

Calendar No. 626

114TH CONGRESS
2D SESSION

S. 2548

[Report No. 114–350]

To establish the 400 Years of African-American History Commission, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2016

Mr. KAINE (for himself, Mr. WARNER, Mr. CASEY, Mr. COONS, Mr. BOOKER,
Ms. HIRONO, and Mr. BLUNT) introduced the following bill; which was
read twice and referred to the Committee on Energy and Natural Re-
sources

SEPTEMBER 13, 2016

Reported by Ms. MURKOWSKI, with an amendment
[Omit the part struck through and insert the part printed in *italic*]

A BILL

To establish the 400 Years of African-American History
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 “400 Years of African-
5 American History Commission Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **COMMEMORATION.**—The term “commemo-
4 ration” means the commemoration of the 400th an-
5 niversary of the arrival of Africans in the English
6 colonies, at Point Comfort, Virginia, in 1619.

7 (2) **COMMISSION.**—The term “Commission”
8 means the 400 Years of African-American History
9 Commission established by section 3(a).

10 (3) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 3. ESTABLISHMENT.**

13 (a) **IN GENERAL.**—There is established a commis-
14 sion, to be known as the “400 Years of African-American
15 History Commission”.

16 (b) **MEMBERSHIP.**—

17 (1) **COMPOSITION.**—The Commission shall be
18 composed of 15 members, of whom—

19 (A) 3 members shall be appointed by the
20 Secretary, after considering the recommenda-
21 tions of the Governor of Virginia;

22 (B) 1 member shall be appointed by the
23 Secretary, after considering the recommenda-
24 tions of the Chairman of the Committee on En-
25 ergy and Natural Resources of the Senate;

1 ~~(C)~~ 4 members shall be appointed by the
 2 Secretary, after considering the recommenda-
 3 tions of—

4 (i) civil rights organizations; and

5 (ii) historical organizations;

6 ~~(D)~~ 1 member shall be an employee of the
 7 National Park Service having experience rel-
 8 evant to the historical resources relating to the
 9 commemoration, to be appointed by the Sec-
 10 retary;

11 ~~(E)~~ 2 members shall be appointed by the
 12 Secretary, after considering the recommenda-
 13 tions of the Secretary of the Smithsonian Insti-
 14 tution; and

15 ~~(F)~~ 4 members shall be individuals who
 16 have an interest in, support for, and expertise
 17 appropriate to the commemoration, to be ap-
 18 pointed by the Secretary, after considering the
 19 recommendations of Members of Congress.

20 (1) *COMPOSITION.*—*The Commission shall be*
 21 *composed of 15 members, of whom—*

22 (A) 3 members shall be appointed by the
 23 Secretary, after considering the recommendations
 24 of Governors of States, including the Governor of
 25 Virginia;

1 (B) 6 members shall be appointed by the
2 Secretary, after considering the recommendations
3 of civil rights organizations and historical orga-
4 nizations;

5 (C) 1 member shall be an employee of the
6 National Park Service having experience relating
7 to the historical and cultural resources related to
8 the commemoration, to be appointed by the Sec-
9 retary;

10 (D) 2 members shall be appointed by the
11 Secretary, after considering the recommendations
12 of the Secretary of the Smithsonian Institution;
13 and

14 (E) 3 members shall be individuals who
15 have an interest in, support for, and expertise
16 appropriate to the commemoration, to be ap-
17 pointed by the Secretary, after considering the
18 recommendations of Members of Congress.

19 (2) TIME OF APPOINTMENT.—Each appoint-
20 ment of an initial member of the Commission shall
21 be made before the expiration of the 120-day period
22 beginning on the date of enactment of this Act.

23 (3) TERM; VACANCIES.—

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

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 (C) CONTINUATION OF MEMBERSHIP.—If
15 a member of the Commission was appointed to
16 the Commission as an employee of the National
17 Park Service, and ceases to be an employee of
18 the National Park Service, that member may
19 continue to serve on the Commission for not
20 longer than the 30-day period beginning on the
21 date on which that member ceases to be an em-
22 ployee of the National Park Service.

23 (c) DUTIES.—The Commission shall—

24 (1) plan, develop, and carry out programs and
25 activities throughout the United States—

1 (A) appropriate for the commemoration;

2 (B) to recognize and highlight the resil-
3 ience and contributions of African-Americans
4 since 1619;

5 (C) to acknowledge the impact that slavery
6 and laws that enforced racial discrimination
7 had on the United States; and

8 (D) to educate the public about—

9 (i) the arrival of Africans in the
10 United States; and

11 (ii) the contributions of African-Amer-
12 icans to the United States;

13 (2) encourage civic, patriotic, historical, edu-
14 cational, artistic, religious, economic, and other or-
15 ganizations throughout the United States to orga-
16 nize and participate in anniversary activities to ex-
17 pand understanding and appreciation of—

18 (A) the significance of the arrival of Afri-
19 cans in the United States; and

20 (B) the contributions of African-Americans
21 to the United States;

22 (3) provide technical assistance to States, local-
23 ities, and nonprofit organizations to further the com-
24 memoration;

1 (4) coordinate and facilitate for the public
2 scholarly research on, publication about, and inter-
3 pretation of—

4 (A) the arrival of Africans in the United
5 States; and

6 (B) the contributions of African-Americans
7 to the United States;

8 (5) ensure that the commemoration provides a
9 lasting legacy and long-term public benefit by assist-
10 ing in the development of appropriate programs; and

11 (6) help ensure that the observances of the
12 commemoration are inclusive and appropriately rec-
13 ognize the experiences and heritage of all individuals
14 present at the arrival of Africans in the United
15 States.

16 **SEC. 4. COMMISSION MEETINGS.**

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

21 (b) MEETINGS.—The Commission shall meet—

22 (1) at least 3 times each year; or

23 (2) at the call of the Chairperson or the major-
24 ity of the members of the Commission.

1 (c) QUORUM.—A majority of the voting members
2 shall constitute a quorum, but a lesser number may hold
3 meetings.

4 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

5 (1) ELECTION.—The Commission shall elect the
6 Chairperson and the Vice Chairperson of the Com-
7 mission on an annual basis.

8 (2) ABSENCE OF THE CHAIRPERSON.—The Vice
9 Chairperson shall serve as the Chairperson in the
10 absence of the Chairperson.

11 (e) VOTING.—The Commission shall act only on an
12 affirmative vote of a majority of the members of the Com-
13 mission.

14 **SEC. 5. COMMISSION POWERS.**

15 (a) GIFTS.—The Commission may solicit, accept, use,
16 and dispose of gifts, bequests, or devises of money or other
17 property for aiding or facilitating the work of the Commis-
18 sion.

19 (b) APPOINTMENT OF ADVISORY COMMITTEES.—The
20 Commission may appoint such advisory committees as the
21 Commission determines to be necessary to carry out this
22 Act.

23 (c) AUTHORIZATION OF ACTION.—The Commission
24 may authorize any member or employee of the Commission

1 to take any action that the Commission is authorized to
2 take under this Act.

3 (d) PROCUREMENT.—

4 (1) IN GENERAL.—The Commission may pro-
5 cure supplies, services, and property, and make or
6 enter into contracts, leases, or other legal agree-
7 ments, to carry out this Act (except that a contract,
8 lease, or other legal agreement made or entered into
9 by the Commission shall not extend beyond the date
10 of termination of the Commission).

11 (2) LIMITATION.—The Commission may not
12 purchase real property.

13 (e) POSTAL SERVICES.—The Commission may use
14 the United States mails in the same manner and under
15 the same conditions as other agencies of the Federal Gov-
16 ernment.

17 (f) GRANTS AND TECHNICAL ASSISTANCE.—The
18 Commission may—

19 (1) provide grants in amounts not to exceed
20 \$20,000 per grant to communities and nonprofit or-
21 ganizations for use in developing programs to assist
22 in the commemoration;

23 (2) provide grants to research and scholarly or-
24 ganizations to research, publish, or distribute infor-

1 mation relating to the arrival of Africans in the
2 United States; and

3 (3) provide technical assistance to States, local-
4 ities, and nonprofit organizations to further the com-
5 memoration.

6 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

7 (a) COMPENSATION OF MEMBERS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), a member of the Commission shall serve
10 without compensation.

11 (2) FEDERAL EMPLOYEES.—A member of the
12 Commission who is an officer or employee of the
13 Federal Government shall serve without compensa-
14 tion other than the compensation received for the
15 services of the member as an officer or employee of
16 the Federal Government.

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

24 (c) DIRECTOR AND STAFF.—

1 (1) IN GENERAL.—The Chairperson of the
2 Commission may, without regard to the civil service
3 laws (including regulations), nominate an executive
4 director to enable the Commission to perform the
5 duties of the Commission.

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

9 (d) COMPENSATION.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the Commission may fix the compensation
12 of the executive director and other personnel without
13 regard to the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of title 5, United States
15 Code, relating to classification of positions and Gen-
16 eral Schedule pay rates.

17 (2) MAXIMUM RATE OF PAY.—The rate of pay
18 for the executive director and other personnel shall
19 not exceed the rate payable for level V of the Execu-
20 tive Schedule under section 5316 of title 5, United
21 States Code.

22 (e) DETAIL OF GOVERNMENT EMPLOYEES.—

23 (1) FEDERAL EMPLOYEES.—

24 (A) DETAIL.—At the request of the Com-
25 mission, the head of any Federal agency may

1 detail, on a reimbursable or nonreimbursable
2 basis, any of the personnel of the agency to the
3 Commission to assist the Commission in car-
4 rying out the duties of the Commission under
5 this Act.

6 (B) CIVIL SERVICE STATUS.—The detail of
7 an employee under subparagraph (A) shall be
8 without interruption or loss of civil service sta-
9 tus or privilege.

10 (2) STATE EMPLOYEES.—The Commission
11 may—

12 (A) accept the services of personnel de-
13 tailed from the State; and

14 (B) reimburse the State for services of de-
15 tailed personnel.

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

24 (g) VOLUNTEER AND UNCOMPENSATED SERVICES.—
25 Notwithstanding section 1342 of title 31, United States

1 Code, the Commission may accept and use such voluntary
2 and uncompensated services as the Commission deter-
3 mines to be necessary.

4 (h) SUPPORT SERVICES.—

5 (1) IN GENERAL.—The Secretary shall provide
6 to the Commission, on a reimbursable basis, such
7 administrative support services as the Commission
8 may request.

9 (2) REIMBURSEMENT.—Any reimbursement
10 under this paragraph shall be credited to the appro-
11 priation, fund, or account used for paying the
12 amounts reimbursed.

13 (i) NO EFFECT ON AUTHORITY.—Nothing in this
14 section supersedes the authority of the National Park
15 Service with respect to the commemoration.

16 **SEC. 7. PLANS; REPORTS.**

17 (a) STRATEGIC PLAN.—The Commission shall pre-
18 pare a strategic plan for the activities of the Commission
19 carried out under this Act.

20 (b) FINAL REPORT.—Not later than July 1, 2020,
21 the Commission shall complete and submit to Congress a
22 final report that contains—

23 (1) a summary of the activities of the Commis-
24 sion;

1 (2) a final accounting of funds received and ex-
2 pended by the Commission; and

3 (3) the findings and recommendations of the
4 Commission.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to the Commission such sums as are necessary to
8 carry out this Act.

9 (b) AVAILABILITY.—Amounts made available under
10 subsection (a) shall remain available until July 1, 2020.

11 **SEC. 9. TERMINATION OF COMMISSION.**

12 (a) DATE OF TERMINATION.—The Commission shall
13 terminate on July 1, 2020.

14 (b) TRANSFER OF DOCUMENTS AND MATERIALS.—
15 Before the date of termination specified in subsection (a),
16 the Commission shall transfer all documents and materials
17 of the Commission to the National Archives or another
18 appropriate Federal entity.

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