

108TH CONGRESS
2D SESSION

H. R. 2528

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2004

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hudson-Fulton-Cham-
3 plain 400th Commemoration Commission Act of 2004”

4 **SEC. 2. FINDINGS AND PURPOSE.**

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

6 (1) The first European exploration of the Hud-
7 son River and Lake Champlain and the introduction
8 of steam navigation to maritime commerce were
9 events of major historical importance, both in the
10 United States and internationally.

11 (2) In 1609, Englishman Henry Hudson, acting
12 in service of the Dutch East India Company, was
13 the first European to sail up the river later named
14 for him in the vessel HALF MOON, and French ex-
15 plorer Samuel de Champlain was the first European
16 to see the lake later named for him.

17 (3) These voyages were two of the most signifi-
18 cant passages in the European exploration and dis-
19 covery of America, and began two of the earliest
20 contacts in the New World between Native Ameri-
21 cans and Europeans.

22 (4) These explorations led to the establishment
23 of Fort Orange, a Dutch (and later English) settle-
24 ment of what is now the capital city of the State of
25 New York, and settlement of French Quebec settle-
26 ments as far south as Lake George. From these

1 early settlements came an influence on the Nation's
2 history, culture, law, commerce, and traditions of
3 liberty which extends to the present day, and which
4 is constantly reflected in the position of the United
5 States as the leader of the nations of the free world.

6 (5) In 1807, Robert Fulton navigated the Hud-
7 son River from the city of New York to Albany in
8 the steamboat CLERMONT, successfully inau-
9 gurating steam navigation on a commercial basis.
10 This event is one of the most important events in
11 the history of navigation. It revolutionized water-
12 borne commerce on the great rivers of the United
13 States, transformed naval warfare, and fostered
14 international relations through transoceanic travel
15 and trade.

16 (6) The National Park Service owns and oper-
17 ates significant resources in New York related to the
18 early history of the nation and the Hudson River
19 Valley.

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

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

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

4 (1) ensure a suitable national observance of the
5 Henry Hudson, Robert Fulton, and Samuel de
6 Champlain 2009 anniversaries through cooperation
7 with and assistance to the programs and activities of
8 New York, New Jersey, Vermont, and the com-
9 memorative commissions formed by the States;

10 (2) assist in ensuring that Hudson-Fulton-
11 Champlain 2009 observances provide an excellent
12 visitor experience and beneficial interaction between
13 visitors and the natural and cultural resources of the
14 New York, New Jersey, and Vermont sites;

15 (3) assist in ensuring that Hudson-Fulton-
16 Champlain 2009 observances are inclusive and ap-
17 propriately recognize the diverse Hudson River and
18 Lake Champlain communities that developed over
19 four centuries;

20 (4) facilitate international involvement in the
21 Hudson-Fulton-Champlain 2009 observances;

22 (5) support and facilitate marketing efforts for
23 a commemorative coin, a commemorative stamp, and
24 related activities for the Hudson-Fulton-Champlain
25 2009 observances; and

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

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

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

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

12 (C) the 400th anniversary of Samuel de
13 Champlain’s voyage.

14 (2) **COMMISSION.**—The term “Commission”
15 means the Hudson-Fulton-Champlain 400th Com-
16 memoration Commission established by section 4(a).

17 (3) **GOVERNORS.**—The term “Governors”
18 means the Governors of the States of New York,
19 New Jersey, and Vermont.

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

22 (5) **STATES.**—The term “States”—

23 (A) means the States of New York, New
24 Jersey, and Vermont; and

1 (B) includes agencies and entities of each
2 such State.

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

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

8 (b) MEMBERSHIP.—

9 (1) IN GENERAL.—The Commission shall be
10 composed of 31 members, of whom—

11 (A) 3 members shall be appointed by the
12 Secretary, after consideration of the rec-
13 ommendations of the Governors;

14 (B) 13 members shall be appointed by the
15 Secretary, after consideration of the rec-
16 ommendations from the Members of the House
17 of Representatives whose districts encompass
18 the Hudson River Valley and Champlain Valley;

19 (C) 6 members shall be appointed by the
20 Secretary, after consideration of the rec-
21 ommendations from the Members of the Senate
22 from New York, New Jersey, and Vermont;

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

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

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

7 (E) one member shall be appointed by the
8 Secretary, and shall be an individual knowledge-
9 able of the Hudson River Valley National Herit-
10 age Area;

11 (F) 6 members shall be appointed by the
12 Secretary, and shall be individuals that have an
13 interest in, support for, and expertise appro-
14 priate to, the commemoration;

15 (G) one member shall be the chairperson
16 of any commemorative commission formed by
17 New York, or the designee of the chairperson;

18 (H) one member shall be the chairperson
19 of any commemorative commission formed by
20 New Jersey, or the designee of the chairperson;
21 and

22 (I) one member shall be the chairperson of
23 any commemorative commission formed by
24 Vermont, or the designee of the chairperson.

25 (2) TERM; VACANCIES.—

1 (A) TERM.—Each member of the Commis-
2 sion shall be appointed for the life of the Com-
3 mission.

4 (B) VACANCIES.—

5 (i) IN GENERAL.—A vacancy on the
6 Commission shall be filled in the same
7 manner in which the original appointment
8 was made.

9 (ii) PARTIAL TERM.—A member ap-
10 pointed to fill a vacancy on the Commis-
11 sion shall serve for the remainder of the
12 term for which the predecessor of the
13 member was appointed.

14 (3) MEETINGS.—

15 (A) IN GENERAL.—The Commission shall
16 meet—

17 (i) at least twice each year; or

18 (ii) at the call of the Chairperson or
19 the majority of the members of the Com-
20 mission.

21 (B) INITIAL MEETING.—Not later than 30
22 days after the date on which all members of the
23 Commission have been appointed, the Commis-
24 sion shall hold the initial meeting of the Com-
25 mission.

1 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

2 (A) The Commission shall elect the chairperson and
3 the vice chairperson of the Commission on an annual
4 basis.

5 (B) The vice chairperson shall serve as the
6 chairperson in the absence of the chairperson.

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

10 (6) VOTING.—

11 (A) IN GENERAL.—The Commission shall
12 act only on an affirmative vote of a majority of
13 the voting members of the Commission.

14 (B) NONVOTING MEMBERS.—The individ-
15 uals appointed under subparagraphs (G), (H),
16 and (I) of paragraph (1) shall be nonvoting
17 members, and shall serve only in an advisory
18 capacity.

19 (c) DUTIES.—

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

21 (A) plan, develop, and execute programs
22 and activities appropriate to commemorate the
23 400th anniversary of the voyage of Henry Hud-
24 son, the first European to sail up the Hudson
25 River, the 200th anniversary of the voyage of

1 Robert Fulton, the first person to use steam
2 navigation on a commercial basis, the 400th an-
3 niversary of the voyage of Samuel de Cham-
4 plain, the first European to discover and ex-
5 plore Lake Champlain;

6 (B) facilitate Hudson-Fulton-Champlain-
7 related activities throughout the United States;

8 (C) coordinate its activities with State
9 commemoration commissions and appropriate
10 Federal Government agencies, including the De-
11 partments of Agriculture, Defense, State, and
12 Transportation, the National Park Service with
13 respect to the Hudson River Valley National
14 Heritage Area, and the American Heritage Riv-
15 ers Initiative Interagency Committee estab-
16 lished by Executive Order 13061, dated Sep-
17 tember 11, 1997;

18 (D) encourage civic, patriotic, historical,
19 educational, religious, economic, and other or-
20 ganizations throughout the United States to or-
21 ganize and participate in anniversary activities
22 to expand the understanding and appreciation
23 of the significance of the voyages of Henry
24 Hudson, Robert Fulton, and Samuel de Cham-
25 plain;

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

4 (F) coordinate and facilitate for the public
5 scholarly research on, publication about, and in-
6 terpretation of, the voyages of Henry Hudson,
7 Robert Fulton, and Samuel de Champlain; and

8 (G) ensure that the Hudson-Fulton-Cham-
9 plain 2009 anniversaries provide a lasting leg-
10 acy and long-term public benefit by assisting in
11 the development of appropriate programs and
12 facilities.

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.—The Commission
14 may—

15 (1) solicit, accept, use, and dispose of gifts, be-
16 quests, or devises of money or other real or personal
17 property for the purpose of aiding or facilitating the
18 work of the Commission;

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

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

1 (4) procure supplies, services, and property, and
2 make or enter into contracts, leases, or other legal
3 agreements, to carry out this Act (except that any
4 contracts, leases, or other legal agreements made or
5 entered into by the Commission shall not extend be-
6 yond the date of the termination of the Commis-
7 sion);

8 (5) use the United States mails in the same
9 manner and under the same conditions as other
10 Federal agencies;

11 (6) subject to approval by the Commission,
12 make grants in amounts not to exceed \$20,000 to
13 communities, nonprofit organizations, and com-
14 memorative commissions formed by the States to de-
15 velop programs to assist in the commemoration; and

16 (7) make grants in amounts not to exceed
17 \$20,000 to research and scholarly organizations to
18 research, publish, or distribute information relating
19 to the early history of the voyages of Hudson, Ful-
20 ton, and Champlain.

21 (e) COMMISSION PERSONNEL MATTERS.—

22 (1) COMPENSATION OF MEMBERS OF THE COM-
23 MISSION.—

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

4 (B) FEDERAL EMPLOYEES.—A member of
5 the Commission who is an officer or employee
6 of the Federal Government shall serve without
7 compensation in addition to the compensation
8 received for the services of the member as an
9 officer or employee of the Federal Government.

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

18 (2) STAFF.—

19 (A) IN GENERAL.—The Chairperson of the
20 Commission may, without regard to the civil
21 service laws (including regulations), appoint
22 and terminate an executive director and such
23 other additional personnel as are necessary to
24 enable the Commission to perform the duties of
25 the Commission.

1 (B) CONFIRMATION OF EXECUTIVE DIREC-
2 TOR.—The employment of an executive director
3 shall be subject to confirmation by the Commis-
4 sion.

5 (3) COMPENSATION.—

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

14 (B) MAXIMUM RATE OF PAY.—The rate of
15 pay for the executive director and other per-
16 sonnel shall not exceed the rate payable for
17 level V of the Executive Schedule under section
18 5316 of title 5, United States Code.

19 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

20 (A) FEDERAL EMPLOYEES.—

21 (i) IN GENERAL.—At the request of
22 the Commission, the head of any Federal
23 agency may detail, on a reimbursable or
24 nonreimbursable basis, any of the per-
25 sonnel of the agency to the Commission to

1 assist the Commission in carrying out the
2 duties of the Commission under this Act.

3 (ii) CIVIL SERVICE STATUS.—The de-
4 tail of an employee under clause (i) shall
5 be without interruption or loss of civil serv-
6 ice status or privilege.

7 (B) STATE EMPLOYEES.—The Commission
8 may—

9 (i) accept the services of personnel de-
10 tailed from States (including subdivisions
11 of States); and

12 (ii) reimburse States for services of
13 detailed personnel.

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.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated \$500,000 for
3 each of fiscal years 2005 through 2011 to carry out this
4 Act.

 Passed the House of Representatives September 22,
2004.

Attest:

JEFF TRANDAHL,

Clerk.