

115TH CONGRESS  
1ST SESSION

# S. 392

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

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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

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## 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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