

108TH CONGRESS
1ST SESSION

S. 499

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2003

Ms. LANDRIEU (for herself and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

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 “Buffalo Soldier Com-
5 memoration Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the 9th and 10th Cavalry regiments and the
9 24th and 25th Infantry regiments, comprised of Af-

1 rican-American soldiers referred to as “Buffalo Sol-
2 diers”, performed outstanding service to the United
3 States during—

4 (A) the Indian Wars;

5 (B) the Spanish-American War;

6 (C) the Philippine Insurrection; and

7 (D) the raids against Poncho Villa;

8 (2) in recognition of the contributions of the
9 Buffalo Soldiers to the defense of the United States,
10 soldiers in the 9th and 10th Cavalry regiments were
11 awarded 20 individual Congressional Medals of
12 Honor;

13 (3) the Buffalo Soldiers established a rich tradi-
14 tion of professional African-American soldiers in the
15 United States Army by granting a commission—

16 (A) in the 10th Cavalry regiment, to the
17 first African-American professional officer; and

18 (B) in the 9th Cavalry regiment, to the
19 first African-American graduates of West Point;

20 (4) while the Buffalo Soldiers served the United
21 States with bravery and fortitude in the harshest en-
22 vironments and under the most difficult conditions,
23 the service of the Buffalo Soldiers has not been suf-
24 ficiently memorialized;

1 (5) the Buffalo Soldiers remain emblems of the
 2 work of free men in defense of the United States
 3 and should be recognized for their contributions; and

4 (6) because 2 of the 4 African-American regi-
 5 ments were organized in the State of Louisiana and
 6 were initially comprised of recruits from the city of
 7 New Orleans, the State of Louisiana is an appro-
 8 priate place to establish a memorial to recognize the
 9 contributions of the Buffalo Soldiers.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **BUFFALO SOLDIER.**—The term “Buffalo
 13 Soldier” means an African-American soldier that
 14 served in—

15 (A) the 9th Cavalry regiment;

16 (B) the 10th Cavalry regiment;

17 (C) the 24th infantry regiment; or

18 (D) the 25th infantry regiment.

19 (2) **CITY.**—The term “city” means the city of
 20 New Orleans, Louisiana.

21 (3) **COMMISSION.**—The term “Commission”
 22 means the American Battle Monuments Commission.

23 (4) **FUND.**—The term “Fund” means the Buf-
 24 falo Soldier Memorial Fund established by section
 25 5(a).

1 (5) MEMORIAL.—The term “memorial” means
2 the memorial established under section 4(a).

3 (6) MUSEUM.—The term “museum” means the
4 Louisiana State Museum in the State.

5 (7) STATE.—The term “State” means the State
6 of Louisiana.

7 **SEC. 4. ESTABLISHMENT OF MEMORIAL.**

8 (a) IN GENERAL.—The Commission may establish a
9 memorial to honor the Buffalo Soldiers—

10 (1) on Federal land in the city or its environs;

11 or

12 (2) on land donated by the city or the State.

13 (b) CONTRIBUTIONS.—The Commission shall solicit
14 and accept contributions sufficient for the construction
15 and maintenance of the memorial.

16 (c) MAIL.—The Commission shall be considered to
17 qualify for the rates of postage currently in effect under
18 former section 4452 of title 39, United States Code, for
19 third-class mail matter mailed by a qualified nonprofit or-
20 ganization with respect to official mail sent in carrying
21 out this section.

22 (d) VOLUNTARY SERVICES.—

23 (1) IN GENERAL.—Notwithstanding section
24 1342 of title 31, United States Code, the Commis-
25 sion may accept from any person voluntary services

1 provided in furtherance of fundraising activities of
2 the Commission relating to the memorial.

3 (2) TREATMENT OF VOLUNTEERS.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), a person that provides voluntary
6 services under this subsection—

7 (i) shall be considered to be a Federal
8 employee for the purposes of chapter 81 of
9 title 5 and chapter 171 of title 28, United
10 States Code; but

11 (ii) shall not be considered to be a
12 Federal employee for any other purpose by
13 reason of the provision of the voluntary
14 service.

15 (B) CERTAIN RESPONSIBILITIES.—A per-
16 son described in subparagraph (A) that is as-
17 signed responsibility for the handling of funds
18 or the carrying out of a Federal function shall
19 be subject to—

20 (i) section 208 of title 18, United
21 States Code; and

22 (ii) part 2635 of title 5, Code of Fed-
23 eral Regulations (or any successor regula-
24 tion).

1 (3) REIMBURSEMENT.—The Commission
2 may—

3 (A) identify types of incidental expenses in-
4 curred by a person providing voluntary services
5 under this subsection for which the person may
6 be reimbursed; and

7 (B) provide for reimbursement of those ex-
8 penses.

9 (4) NO EFFECT ON FEDERAL EMPLOYEES.—
10 Nothing in this subsection—

11 (A) requires any Federal employee to work
12 without compensation; or

13 (B) permits the use of volunteer services to
14 displace or replace any services provided by a
15 Federal employee.

16 (e) TREATMENT OF CERTAIN CONTRACTS.—A con-
17 tract entered into by the Commission for the design or
18 construction of the memorial shall not be considered to
19 be a funding agreement for the purpose of chapter 18 of
20 title 35, United States Code.

21 (f) LEGAL REPRESENTATION.—

22 (1) IN GENERAL.—The Attorney General shall
23 provide the Commission such legal representation as
24 the Commission requires to carry out subsection (e).

1 (2) PATENT AND TRADEMARK REPRESENTA-
 2 TION.—The Secretary of Defense shall provide rep-
 3 resentation for the Commission in any administra-
 4 tive proceeding before the Patent and Trademark
 5 Office and Copyright Office.

6 (g) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS
 7 TO COMMISSION.—Section 203 of title 17, United States
 8 Code, shall not apply to any copyright transferred to the
 9 Commission.

10 (h) PARTICIPATION IN COMBINED FEDERAL CAM-
 11 PAIGN.—The Director of the Office of Personnel Manage-
 12 ment shall include the Commission on the list of agencies
 13 eligible for participation in each Combined Federal Cam-
 14 paign carried out by the Executive Branch under Execu-
 15 tive Order No. 10927 (March 18, 1961), until such time
 16 as the Commission certifies to the Director of the Office
 17 of Personnel Management that fundraising for the memo-
 18 rial is concluded.

19 **SEC. 5. MEMORIAL FUND.**

20 (a) ESTABLISHMENT.—There is established in the
 21 Treasury a fund to be used by the Commission to pay the
 22 expenses incurred in establishing the memorial, to be
 23 known as the “Buffalo Soldier Memorial Fund”.

24 (b) DEPOSITS IN THE FUND.—The Commission shall
 25 deposit in the Fund—

1 (1) amounts accepted by the Commission under
2 section 4(b); and

3 (2) interest and proceeds credited to the Fund
4 under subsection (d).

5 (c) INVESTMENT OF AMOUNTS.—The Secretary of
6 the Treasury shall invest such portion of the Fund that
7 is not, in the judgment of the Chairman of the Commis-
8 sion, required to meet current withdrawals. Investments
9 may be made only in—

10 (1) an interest-bearing obligation of the United
11 States; or

12 (2) an obligation guaranteed as to principal and
13 interest by the United States that the Chairman of
14 the Commission determines has a maturity suitable
15 for the Fund.

16 (d) CREDITS TO FUND.—The interest on, and pro-
17 ceeds from sale or redemption of, obligations held in the
18 Fund shall be credited to the Fund.

19 (e) USE OF FUND.—Amounts in the Fund shall be
20 available—

21 (1) to the Commission—

22 (A) to pay expenses incurred in estab-
23 lishing the memorial; and

24 (B) to secure, obtain, register, enforce,
25 protect, and license any mark, copyright, or

1 patent that is owned by, assigned to, licensed to
 2 the Commission to aid or facilitate the con-
 3 struction of the memorial; and

4 (2) to the Commission, or to another agency or
 5 entity to which the amounts are transferred under
 6 subsection (f)—

7 (A) for the maintenance and upkeep of the
 8 memorial; and

9 (B) after establishment of the memorial,
 10 for such other expenses relating to the memo-
 11 rial as the Commission, agency, or entity con-
 12 siders to be necessary.

13 (f) TRANSFER OF AMOUNTS IN FUND.—Amounts in
 14 the Fund may be transferred by the Commission to an
 15 agency or entity to which title to the memorial is trans-
 16 ferred under section 6.

17 **SEC. 6. TRANSFER OF POSSESSION AND AUTHORITY FOR**
 18 **MEMORIAL.**

19 On or after the date that is 1 year after the date
 20 of establishment of the memorial, the Commission may
 21 transfer any amounts remaining in the Fund, and title
 22 to and responsibility for future operation and maintenance
 23 of the memorial, to, at the option of the Commission—

24 (1) the National Park Service; or

1 (2) another appropriate governmental agency or
2 other entity (such as a State or local government
3 agency, or a nonprofit corporation that applies to
4 the Commission to take title to the memorial) that
5 is an organization described in section 170(c) of the
6 Internal Revenue Code of 1986.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as are necessary to carry out this Act.

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