

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

# H. R. 2449

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2004

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To establish a commission to commemorate the  
sesquicentennial of the American Civil War.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Civil War Sesqui-  
3 centennial Commission Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The American Civil War was a defining ex-  
8 perience in the development of the United States.

9 (2) The people of the United States continue to  
10 struggle with issues of race, civil rights, the politics  
11 of federalism, and heritage which are legacies of the  
12 Civil War and Reconstruction.

13 (3) There is a resurgence of interest in the Civil  
14 War that is evidenced by the multitude of publica-  
15 tions, exhibits, reenactments, research organizations,  
16 Internet and multimedia resources, historic parks,  
17 and preservation associations focused on the Civil  
18 War.

19 (4) The years 2011 through 2015 mark the ses-  
20 quicentennial of the Civil War.

21 (5) The sesquicentennial of the Civil War pre-  
22 sents a significant opportunity for Americans to re-  
23 call and reflect upon the Civil War and its legacy in  
24 a spirit of reconciliation and reflection.

25 (6) The United States Civil War Center at Lou-  
26 isiana State University, Louisiana, and the Civil

1 War Institute at Gettysburg College, Pennsylvania,  
2 have been designated by the Federal government to  
3 plan and facilitate the commemoration of the sesqui-  
4 centennial of the Civil War.

5 (7) The State of Virginia—

6 (A) witnessed more Civil War military en-  
7 gagements on its soil than any other State;

8 (B) hosts more historic sites related to the  
9 Civil War than any other State; and

10 (C) is home to the Pamplin Historical  
11 Park and the National Museum of the Civil  
12 War Soldier and the Virginia Center for Civil  
13 War Studies at Virginia Polytechnic Institute  
14 and State University, both of which are nation-  
15 ally recognized centers of expertise in the study  
16 of the Civil War.

17 (8) The African American Civil War Museum  
18 located in Washington, D.C., is the only museum in  
19 the nation dedicated to the study and understanding  
20 of the role of African Americans in the Civil War.

21 (b) PURPOSE.—The purpose of this Act is to estab-  
22 lish a Civil War Sesquicentennial Commemoration Com-  
23 mission to—

24 (1) ensure a suitable national observance of the  
25 sesquicentennial of the Civil War;



1 (B) 2 Members of the Senate appointed by  
2 the President pro tempore of the Senate, in  
3 consultation with the Majority Leader and the  
4 Minority Leader of the Senate;

5 (C) the Secretary of the Interior or the  
6 designee of the Secretary;

7 (D) the Secretary of the Smithsonian In-  
8 stitution, or the designee of the Secretary;

9 (E) the Secretary of the Department of  
10 Education, or the designee of the Secretary;

11 (F) the Chairman of the National Endow-  
12 ment for the Humanities, or the designee of the  
13 Chairman;

14 (G) the Archivist of the United States, or  
15 the designee of the Archivist;

16 (H) the Librarian of Congress, or the des-  
17 igned of the Librarian; and

18 (I) the Director of the National Park Serv-  
19 ice, or the designee of the Director.

20 (2) PRIVATE MEMBERS.—The Commission shall  
21 include—

22 (A) 5 members appointed by the President  
23 from among individuals who are representative  
24 of the corporate community; and

1 (B) 9 individuals, appointed by the Presi-  
2 dent, from among persons who by reason of  
3 education, training, and experience, are experts  
4 on the Antebellum, Civil War, and Reconstruc-  
5 tion eras, including—

6 (i) 6 individuals with expertise in his-  
7 tory;

8 (ii) 1 individual with specific expertise  
9 in art history, historic preservation, or a  
10 related field;

11 (iii) 1 individual with expertise in an-  
12 thropology, cultural geography, sociology,  
13 or a related field; and

14 (iv) 1 individual with expertise in po-  
15 litical science, law, economics, or a related  
16 field.

17 (b) TERMS.—Members shall be appointed for the life  
18 of the Commission.

19 (c) VACANCIES.—Any vacancy in the Commission  
20 shall not affect its powers, and shall be filled in the same  
21 manner as the original appointment.

22 (d) INITIAL APPOINTMENTS.—The appointment of  
23 the members of the Commission shall be made not later  
24 than 60 days after the date of the enactment of this Act.

1 **SEC. 5. GENERAL PROVISIONS.**

2 (a) MEETINGS.—

3 (1) INITIAL MEETING.—Not later than 60 days  
4 after the date on which all members of the Commis-  
5 sion have been appointed, the members appointed  
6 under subparagraphs (A) and (B) of section 4(a)(2)  
7 shall call the first meeting of the Commission.

8 (2) SUBSEQUENT MEETINGS.—The Commission  
9 shall hold subsequent meetings at the call of the  
10 chairperson.

11 (b) CHAIRPERSON AND VICE CHAIRPERSON.—At the  
12 initial meeting, the Commission shall elect a Chairperson  
13 and Vice Chairperson from among its voting members.

14 (c) QUORUM.—A majority of voting members shall  
15 constitute a quorum, but a lesser number may hold meet-  
16 ings.

17 (d) VOTING.—

18 (1) IN GENERAL.—The Commission shall act  
19 only on an affirmative vote of a majority of the vot-  
20 ing members of the Commission.

21 (2) NONVOTING MEMBERS.—The individuals  
22 appointed under subparagraphs (A) and (B) of sec-  
23 tion 4(a)(1) shall be nonvoting members, and shall  
24 serve only in an advisory capacity.

1 **SEC. 6. DUTIES OF THE COMMISSION.**

2 (a) ACTIVITIES RELATED TO THE SESQUICENTEN-  
3 NIAL.—The Commission shall—

4 (1) plan, develop, and carry out programs and  
5 activities appropriate to commemorate the sesqui-  
6 centennial of the Civil War;

7 (2) encourage interdisciplinary examination of  
8 the Civil War;

9 (3) facilitate Civil War-related activities  
10 throughout the United States;

11 (4) encourage civic, historical, educational, eco-  
12 nomic, and other organizations throughout the  
13 United States to organize and participate in activi-  
14 ties to expand the understanding and appreciation of  
15 the significance of the Civil War;

16 (5) coordinate and facilitate the public distribu-  
17 tion of scholarly research, publications, and interpre-  
18 tations of the Civil War;

19 (6) provide technical assistance to States, local-  
20 ities, and nonprofit organizations to further the com-  
21 memoration of the sesquicentennial of the Civil War;

22 (7) develop programs and facilities to ensure  
23 that the sesquicentennial commemoration of the  
24 Civil War results in a positive legacy and long-term  
25 public benefit; and

1           (8) encourage the development and conduct of  
2 programs designed to involve the international com-  
3 munity in activities that commemorate the Civil  
4 War.

5           (b) PLANS AND REPORT.—

6           (1) STRATEGIC PLAN AND ANNUAL PERFORM-  
7 ANCE PLANS.—The Commission shall prepare a  
8 strategic plan in accordance with section 306 of title  
9 5, United States Code, and annual performance  
10 plans in accordance with section 1115 of title 31,  
11 United States Code, for the activities of the Com-  
12 mission carried out under this Act.

13           (2) REPORTS.—

14           (A) ANNUAL REPORT.—The Commission  
15 shall submit to Congress an annual report that  
16 contains a list of each gift, bequest, or devise  
17 with a value of more than \$250, together with  
18 the identity of the donor of each such gift, be-  
19 quest, or devise.

20           (B) FINAL REPORT.—Not later than De-  
21 cember 30, 2015, the Commission shall submit  
22 to Congress a final report that contains—

23                   (i) a summary of activities of the  
24 Commission;

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

4                   (iii) the findings and recommenda-  
5                   tions of the Commission.

6 **SEC. 7. GRANT PROGRAM.**

7           (a) GRANTS AUTHORIZED.—The National Endow-  
8           ment for the Humanities shall award grants under this  
9           section for the uses described in subsection (b).

10          (b) USE OF GRANTS.—Grants awarded under this  
11          section shall be used for appropriate activities relating to  
12          the sesquicentennial of the Civil War.

13          (c) CONSIDERATION.—In awarding grants under this  
14          section, the National Endowment of the Humanities shall  
15          consider established university, museum, or academic pro-  
16          grams with national scope that sponsor multidisciplinary  
17          projects, including those that concentrate on the role of  
18          African Americans in the Civil War.

19 **SEC. 8. POWERS OF THE COMMISSION.**

20          (a) IN GENERAL.—The Commission may—

21                  (1) solicit, accept, use, and dispose of gifts, be-  
22                  quests, or devises of money or other real or personal  
23                  property for the purpose of aiding or facilitating the  
24                  work of the Commission;

1           (2) appoint any advisory committee as the  
2 Commission considers appropriate for the purposes  
3 of this Act;

4           (3) authorize any voting member or employee of  
5 the Commission to take any action that the Commis-  
6 sion is authorized to take under this Act;

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

13           (5) use the United States mails in the same  
14 manner and under the same conditions as other  
15 Federal agencies.

16 **SEC. 9. PERSONNEL MATTERS.**

17           (a) **COMPENSATION OF MEMBERS.**—Members of the  
18 Commission, and members of any advisory committee ap-  
19 pointed under section 8(a)(2), shall serve without com-  
20 pensation.

21           (b) **TRAVEL EXPENSES.**—Members of the Commis-  
22 sion, and members of any advisory committees appointed  
23 under section 8(a)(2), shall be allowed travel expenses, in-  
24 cluding per diem in lieu of subsistence, at rates authorized  
25 for an employee of an agency under subchapter I of chap-

1 ter 57 of title 5, United States Code, while away from  
2 the home or regular place of business of the member in  
3 the performance of the duties of the Commission.

4 (c) STAFF.—

5 (1) IN GENERAL.—The Chairperson of the  
6 Commission may, without regard to civil service laws  
7 (including regulations), appoint and terminate an ex-  
8 ecutive director and such other additional personnel  
9 as are necessary to enable the Commission to per-  
10 form the duties of the Commission.

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

14 (3) COMPENSATION.—

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

23 (B) MAXIMUM RATE OF PAY.—The rate of  
24 pay for the executive director and other per-  
25 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section  
2 5316 of title 5, United States Code.

3 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—

4 (1) **IN GENERAL.**—At the request of the Com-  
5 mission, the head of any Federal agency may detail,  
6 on a reimbursable or nonreimbursable basis, any of  
7 the personnel of the agency to the Commission to as-  
8 sist the Commission in carrying out the duties of the  
9 Commission under this Act.

10 (2) **CIVIL SERVICE STATUS.**—The detail of an  
11 employee under paragraph (1) shall be without inter-  
12 ruption or loss of civil service status or privilege.

13 (e) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—  
14 Notwithstanding section 1342 of title 31, United States  
15 Code, the Commission may accept and use voluntary and  
16 uncompensated services as the Commission determines  
17 necessary.

18 (f) **SUPPORT SERVICES.**—The Director of the Na-  
19 tional Park Service shall provide to the Commission, on  
20 a reimbursable basis, such administrative support services  
21 as the Commission may request.

22 (g) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
23 **TENT SERVICES.**—The Chairperson of the Commission  
24 may procure temporary and intermittent services under  
25 section 3109(b) of title 5, United States Code, at daily

1 rates for individuals which do not exceed the daily equiva-  
2 lent of the annual rate of basic pay prescribed for level  
3 V of the Executive Schedule under section 5316 of such  
4 title.

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

8 (i) TERMINATION.—The Commission shall terminate  
9 on the date that is 90 days after the date on which the  
10 Commission submits its report under section 6(b)(2).

11 **SEC. 10. AUDIT OF COMMISSION.**

12 The Inspector General of the Department of the Inte-  
13 rior shall perform an annual audit of the Commission and  
14 shall make the results of the audit available to the public.

15 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-  
17 priated to carry out this Act (other than section 7)  
18 \$200,000 for each of the fiscal years 2005 through 2016.

19 (b) GRANTS.—There is authorized to be appropriated  
20 \$3,500,000 to the National Endowment for the

- 1 Humanities to provide grants under section 7, to remain
- 2 available until expended.

Passed the House of Representatives September 22,  
2004.

Attest:

JEFF TRANDAHL,

*Clerk.*