-
7 son sailed the Hudson River; and

8 (I) consult and coordinate with the Lake
9 Champlain Basin Program and other relevant
10 organizations in the planning and development
11 of programs and activities for the commemora-
12 tion of the voyage of Samuel de Champlain.

13 (2) STRATEGIC PLAN AND ANNUAL PERFORM-
14 ANCE PLANS.—The Commission shall prepare a
15 strategic plan in accordance with section 306 of title
16 5, United States Code, and annual performance
17 plans in accordance with section 1115 of title 31,
18 United States Code, for the activities of the Com-
19 mission carried out under this Act.

20 (3) REPORTS.—

21 (A) ANNUAL REPORT.—The Commission
22 shall submit to Congress an annual report that
23 contains a list of each gift, bequest, or devise
24 with a value of more than \$250, together with

1 the identity of the donor of each such gift, be-
2 quest, or devise.

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

6 (i) a summary of the activities of the
7 Commission;

8 (ii) a final accounting of funds re-
9 ceived and expended by the Commission;
10 and

11 (iii) the findings and recommenda-
12 tions of the Commission.

13 (d) POWERS OF THE COMMISSION.—

14 (1) IN GENERAL.—The Commission may—

15 (A) solicit, accept, use, and dispose of
16 gifts, bequests, or devises of money or other
17 real or personal property for the purpose of aid-
18 ing or facilitating the work of the Commission;

19 (B) appoint such advisory committees as
20 the Commission determines to be necessary to
21 carry out this Act;

22 (C) authorize any member or employee of
23 the Commission to take any action that the
24 Commission is authorized to take by this Act;

1 (D) procure supplies, services, and prop-
2 erty, and make or enter into contracts, leases,
3 or other legal agreements, to carry out this Act
4 (except that any contracts, leases, or other legal
5 agreements made or entered into by the Com-
6 mission directly or with administrative assist-
7 ance from the Lake Champlain Basin Program
8 shall not extend beyond the date of the termi-
9 nation of the Commission);

10 (E) use the United States mails in the
11 same manner and under the same conditions as
12 other Federal agencies;

13 (F) subject to approval by the Commission,
14 make grants in amounts not to exceed \$20,000
15 to communities, nonprofit organizations, com-
16 memorative commissions formed by the States
17 to develop programs to assist in the commemo-
18 ration;

19 (G) make grants in amounts not to exceed
20 \$20,000 to research and scholarly organizations
21 to research, publish, or distribute information
22 relating to the early history of the voyages of
23 Hudson, Fulton, and Champlain; and

24 (H) provide technical assistance to the
25 States, localities, and nonprofit organizations to

1 develop programs and facilities to further the
2 commemoration.

3 (2) COORDINATION AND CONSULTATION WITH
4 LAKE CHAMPLAIN BASIN PROGRAM.—The Commis-
5 sion shall coordinate and consult with the Lake
6 Champlain Basin Program in providing grants and
7 technical assistance under subparagraphs (F), (G),
8 and (H) of paragraph (1) for the conduct of activi-
9 ties relating to the commemoration of the voyage of
10 Samuel de Champlain.

11 (e) COMMISSION PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS OF THE COM-
13 MISSION.—

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

17 (B) FEDERAL EMPLOYEES.—A member of
18 the Commission who is an officer or employee
19 of the Federal Government shall serve without
20 compensation in addition to the compensation
21 received for the services of the member as an
22 officer or employee of the Federal Government.

23 (C) TRAVEL EXPENSES.—A member of the
24 Commission shall be allowed travel expenses, in-
25 cluding per diem in lieu of subsistence, at rates

1 authorized for an employee of an agency under
2 subchapter I of chapter 57 of title 5, United
3 States Code, while away from the home or reg-
4 ular place of business of the member in the per-
5 formance of the duties of the Commission.

6 (2) STAFF.—

7 (A) IN GENERAL.—The Chairperson of the
8 Commission may, without regard to the civil
9 service laws (including regulations), appoint
10 and terminate an executive director and such
11 other additional personnel as are necessary to
12 enable the Commission to perform the duties of
13 the Commission.

14 (B) CONFIRMATION OF EXECUTIVE DIREC-
15 TOR.—The employment of an executive director
16 shall be subject to confirmation by the Commis-
17 sion.

18 (3) COMPENSATION.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the Chairperson of the Com-
21 mission may fix the compensation of the execu-
22 tive director and other personnel without regard
23 to the provisions of chapter 51 and subchapter
24 III of chapter 53 of title 5, United States Code,

1 relating to classification of positions and Gen-
2 eral Schedule pay rates.

3 (B) MAXIMUM RATE OF PAY.—The rate of
4 pay for the executive director and other per-
5 sonnel shall not exceed the rate payable for
6 level V of the Executive Schedule under section
7 5316 of title 5, United States Code.

8 (4) DETAIL OF GOVERNMENT AND LAKE CHAM-
9 PLAIN BASIN PROGRAM EMPLOYEES.—

10 (A) FEDERAL EMPLOYEES.—

11 (i) IN GENERAL.—At the request of
12 the Commission, the head of any Federal
13 agency may detail, on a reimbursable or
14 nonreimbursable basis, any of the per-
15 sonnel of the agency to the Commission to
16 assist the Commission in carrying out the
17 duties of the Commission under this Act.

18 (ii) CIVIL SERVICE STATUS.—The de-
19 tail of an employee under clause (i) shall
20 be without interruption or loss of civil serv-
21 ice status or privilege.

22 (B) STATE EMPLOYEES.—The Commission
23 may—

1 (i) accept the services of personnel de-
 2 tailed from States (including subdivisions
 3 of States); and

4 (ii) reimburse States for services of
 5 detailed personnel.

6 (C) LAKE CHAMPLAIN BASIN PROGRAM
 7 EMPLOYEES.—The Commission may—

8 (i) accept the services of personnel
 9 from the Lake Champlain Basin Program;
 10 and

11 (ii) reimburse the Lake Champlain
 12 Basin Program for services of detailed per-
 13 sonnel.

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

19 (6) SUPPORT SERVICES.—The Director of the
 20 National Park Service shall provide to the Commis-
 21 sion, on a reimbursable basis, such administrative
 22 support services as the Commission may request.

23 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-
 24 TENT SERVICES.—The Chairperson of the Commission
 25 may procure temporary and intermittent services in ac-

1 cordance with section 3109(b) of title 5, United States
2 Code, at rates for individuals that do not exceed the daily
3 equivalent of the annual rate of basic pay prescribed for
4 level V of the Executive Schedule under section 5316 of
5 that title.

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

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

12 (i) TERMINATION.—The Commission shall terminate
13 on December 31, 2010, and shall transfer all documents
14 and materials of the Commission to the National Archives
15 or other appropriate Federal entity.

16 **SEC. 5. AUDIT OF COMMISSION.**

17 The Inspector General of the Department of the Inte-
18 rior shall perform an annual audit of the Commission and
19 shall make the results of the audit available to the public.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated \$750,000 for
22 each of fiscal years 2006 through 2011 to carry out this
23 Act, of which—

1 (1) 23 percent shall be for New York activities
2 relating to the Samuel de Champlain commemora-
3 tion;

4 (2) 23 percent shall be for Vermont activities
5 relating to the Samuel de Champlain commemora-
6 tion;

7 (3) 32 percent shall be for Hudson Valley ac-
8 tivities relating to the commemoration (as defined in
9 section 3);

10 (4) 12 percent shall be for New York City ac-
11 tivities relating to the commemoration (as defined in
12 section 3); and

13 (5) 10 percent shall be for distribution by the
14 Commission in accordance with this Act for activities
15 relating to the commemoration (as defined in section
16 3).

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