

114TH CONGRESS  
2D SESSION

# S. 3104

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

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2016

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish the Plymouth 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 “Plymouth 400th Com-  
5 memoration Commission Act of 2016”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the voyage of the Mayflower and the found-  
9 ing of the colony at Plymouth, Massachusetts, in  
10 1620, the first permanent and sustaining English

1 colony in the New World, and the treaty of mutual  
2 protection between the Wampanoag indigenous tribe  
3 and the English colonists, has major significance in  
4 the history of the United States;

5 (2) the colonists that traveled with their fami-  
6 lies were the first true immigrants to the New  
7 World, relocating their families in search of the right  
8 to self-governance and religious freedom;

9 (3) Plymouth Colony brought people together to  
10 form a multicultural society, including English and  
11 other European settlers and indigenous tribes;

12 (4) the economic, political, religious, and social  
13 institutions that developed during the early years of  
14 Plymouth Colony, including the signing of the  
15 Mayflower Compact and the treaty that ensured 50  
16 years of peaceful relations between the indigenous  
17 Wampanoags and the English colonists at Plymouth,  
18 continue to have profound effects on the United  
19 States, influencing the content of the United States  
20 Constitution, English common law and language,  
21 cross-cultural relationships, and economic structure  
22 and status; and

23 (5) in 2016, the Commonwealth of Massachu-  
24 setts designated Plymouth 400, Incorporated, as the  
25 official agency responsible for planning and imple-

1       menting the commemoration of the 400th anniver-  
2       sary of the Mayflower voyage and the founding of  
3       Plymouth Colony.

4       (b) PURPOSE.—The purpose of this Act is to estab-  
5       lish the Plymouth 400th Commemoration Commission—

6               (1) to ensure suitable national and international  
7       observances of the 400th anniversary of the Plym-  
8       outh Colony during calendar year 2020 (referred to  
9       in this subsection as the “Plymouth 2020 observ-  
10      ances”) by complementing the programs and activi-  
11      ties of the Commonwealth of Massachusetts;

12              (2) to cooperate with and assist the programs  
13      and activities of the State in the Plymouth 2020 ob-  
14      servances;

15              (3) to assist in ensuring that the Plymouth  
16      2020 observances provide an excellent visitor experi-  
17      ence and beneficial interaction among—

18                      (A) visitors; and

19                      (B) the natural and cultural resources of—

20                              (i) the town of Plymouth, Massachu-  
21                              setts; and

22                              (ii) all other municipalities that make  
23                              up the original colony;

24              (4) to assist in ensuring that the Plymouth  
25      2020 observances—

1 (A) are inclusive; and

2 (B) appropriately recognize the experiences  
3 of all people present in 17th-Century Plymouth  
4 Colony;

5 (5) to provide assistance in the development of  
6 Plymouth-related programs and activities;

7 (6) to facilitate international involvement in the  
8 Plymouth 2020 observances;

9 (7) to support and facilitate marketing efforts  
10 for a commemorative coin, stamp, and related activi-  
11 ties for the Plymouth 2020 observances; and

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **COMMEMORATION.**—The term “commemo-  
18 ration” means the commemoration of the 400th an-  
19 niversary of—

20 (A) the voyage of the Mayflower; and

21 (B) the founding of Plymouth Colony.

22 (2) **COMMISSION.**—The term “Commission”  
23 means the Plymouth 400th Commemoration Com-  
24 mission established by section 4(a).

1           (3) GOVERNOR.—The term “Governor” means  
2 the Governor of Massachusetts.

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

5           (5) STATE.—The term “State” means the Com-  
6 monwealth of Massachusetts (including the govern-  
7 mental agencies and entities of the Commonwealth).

8 **SEC. 4. PLYMOUTH 400TH COMMEMORATION COMMISSION.**

9           (a) ESTABLISHMENT.—There is established a com-  
10 mission, to be known as the “Plymouth 400th Commemo-  
11 ration Commission”.

12           (b) MEMBERSHIP.—

13           (1) IN GENERAL.—The Commission shall be  
14 composed of 15 members, of whom—

15           (A) 1 shall be the Director of the Brand  
16 USA (or a designee);

17           (B) 1 shall be appointed by the Secretary  
18 from among employees of the National Park  
19 Service;

20           (C) 4 shall be appointed by the Secretary,  
21 taking into consideration recommendations of  
22 the executive committee of Plymouth 400, In-  
23 corporated;

1 (D) 4 shall be appointed by the Secretary,  
2 taking into consideration recommendations of  
3 the Governor; and

4 (E) 5 shall be appointed by the Secretary  
5 from among individuals that have an interest  
6 in, support for, and expertise relating to, the  
7 commemoration.

8 (2) TERM; VACANCIES.—

9 (A) TERM.—A member of the Commission  
10 shall be appointed for the life of the Commis-  
11 sion.

12 (B) VACANCIES.—

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

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

22 (3) MEETINGS.—

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

1 (i) not less frequently than twice each  
2 year; or

3 (ii) at the call of—

4 (I) the chairperson of the Com-  
5 mission; or

6 (II) the majority of the members  
7 of the Commission.

8 (B) INITIAL MEETING.—Not later than 30  
9 days after the date on which all initial members  
10 of the Commission have been appointed under  
11 paragraph (1), the Commission shall hold the  
12 initial meeting of the Commission.

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.—The Secretary shall ap-  
20 point 1 member of the Commission to serve as chair-  
21 person of the Commission, taking into consideration  
22 any recommendations of the Governor.

23 (c) DUTIES OF COMMISSION.—

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

1           (A) assist in the planning, development,  
2           and implementation of programs and activities  
3           appropriate to the commemoration;

4           (B) generally facilitate commemoration ac-  
5           tivities throughout the United States;

6           (C) encourage civic, military, historical,  
7           educational, religious, economic, and other or-  
8           ganizations throughout the United States to or-  
9           ganize and participate in commemoration activi-  
10          ties to expand the understanding and apprecia-  
11          tion of the significance of the founding and  
12          early history of Plymouth Colony;

13          (D) coordinate and facilitate for the public  
14          scholarly research and publications regarding,  
15          and interpretation of, the cultures present in  
16          17th-Century Plymouth Colony, including the  
17          English colonists and the indigenous Wampano-  
18          ag tribes; and

19          (E) ensure that the 400th anniversary of  
20          Plymouth provides a lasting legacy and long-  
21          term public benefit by assisting in the develop-  
22          ment of appropriate programs and facilities.

23          (2) PLANS; REPORTS.—



1 (A) IN GENERAL.—The Commission shall  
2 prepare, with respect to each activity carried  
3 out by the Commission under this section—

4 (i) a strategic plan in accordance with  
5 section 306 of title 5, United States Code;  
6 and

7 (ii) an annual performance plan in ac-  
8 cordance with section 1115 of title 31,  
9 United States Code.

10 (B) FINAL REPORT.—Not later than De-  
11 cember 31, 2021, the Commission shall submit  
12 to Congress a final report that includes—

13 (i) a summary of the activities of the  
14 Commission;

15 (ii) a final accounting of funds re-  
16 ceived and expended by the Commission;  
17 and

18 (iii) any findings or recommendations  
19 of the Commission.

20 (d) POWERS OF COMMISSION.—The Commission  
21 may—

22 (1) accept donations and make dispersions of  
23 money, personal services, and real and personal  
24 property relating to—

25 (A) Plymouth Colony; and

1 (B) the significance of Plymouth Colony in  
2 the history of the United States;

3 (2) appoint such advisory committees as the  
4 Commission determines to be necessary to carry out  
5 this section;

6 (3) authorize any member or employee of the  
7 Commission to take any action that the Commission  
8 is authorized to take pursuant to this section;

9 (4) procure supplies, services, and property, and  
10 make or enter into contracts, leases, or other legal  
11 agreements, to carry out this section (except that  
12 any contracts, leases, or other legal agreements  
13 made or entered into by the Commission shall not  
14 extend beyond the date of termination of the Com-  
15 mission);

16 (5) use the United States mails in the same  
17 manner and under the same conditions as other  
18 Federal agencies;

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

23 (7) make grants to research and scholarly orga-  
24 nizations to research, publish, or distribute informa-  
25 tion relating to Plymouth Colony; and

1           (8) provide technical assistance to States, local-  
2           ities, and nonprofit organizations to advance the  
3           purposes of the commemoration.

4           (e) COMMISSION PERSONNEL MATTERS.—

5                 (1) COMPENSATION OF MEMBERS.—

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

9                     (B) FEDERAL EMPLOYEES.—A member of  
10                    the Commission who is an officer or employee  
11                    of the Federal Government shall serve without  
12                    compensation in addition to the compensation  
13                    received for the services of the member as an  
14                    officer or employee of the Federal Government.

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

23                 (2) STAFF.—

24                     (A) IN GENERAL.—The Chairperson of the  
25                     Commission may, without regard to the civil

1 service laws (including regulations), appoint  
2 and terminate an executive director and such  
3 other additional personnel as are necessary to  
4 enable the Commission to perform the duties of  
5 the Commission.

6 (B) CONFIRMATION OF EXECUTIVE DIREC-  
7 TOR.—The employment of an executive director  
8 shall be subject to confirmation by the Commis-  
9 sion.

10 (3) COMPENSATION.—

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

19 (B) MAXIMUM RATE OF PAY.—The rate of  
20 pay for the executive director and other per-  
21 sonnel shall not exceed the rate payable for  
22 level V of the Executive Schedule under section  
23 5316 of title 5, United States Code.

24 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

25 (A) FEDERAL EMPLOYEES.—

1 (i) IN GENERAL.—On the request of  
2 the Commission, the head of any Federal  
3 agency may detail, on a reimbursable or  
4 nonreimbursable basis, any of the per-  
5 sonnel of the agency to the Commission to  
6 assist the Commission in carrying out the  
7 duties of the Commission under this sec-  
8 tion.

9 (ii) CIVIL SERVICE STATUS.—The de-  
10 tail of an employee under clause (i) shall  
11 be without interruption or loss of civil serv-  
12 ice status or privilege.

13 (B) STATE EMPLOYEES.—The Commission  
14 may—

15 (i) accept the services of personnel de-  
16 tailed from the State (including subdivi-  
17 sions of the State); and

18 (ii) reimburse the State for services of  
19 detailed personnel.

20 (5) VOLUNTEER AND UNCOMPENSATED SERV-  
21 ICES.—Notwithstanding section 1342 of title 31,  
22 United States Code, the Commission may accept and  
23 use voluntary and uncompensated services as the  
24 Commission determines necessary.

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

5           (f) PROCUREMENT OF TEMPORARY AND INTERMIT-  
6           TENT SERVICES.—The chairperson of the Commission  
7           may procure temporary and intermittent services in ac-  
8           cordance with section 3109(b) of title 5, United States  
9           Code, at rates for individuals that do not exceed the daily  
10          equivalent of the annual rate of basic pay prescribed for  
11          level V of the Executive Schedule under section 5316 of  
12          that title.

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

16          (h) NO EFFECT ON AUTHORITY.—Nothing in this  
17          section supersedes the authority of the State, the National  
18          Park Service, or the Association for the Preservation of  
19          Virginia Antiquities with respect to the commemoration.

20          (i) TERMINATION.—The Commission shall terminate  
21          on December 31, 2021.

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