

108TH CONGRESS  
1ST SESSION

# S. 1311

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

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IN THE SENATE OF THE UNITED STATES

JUNE 23, 2003

Mrs. CLINTON (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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 2003”.

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 2 of the most signifi-  
10 cant passages in the European exploration and dis-  
11 covery of America, and began 2 of the earliest con-  
12 tacts in the New World between Native Americans  
13 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 our history,  
20 culture, law, commerce, and traditions of liberty  
21 which extends to the present day, and which is con-  
22 stantly reflected in the position of the United States  
23 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 was 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 enacted leg-  
14 islation establishing a State Hudson-Fulton-Cham-  
15 plain Commission.

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

19 (1) ensure a suitable national observance of the  
20 Henry Hudson, Robert Fulton, and Samuel de  
21 Champlain 2009 anniversaries through cooperation  
22 with and assistance to the programs and activities of  
23 New York, New Jersey, and Vermont;

24 (2) assist in ensuring that Hudson-Fulton-  
25 Champlain 2009 observances provide an excellent

1 visitor experience and beneficial interaction between  
2 visitors and the natural and cultural resources of the  
3 New York, New Jersey, and Vermont sites;

4 (3) assist in ensuring that Hudson-Fulton-  
5 Champlain 2009 observances are inclusive and ap-  
6 propriately recognize the diverse Hudson River and  
7 Lake Champlain communities that developed over 4  
8 centuries;

9 (4) facilitate international involvement in the  
10 Hudson-Fulton-Champlain 2009 observances;

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

15 (6) assist in the appropriate development of  
16 heritage tourism and economic benefits to the  
17 United States.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

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

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

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

1 (C) the 400th anniversary of Samuel de  
2 Champlain's voyage.

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

6 (3) GOVERNORS.—The term “Governors”  
7 means the Governors of the States of New York,  
8 New Jersey, and Vermont.

9 (4) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 (5) STATES.—The term “States”—

12 (A) means the States of New York, New  
13 Jersey, and Vermont; and

14 (B) includes agencies and entities of each  
15 such State.

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

18 (a) IN GENERAL.—There is established a commission  
19 to be known as the “Hudson-Fulton-Champlain 400th  
20 Commemoration Commission”.

21 (b) MEMBERSHIP.—

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

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

4 (B) 13 members shall be appointed by the  
5 Secretary, after consideration of the rec-  
6 ommendations from the Members of the House  
7 of Representatives whose districts encompass  
8 the Hudson River Valley and Champlain Valley;

9 (C) 6 members shall be appointed by the  
10 Secretary, after consideration of the rec-  
11 ommendations from the Members of the Senate  
12 from New York, New Jersey, and Vermont;

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

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

17 (ii) one shall be an employee of the  
18 National Park Service having experience  
19 relevant to the commemoration, who shall  
20 be appointed by the Secretary;

21 (E) one member shall be appointed by the  
22 Secretary, and shall be an individual knowledge-  
23 able of the Hudson River Valley National Herit-  
24 age Area; and

1 (F) 6 members shall be appointed by the  
2 Secretary, and shall be individuals that have an  
3 interest in, support for, and expertise appro-  
4 priate to, the commemoration.

5 (2) TERM; VACANCIES.—

6 (A) TERM.—Each member of the Commis-  
7 sion shall be appointed for the life of the Com-  
8 mission.

9 (B) VACANCIES.—

10 (i) IN GENERAL.—A vacancy on the  
11 Commission shall be filled in the same  
12 manner in which the original appointment  
13 was made.

14 (ii) PARTIAL TERM.—A member ap-  
15 pointed to fill a vacancy on the Commis-  
16 sion shall serve for the remainder of the  
17 term for which the predecessor of the  
18 member was appointed.

19 (3) MEETINGS.—

20 (A) IN GENERAL.—The Commission shall  
21 meet—

22 (i) at least twice each year; or

23 (ii) at the call of the Chairperson or  
24 the majority of the members of the Com-  
25 mission.

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

6 (4) VOTING.—

7 (A) IN GENERAL.—The Commission shall  
8 act only on an affirmative vote of a majority of  
9 the members of the Commission.

10 (B) QUORUM.—A majority of the Commis-  
11 sion shall constitute a quorum.

12 (5) CHAIRPERSON AND VICE CHAIRPERSON.—

13 (A) ELECTION.—The Commission shall  
14 elect the chairperson and the vice chairperson  
15 of the Commission on an annual basis.

16 (B) VACANCY.—The vice chairperson shall  
17 serve as the chairperson in the absence of the  
18 chairperson.

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, and the  
3 400th anniversary of the voyage of Samuel de  
4 Champlain, the first European to discover and  
5 explore 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) PLANS; REPORTS.—

14 (A) STRATEGIC PLAN; ANNUAL PERFORM-  
15 ANCE PLANS.—The Commission shall prepare a  
16 strategic plan in accordance with section 306 of  
17 title 5, United States Code, and annual per-  
18 formance plans in accordance with section 1115  
19 of title 31, United States Code, for the activi-  
20 ties of the Commission carried out under this  
21 Act.

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

1 (i) a summary of the activities of the  
2 Commission;

3 (ii) a final accounting of funds re-  
4 ceived and expended by the Commission;  
5 and

6 (iii) the findings and recommenda-  
7 tions of the Commission.

8 (d) POWERS OF THE COMMISSION.—The Commission  
9 may—

10 (1) disperse funds, and accept donations of per-  
11 sonal services and real and personal property related  
12 to Hudson-Fulton-Champlain 2009 commemoration  
13 and of the significance of Hudson, Fulton, and  
14 Champlain in the history of the United States;

15 (2) appoint such advisory committees as the  
16 Commission determines to be necessary to carry out  
17 this Act;

18 (3) authorize any member or employee of the  
19 Commission to take any action that the Commission  
20 is authorized to take by this Act;

21 (4) procure supplies, services, and property, and  
22 make or enter into contracts, leases, or other legal  
23 agreements, to carry out this Act (except that any  
24 contracts, leases, or other legal agreements made or

1 entered into by the Commission shall not extend be-  
2 yond the date of termination of the Commission);

3 (5) use the United States mails in the same  
4 manner and under the same conditions as other  
5 Federal agencies;

6 (6) subject to approval by the Commission,  
7 make grants in amounts not to exceed \$20,000 to  
8 communities and nonprofit organizations to develop  
9 programs to assist in the commemoration; and

10 (7) make grants to research and scholarly orga-  
11 nizations to research, publish, or distribute informa-  
12 tion relating to the history of the voyages of Hud-  
13 son, Fulton, and Champlain.

14 (e) COMMISSION PERSONNEL MATTERS.—

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

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

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

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

9 (2) STAFF.—

10 (A) IN GENERAL.—The Chairperson of the  
11 Commission may, without regard to the civil  
12 service laws and regulations, appoint and termi-  
13 nate an executive director and such other addi-  
14 tional personnel as are necessary to enable the  
15 Commission to perform the duties of the Com-  
16 mission.

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

21 (3) COMPENSATION OF STAFF.—

22 (A) IN GENERAL.—Except as provided in  
23 subparagraph (B), the Chairperson of the Com-  
24 mission may fix the compensation of the execu-  
25 tive director and other personnel without regard

1 to the provisions of chapter 51 and subchapter  
2 III of chapter 53 of title 5, United States Code,  
3 relating to classification of positions and Gen-  
4 eral Schedule pay rates.

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

10 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

11 (A) FEDERAL EMPLOYEES.—

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

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

23 (B) STATE EMPLOYEES.—The Commission  
24 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 (5) VOLUNTEER AND UNCOMPENSATED SERV-  
7 ICES.—Notwithstanding section 1342 of title 31,  
8 United States Code, the Commission may accept and  
9 use voluntary and uncompensated services as the  
10 Commission determines necessary.

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

15 (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
16 TENT SERVICES.—The Chairperson of the Commission  
17 may procure temporary and intermittent services in ac-  
18 cordance with section 3109(b) of title 5, United States  
19 Code, at rates for individuals that do not exceed the daily  
20 equivalent of the annual rate of basic pay prescribed for  
21 level V of the Executive Schedule under section 5316 of  
22 that title.

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

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

4       (i) TERMINATION.—The Commission shall terminate  
5 on December 31, 2010.

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