

Calendar No. 81115TH CONGRESS
1ST SESSION**S. 392****[Report No. 115-63]**

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) intro-
duced the following bill; which was read twice and referred to the Com-
mittee on Energy and Natural Resources

MAY 16, 2017

Reported by Ms. MURKOWSKI, without amendment

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 Governors of States, including the Gov-
22 ernor of Virginia;

23 (B) 6 members shall be appointed by the
24 Secretary, after considering the recommenda-
25 tions of civil rights organizations and historical
26 organizations;

1 (C) 1 member shall be an employee of the
2 National Park Service having experience relat-
3 ing to the historical and cultural resources re-
4 lated to the commemoration, to be appointed by
5 the Secretary;

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

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

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

19 (3) TERM; VACANCIES.—

20 (A) TERM.—A member of the Commission
21 shall be appointed for the life of the Commis-
22 sion.

23 (B) VACANCIES.—

24 (i) IN GENERAL.—A vacancy on the
25 Commission shall be filled in the same

1 manner in which the original appointment
2 was made.

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

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

17 (c) DUTIES.—The Commission shall—

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

20 (A) appropriate for the commemoration;

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

1 (C) to acknowledge the impact that slavery
2 and laws that enforced racial discrimination
3 had on the United States; and

4 (D) to educate the public about—

5 (i) the arrival of Africans in the
6 United States; and

7 (ii) the contributions of African-Amer-
8 icans to the United States;

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

14 (A) the significance of the arrival of Afri-
15 cans in the United States; and

16 (B) the contributions of African-Americans
17 to the United States;

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

21 (4) coordinate and facilitate for the public
22 scholarly research on, publication about, and inter-
23 pretation of—

24 (A) the arrival of Africans in the United
25 States; and

1 (B) the contributions of African-Americans
2 to the United States;

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

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

11 **SEC. 4. COMMISSION MEETINGS.**

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

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

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

18 (2) at the call of the Chairperson or the major-
19 ity of the members of the Commission.

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

23 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

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

4 (2) ABSENCE OF THE CHAIRPERSON.—The Vice
5 Chairperson shall serve as the Chairperson in the
6 absence of the Chairperson.

7 (e) VOTING.—The Commission shall act only on an
8 affirmative vote of a majority of the members of the Com-
9 mission.

10 **SEC. 5. COMMISSION POWERS.**

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

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

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

23 (d) PROCUREMENT.—

24 (1) IN GENERAL.—The Commission may pro-
25 cure supplies, services, and property, and make or

1 enter into contracts, leases, or other legal agree-
2 ments, to carry out this Act (except that a contract,
3 lease, or other legal agreement made or entered into
4 by the Commission shall not extend beyond the date
5 of termination of the Commission).

6 (2) LIMITATION.—The Commission may not
7 purchase real property.

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

12 (f) GRANTS AND TECHNICAL ASSISTANCE.—The
13 Commission may—

14 (1) provide grants in amounts not to exceed
15 \$20,000 per grant to communities and nonprofit or-
16 ganizations for use in developing programs to assist
17 in the commemoration;

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

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

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

2 (a) COMPENSATION OF MEMBERS.—

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

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

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

19 (c) DIRECTOR AND STAFF.—

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

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

4 (d) COMPENSATION.—

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

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

17 (e) DETAIL OF GOVERNMENT EMPLOYEES.—

18 (1) FEDERAL EMPLOYEES.—

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

1 (B) CIVIL SERVICE STATUS.—The detail of
2 an employee under subparagraph (A) shall be
3 without interruption or loss of civil service sta-
4 tus or privilege.

5 (2) STATE EMPLOYEES.—The Commission
6 may—

7 (A) accept the services of personnel de-
8 tailed from the State; and

9 (B) reimburse the State for services of de-
10 tailed personnel.

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

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

24 (h) SUPPORT SERVICES.—

1 (1) IN GENERAL.—The Secretary shall provide
2 to the Commission, on a reimbursable basis, such
3 administrative support services as the Commission
4 may request.

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

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

12 **SEC. 7. PLANS; REPORTS.**

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

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

19 (1) a summary of the activities of the Commis-
20 sion;

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

23 (3) the findings and recommendations of the
24 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.

Calendar No. 81

115TH CONGRESS
1ST Session

S. 392

[Report No. 115-63]

A BILL

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

MAY 16, 2017

Reported without amendment