

115TH CONGRESS
1ST SESSION

S. 392

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2017

Mr. KAINE (for himself, Mr. WARNER, Mr. BOOKER, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COMMEMORATION.**—The term “commemo-
9 ration” means the commemoration of the 400th an-

1 niversary of the arrival of Africans in the English
2 colonies, at Point Comfort, Virginia, in 1619.

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

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

8 **SEC. 3. ESTABLISHMENT.**

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

12 (b) MEMBERSHIP.—

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

15 (A) 3 members shall be appointed by the
16 Secretary, after considering the recommenda-
17 tions of Governors of States, including the Gov-
18 ernor of Virginia;

19 (B) 6 members shall be appointed by the
20 Secretary, after considering the recommenda-
21 tions of civil rights organizations and historical
22 organizations;

23 (C) 1 member shall be an employee of the
24 National Park Service having experience relat-
25 ing to the historical and cultural resources re-

1 lated to the commemoration, to be appointed by
2 the Secretary;

3 (D) 2 members shall be appointed by the
4 Secretary, after considering the recommenda-
5 tions of the Secretary of the Smithsonian Insti-
6 tution; and

7 (E) 3 members shall be individuals who
8 have an interest in, support for, and expertise
9 appropriate to the commemoration, to be ap-
10 pointed by the Secretary, after considering the
11 recommendations of Members of Congress.

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

16 (3) TERM; VACANCIES.—

17 (A) TERM.—A member of the Commission
18 shall be appointed for the life of the Commis-
19 sion.

20 (B) VACANCIES.—

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

1 (ii) PARTIAL TERM.—A member ap-
2 pointed to fill a vacancy on the Commis-
3 sion shall serve for the remainder of the
4 term for which the predecessor of the
5 member was appointed.

6 (C) CONTINUATION OF MEMBERSHIP.—If
7 a member of the Commission was appointed to
8 the Commission as an employee of the National
9 Park Service, and ceases to be an employee of
10 the National Park Service, that member may
11 continue to serve on the Commission for not
12 longer than the 30-day period beginning on the
13 date on which that member ceases to be an em-
14 ployee of the National Park Service.

15 (e) DUTIES.—The Commission shall—

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

18 (A) appropriate for the commemoration;

19 (B) to recognize and highlight the resil-
20 ience and contributions of African-Americans
21 since 1619;

22 (C) to acknowledge the impact that slavery
23 and laws that enforced racial discrimination
24 had on the United States; and

25 (D) to educate the public about—

1 (i) the arrival of Africans in the
2 United States; and

3 (ii) the contributions of African-Amer-
4 icans to the United States;

5 (2) encourage civic, patriotic, historical, edu-
6 cational, artistic, religious, economic, and other or-
7 ganizations throughout the United States to orga-
8 nize and participate in anniversary activities to ex-
9 pand understanding and appreciation of—

10 (A) the significance of the arrival of Afri-
11 cans in the United States; and

12 (B) the contributions of African-Americans
13 to the United States;

14 (3) provide technical assistance to States, local-
15 ities, and nonprofit organizations to further the com-
16 memoration;

17 (4) coordinate and facilitate for the public
18 scholarly research on, publication about, and inter-
19 pretation of—

20 (A) the arrival of Africans in the United
21 States; and

22 (B) the contributions of African-Americans
23 to the United States;

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

4 (6) help ensure that the observances of the
5 commemoration are inclusive and appropriately rec-
6 ognize the experiences and heritage of all individuals
7 present at the arrival of Africans in the United
8 States.

9 **SEC. 4. COMMISSION MEETINGS.**

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

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

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

16 (2) at the call of the Chairperson or the major-
17 ity of the members of the Commission.

18 (c) QUORUM.—A majority of the voting members
19 shall constitute a quorum, but a lesser number may hold
20 meetings.

21 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

22 (1) ELECTION.—The Commission shall elect the
23 Chairperson and the Vice Chairperson of the Com-
24 mission on an annual basis.

1 (2) ABSENCE OF THE CHAIRPERSON.—The Vice
2 Chairperson shall serve as the Chairperson in the
3 absence of the Chairperson.

4 (e) VOTING.—The Commission shall act only on an
5 affirmative vote of a majority of the members of the Com-
6 mission.

7 **SEC. 5. COMMISSION POWERS.**

8 (a) GIFTS.—The Commission may solicit, accept, use,
9 and dispose of gifts, bequests, or devises of money or other
10 property for aiding or facilitating the work of the Commis-
11 sion.

12 (b) APPOINTMENT OF ADVISORY COMMITTEES.—The
13 Commission may appoint such advisory committees as the
14 Commission determines to be necessary to carry out this
15 Act.

16 (c) AUTHORIZATION OF ACTION.—The Commission
17 may authorize any member or employee of the Commission
18 to take any action that the Commission is authorized to
19 take under this Act.

20 (d) PROCUREMENT.—

21 (1) IN GENERAL.—The Commission may pro-
22 cure supplies, services, and property, and make or
23 enter into contracts, leases, or other legal agree-
24 ments, to carry out this Act (except that a contract,
25 lease, or other legal agreement made or entered into

1 by the Commission shall not extend beyond the date
2 of termination of the Commission).

3 (2) LIMITATION.—The Commission may not
4 purchase real property.

5 (e) POSTAL SERVICES.—The Commission may use
6 the United States mails in the same manner and under
7 the same conditions as other agencies of the Federal Gov-
8 ernment.

9 (f) GRANTS AND TECHNICAL ASSISTANCE.—The
10 Commission may—

11 (1) provide grants in amounts not to exceed
12 \$20,000 per grant to communities and nonprofit or-
13 ganizations for use in developing programs to assist
14 in the commemoration;

15 (2) provide grants to research and scholarly or-
16 ganizations to research, publish, or distribute infor-
17 mation relating to the arrival of Africans in the
18 United States; and

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

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

23 (a) COMPENSATION OF MEMBERS.—

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

4 (2) FEDERAL EMPLOYEES.—A member of the
5 Commission who is an officer or employee of the
6 Federal Government shall serve without compensa-
7 tion other than the compensation received for the
8 services of the member as an officer or employee of
9 the Federal Government.

10 (b) TRAVEL EXPENSES.—A member of the Commis-
11 sion shall be allowed travel expenses, including per diem
12 in lieu of subsistence, at rates authorized for an employee
13 of an agency under subchapter I of chapter 57 of title
14 5, United States Code, while away from the home or reg-
15 ular place of business of the member in the performance
16 of the duties of the Commission.

17 (c) DIRECTOR AND STAFF.—

18 (1) IN GENERAL.—The Chairperson of the
19 Commission may, without regard to the civil service
20 laws (including regulations), nominate an executive
21 director to enable the Commission to perform the
22 duties of the Commission.

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

1 (d) COMPENSATION.—

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

9 (2) MAXIMUM RATE OF PAY.—The rate of pay
10 for the executive director and other personnel shall
11 not exceed the rate payable for level V of the Execu-
12 tive Schedule under section 5316 of title 5, United
13 States Code.

14 (e) DETAIL OF GOVERNMENT EMPLOYEES.—

15 (1) FEDERAL EMPLOYEES.—

16 (A) DETAIL.—At the request of the Com-
17 mission, the head of any Federal agency may
18 detail, on a reimbursable or nonreimbursable
19 basis, any of the personnel of the agency to the
20 Commission to assist the Commission in car-
21 rying out the duties of the Commission under
22 this Act.

23 (B) CIVIL SERVICE STATUS.—The detail of
24 an employee under subparagraph (A) shall be

1 without interruption or loss of civil service sta-
2 tus or privilege.

3 (2) STATE EMPLOYEES.—The Commission
4 may—

5 (A) accept the services of personnel de-
6 tailed from the State; and

7 (B) reimburse the State for services of de-
8 tailed personnel.

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

17 (g) VOLUNTEER AND UNCOMPENSATED SERVICES.—
18 Notwithstanding section 1342 of title 31, United States
19 Code, the Commission may accept and use such voluntary
20 and uncompensated services as the Commission deter-
21 mines to be necessary.

22 (h) SUPPORT SERVICES.—

23 (1) IN GENERAL.—The Secretary shall provide
24 to the Commission, on a reimbursable basis, such

1 administrative support services as the Commission
2 may request.

3 (2) REIMBURSEMENT.—Any reimbursement
4 under this paragraph shall be credited to the appro-
5 priation, fund, or account used for paying the
6 amounts reimbursed.

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

10 **SEC. 7. PLANS; REPORTS.**

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

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

17 (1) a summary of the activities of the Commis-
18 sion;

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

21 (3) the findings and recommendations of the
22 Commission.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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

7 **SEC. 9. TERMINATION OF COMMISSION.**

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

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

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