

# Calendar No. 903

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2885

[Report No. 106-456]

To establish the Jamestown 400th Commemoration Commission, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 18, 2000

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

OCTOBER 2 (legislative day, SEPTEMBER 22), 2000

Report by Mr. MURKOWSKI, with amendments

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## A BILL

To establish the Jamestown 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 “Jamestown 400th  
5 Commemoration Commission Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the founding of the colony at Jamestown,  
4 Virginia in 1607, the first permanent English colony  
5 in the New World, and the capital of Virginia for 92  
6 years, has major significance in the history of the  
7 United States;

8 (2) the settlement brought people from  
9 throughout the Atlantic Basin together to form a  
10 multicultural society, including English, other Euro-  
11 peans, Native Americans, and Africans;

12 (3) the economic, political, religious, and social  
13 institutions that developed during the first 9 decades  
14 of the existence of Jamestown continue to have pro-  
15 found effects on the United States, particularly in  
16 English common law and language, cross cultural re-  
17 lationships, and economic structure and status;

18 (4) the National Park Service, the Association  
19 for the Preservation of Virginia Antiquities, and the  
20 Jamestown-Yorktown Foundation of the Common-  
21 wealth of Virginia collectively own and operate sig-  
22 nificant resources related to the early history of  
23 Jamestown; and

24 (5) in 1996—

25 (A) the Commonwealth of Virginia des-  
26 igned the Jamestown-Yorktown Foundation

1 as the State agency responsible for planning  
2 and implementing the Commonwealth's portion  
3 of the commemoration of the 400th anniversary  
4 of the founding of the Jamestown settlement;

5 (B) the Foundation created the Celebra-  
6 tion 2007 Steering Committee, known as the  
7 Jamestown 2007 Steering Committee; and

8 (C) planning for the commemoration  
9 began.

10 (b) PURPOSE.—The purpose of this Act is to estab-  
11 lish the Jamestown 400th Commemoration Commission  
12 to—

13 (1) ensure a suitable national observance of the  
14 Jamestown 2007 anniversary by complementing the  
15 programs and activities of the ~~State~~ *Commonwealth*  
16 *of Virginia*;

17 (2) cooperate with and assist the programs and  
18 activities of the State in observance of the James-  
19 town 2007 anniversary;

20 (3) assist in ensuring that Jamestown 2007 ob-  
21 servances provide an excellent visitor experience and  
22 beneficial interaction between visitors and the nat-  
23 ural and cultural resources of the Jamestown sites;

24 (4) assist in ensuring that the Jamestown 2007  
25 observances are inclusive and appropriately recognize

1 the experiences of all people present in 17th century  
2 Jamestown;

3 (5) provide assistance to the development of  
4 Jamestown-related programs and activities;

5 (6) facilitate international involvement in the  
6 Jamestown 2007 observances;

7 (7) support and facilitate marketing efforts for  
8 a commemorative coin, stamp, and related activities  
9 for the Jamestown 2007 observances; and

10 (8) assist in the appropriate development of  
11 heritage tourism and economic benefits to the  
12 United States.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **COMMEMORATION.**—The term “commemo-  
16 ration” means the commemoration of the 400th an-  
17 niversary of the founding of the Jamestown settle-  
18 ment.

19 (2) **COMMISSION.**—The term “Commission”  
20 means the Jamestown 400th Commemoration Com-  
21 mission established by section 4(a).

22 (3) **GOVERNOR.**—The term “Governor” means  
23 the Governor of the ~~State~~ *Virginia*.

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

1           ~~(5) STATE.—~~

2                   ~~(A) IN GENERAL.—The term “State”~~  
3                   ~~means the State of Virginia.~~

4                   ~~(B) INCLUSIONS.—The term “State” in-~~  
5                   ~~cludes agencies and entities of the State.~~

6                   ~~(5)STATE.—The term “State” means the Com-~~  
7                   ~~monwealth of Virginia, including agencies and enti-~~  
8                   ~~ties of the Commonwealth.~~

9   **SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMIS-**  
10                   **SION.**

11           (a) IN GENERAL.—There is established a commission  
12 to be known as the “Jamestown 400th Commemoration  
13 Commission”.

14           (b) MEMBERSHIP.—

15                   (1) IN GENERAL.—The Commission shall be  
16 composed of ~~16 members~~, *15 members*, of whom—

17                           (A) 4 members shall be appointed by the  
18 Secretary, taking into consideration the rec-  
19 ommendations of the Chairperson of the James-  
20 town 2007 Steering Committee;

21                           (B) 4 members shall be appointed by the  
22 Secretary, taking into consideration the rec-  
23 ommendations of the Governor;

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

1 (i) 1 shall be the Director of the Na-  
2 tional Park Service (or a designee); and

3 (ii) 1 shall be an employee of the Na-  
4 tional Park Service having experience rel-  
5 evant to the commemoration, to be ap-  
6 pointed by the Secretary; and

7 (D) 5 members shall be individuals that  
8 have an interest in, support for, and expertise  
9 appropriate to, the commemoration, to be ap-  
10 pointed by the Secretary.

11 (2) TERM; VACANCIES.—

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

15 (B) VACANCIES.—

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

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

25 (3) MEETINGS.—

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

3 (i) at least twice each year; or

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

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

12 (4) VOTING.—

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

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

18 (5) CHAIRPERSON.—The Secretary shall ap-  
19 point a Chairperson of the Commission, taking into  
20 consideration any recommendations of the Governor.

21 (c) DUTIES.—

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

23 (A) plan, develop, and execute programs  
24 and activities appropriate to commemorate the

1 400th anniversary of the founding of James-  
2 town;

3 (B) generally facilitate Jamestown-related  
4 activities throughout the United States;

5 (C) encourage civic, patriotic, historical,  
6 educational, religious, economic, and other or-  
7 ganizations throughout the United States to or-  
8 ganize and participate in anniversary activities  
9 to expand the understanding and appreciation  
10 of the significance of the founding and early  
11 history of Jamestown;

12 (D) coordinate and facilitate for the public  
13 scholarly research on, publication about, and in-  
14 terpretation of, Jamestown; and

15 (E) ensure that the 400th anniversary of  
16 Jamestown provides a lasting legacy and long-  
17 term public benefit by assisting in the develop-  
18 ment of appropriate programs and facilities.

19 (2) PLANS; REPORTS.—

20 (A) STRATEGIC PLAN; ANNUAL PERFORM-  
21 ANCE PLANS.—In accordance with the Govern-  
22 ment Performance and Results Act of 1993  
23 (Public Law 103–62; 107 Stat. 285), the Com-  
24 mission shall prepare a strategic plan and an-

1           nual performance plans for the activities of the  
2           Commission carried out under this Act.

3           (B) FINAL REPORT.—Not later than Sep-  
4           tember 30, 2008, the Commission shall com-  
5           plete 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) accept donations and make dispersions of  
16                  money, personal services, and real and personal  
17                  property related to Jamestown and of the signifi-  
18                  cance of Jamestown in the history of the United  
19                  States;

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

23                  (3) authorize any member or employee of the  
24                  Commission to take any action that the Commission  
25                  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 termination of the Commission);

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

10          (6) subject to approval by the Commission,  
11          make grants in amounts not to exceed \$10,000 to  
12          communities and nonprofit organizations to develop  
13          programs to assist in the commemoration;

14          (7) make grants to research and scholarly orga-  
15          nizations to research, publish, or distribute informa-  
16          tion relating to the early history of Jamestown; and

17          (8) provide technical assistance to States, local-  
18          ities, and nonprofit organizations to further the com-  
19          memoration.

20          (e) COMMISSION PERSONNEL MATTERS.—

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

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

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

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

15 (2) STAFF.—

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

23           (B) CONFIRMATION OF EXECUTIVE DIREC-  
24 TOR.—The employment of an executive director

1 shall be subject to confirmation by the Commis-  
2 sion.

3 (3) COMPENSATION.—

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

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

17 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

18 (A) FEDERAL EMPLOYEES.—

19 (i) IN GENERAL.—On the request of  
20 the Commission, the head of any Federal  
21 agency may detail, on a reimbursable or  
22 non-reimbursable basis, any of the per-  
23 sonnel of the agency to the Commission to  
24 assist the Commission in carrying out the  
25 duties of the Commission under this Act.

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

5                   (B) STATE EMPLOYEES.—The Commission  
6                   may—

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

10                  (ii) reimburse States for services of  
11                  detailed personnel.

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

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

21                  (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
22                  TENT SERVICES.—The Chairperson of the Commission  
23                  may procure temporary and intermittent services in ac-  
24                  cordance with section 3109(b) of title 5, United States  
25                  Code, at rates for individuals that do not exceed the daily

1 equivalent of the annual rate of basic pay prescribed for  
2 level V of the Executive Schedule under section 5316 of  
3 that title.

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

7 (h) NO EFFECT ON AUTHORITY.—Nothing in this  
8 section supersedes the authority of the State, the National  
9 Park Service, or the Association for the Preservation of  
10 Virginia Antiquities, concerning the commemoration.

11 (i) TERMINATION.—The Commission shall terminate  
12 on December 31, 2008.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums  
15 as are necessary to carry out this Act.

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**A BILL**

To establish the Jamestown 400th Commemoration  
Commission, and for other purposes.

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OCTOBER 2 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with amendments