

**Calendar No. 81**115TH CONGRESS  
1ST SESSION**S. 392****[Report No. 115-63]**

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) 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

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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”.

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**

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 392**

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