

SUBCHAPTER IX—COLONIAL NATIONAL HISTORICAL PARK

§ 81. Establishment; statement of purposes

Upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this subchapter shall be established and set apart as the Colonial National Historical Park for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people.

(July 3, 1930, ch. 837, § 1, 46 Stat. 855; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CODIFICATION

Section was formerly classified to section 443 of this title.

CHANGE OF NAME

Act June 5, 1936, ch. 525, § 2, 49 Stat. 1483, provided: “That the area now within the Colonial National Monument, together with such additions as may hereafter be made thereto, pursuant to section 1 hereof [section 81b of this title], shall be known as the ‘Colonial National Historical Park’, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Colonial National Monument.”

JAMESTOWN 400TH COMMEMORATION COMMISSION

Pub. L. 106-565, Dec. 23, 2000, 114 Stat. 2812, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Jamestown 400th Commemoration Commission Act of 2000’.

“SEC. 2. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

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

“(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

“(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

“(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

“(5) in 1996—

“(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth’s portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

“(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

“(C) planning for the commemoration began.

“(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

“(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia;

“(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

“(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

“(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

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

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

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

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

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) COMMEMORATION.—The term ‘commemoration’ means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

“(2) COMMISSION.—The term ‘Commission’ means the Jamestown 400th Commemoration Commission established by section 4(a).

“(3) GOVERNOR.—The term ‘Governor’ means the Governor of the State.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(5) STATE.—

“(A) IN GENERAL.—The term ‘State’ means the State of Virginia.

“(B) INCLUSIONS.—The term ‘State’ includes agencies and entities of the State.

“SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

“(a) IN GENERAL.—There is established a commission to be known as the ‘Jamestown 400th Commemoration Commission’.

“(b) MEMBERSHIP.—

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

“(A) four members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

“(B) four members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

“(C) two members shall be employees of the National Park Service, of which—

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

“(ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

“(D) five members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

“(2) TERM; VACANCIES.—

“(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

“(B) VACANCIES.—

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

“(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

“(3) MEETINGS.—

“(A) IN GENERAL.—The Commission shall meet—

“(i) at least twice each year; or

“(ii) at the call of the Chairperson or the majority of the members of the Commission.

“(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

“(4) VOTING.—

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

“(B) QUORUM.—A majority of the Commission shall constitute a quorum.

“(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

“(c) DUTIES.—

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

“(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

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

“(C) encourage civic, patriotic, historical, educational, 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 founding and early history of Jamestown;

“(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

“(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

“(2) PLANS; REPORTS.—

“(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) [see Short Title of 1993 Amendment note set out under section 1101 of Title 31, Money and Finance], the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

“(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

“(i) a summary of the activities of the Commission;

“(ii) a final accounting of funds received and expended by the Commission; and

“(iii) the findings and recommendations of the Commission.

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

“(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

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

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

“(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

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

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

“(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

“(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

“(e) COMMISSION PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

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

“(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) STAFF.—

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

“(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

“(3) COMPENSATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

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

“(4) DETAIL OF GOVERNMENT EMPLOYEES.—

“(A) FEDERAL EMPLOYEES.—

“(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

“(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

“(B) STATE EMPLOYEES.—The Commission may—

“(i) accept the services of personnel detailed from States (including subdivisions of States); and

“(ii) reimburse States for services of detailed personnel.

“(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

“(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

“(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

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

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

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

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”

Pub. L. 106-554, §1(a)(4) [div. B, title I, §127], Dec. 21, 2000, 114 Stat. 2763, 2763A-229, 2763A-359, enacted provisions substantially identical to those enacted by Pub. L. 106-565, set out above.

§ 81a. Location and boundaries

The Secretary of the Interior is authorized and directed to make an examination of Jamestown Island, parts of the city of Williamsburg, and the Yorktown battlefield, all in the State of Virginia, and areas for highways to connect said island, city, and battlefield with a view to determining the area or areas thereof desirable for inclusion in the said Colonial National Historical Park, not to exceed two thousand five hundred acres of the said battlefield or five hundred feet in width as to such connecting areas, and upon completion thereof he shall make appropriate recommendations to the President, who shall establish the boundaries of said national park by proclamation: *Provided*, That the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, any such enlargement only to include lands donated to the United States or purchased by the United States without resort to condemnation.

(July 3, 1930, ch. 837, §2, 46 Stat. 855; June 5, 1936, ch. 525, §2, 49 Stat. 1483.)

CODIFICATION

Section was formerly classified to section 443a of this title.

CHANGE OF NAME

Act June 5, 1936, changed “Colonial National Monument” to “Colonial National Historical Park”.

BOUNDARIES OF PARK

Boundaries were established by Presidential Proc. No. 1929, Dec. 30, 1930, 46 Stat. 3041, and Proc. No. 2055, Aug. 22, 1933, 48 Stat. 1706.

§ 81b. Revision of boundaries

Subject to all the laws and regulations applicable to the Colonial National Historical Park, the boundaries of said historical park as established by section 81a of this title and as defined by Presidential Proclamation Numbered 2055, dated August 22, 1933 (48 Stat. 1706), are revised by the elimination of the parkway area described in said proclamation as running north and west of the city of Williamsburg to Jamestown Island, and the substitution therefor of a parkway area running southerly through or around the city of Williamsburg, thence continuing south of said city to the James River and thence along said river and connecting wa-

ters to Jamestown Island, the exact location of which shall be determined by the Secretary of the Interior: *Provided*, That said parkway area shall not exceed an average of five hundred feet in width outside the city of Williamsburg: *And provided further*, That condemnation proceedings shall not be had, exercised, or resorted to as to any lands in the city of Williamsburg except such lands as may be required for a right-of-way not exceeding two hundred feet in width through said city to connect with highways or parkways leading from Williamsburg to Jamestown and Yorktown.

(June 28, 1933, ch. 775, §1, 52 Stat. 1208.)

CODIFICATION

Section was not enacted as part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

CHANGE OF NAME

Act June 5, 1936, changed “Colonial National Monument” to “Colonial National Historical Park”.

§ 81c. Addition of lands

The Secretary of the Interior is authorized, in his discretion, to acquire by purchase and/or accept by donation, in behalf of the United States, such lands, easements, and buildings comprising the former Governor Berkeley’s mansion and homestead in James City County and Carter’s Grove mansion and homestead in the same county, and the Rosewell mansion and homestead in Gloucester County as are desirable for the proper rounding out of the boundaries and for the administrative control of the Colonial National Historical Park, and such lands as are necessary for parkways, not to exceed five hundred feet wide, to connect said mansions to the said Colonial National Historical Park, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That the said acquisition of lands and/or improvements shall be made only from such funds as may be appropriated pursuant to the authorization of section 81f of this title.

(June 5, 1936, ch. 525, §§1, 2, 49 Stat. 1483.)

CODIFICATION

Section was not enacted as part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

Section was formerly classified to section 443a-1 of this title.

CHANGE OF NAME

Act June 5, 1936, ch. 525, §2, 49 Stat. 1483, provided: “That the area now within the Colonial National Monument, together with such additions as may hereafter be made thereto, pursuant to section 1 hereof, shall be known as the ‘Colonial National Historical Park’, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Colonial National Monument.”

§ 81d. Addition of lands

The Secretary of the Interior is authorized, in his discretion, to acquire by purchase, donation, or otherwise, in behalf of the United States, such lands or interests in lands, easements, and buildings comprising the following: Glass House Point, in James City County; the area known as