

111TH CONGRESS  
1ST SESSION

# S. 1838

To establish a commission to commemorate the sesquicentennial of the  
American Civil War.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2009

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

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## A BILL

To establish a commission to commemorate the  
sesquicentennial of the American Civil War.

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 “Civil War Sesqui-  
5 centennial Commission Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

9 (1) The American Civil War was a defining ex-  
10 perience in the development of the United States.

1           (2) The people of the United States continue to  
2 struggle with issues of race, civil rights, the politics  
3 of federalism, and heritage which are legacies of the  
4 Civil War and Reconstruction.

5           (3) There is a resurgence of interest in the Civil  
6 War that is evidenced by the multitude of publica-  
7 tions, exhibits, reenactments, research organizations,  
8 Internet and multimedia resources, historic parks,  
9 and preservation associations focused on the Civil  
10 War.

11           (4) The years 2011 through 2015 mark the ses-  
12 quicentennial of the Civil War.

13           (5) The sesquicentennial of the Civil War pre-  
14 sents a significant opportunity for Americans to re-  
15 call and reflect upon the Civil War and its legacy in  
16 a spirit of reconciliation and reflection.

17           (6) The United States Civil War Center at Lou-  
18 isiana State University, Louisiana, and the Civil  
19 War Institute at Gettysburg College, Pennsylvania,  
20 have been designated by the Federal Government to  
21 plan and facilitate the commemoration of the sesqui-  
22 centennial of the Civil War.

23           (7) The State of Virginia—

24                   (A) witnessed more Civil War military en-  
25 gagements on its soil than any other State;

1 (B) hosts more historic sites related to the  
2 Civil War than any other State; and

3 (C) is home to the Pamplin Historical  
4 Park and the National Museum of the Civil  
5 War Soldier and the Virginia Center for Civil  
6 War Studies at Virginia Polytechnic Institute  
7 and State University, both of which are nation-  
8 ally recognized centers of expertise in the study  
9 of the Civil War.

10 (8) The African American Civil War Museum  
11 located in Washington, DC, is the only museum in  
12 the Nation dedicated to the study and understanding  
13 of the role of African-Americans in the Civil War.

14 (b) PURPOSE.—The purpose of this Act is to estab-  
15 lish a Civil War Sesquicentennial Commemoration Com-  
16 mission to—

17 (1) ensure a suitable national observance of the  
18 sesquicentennial of the Civil War;

19 (2) cooperate with and assist States and na-  
20 tional organizations with programs and activities for  
21 the observance of the sesquicentennial of the Civil  
22 War;

23 (3) assist in ensuring that any observance of  
24 the sesquicentennial of the Civil War is inclusive and

1 appropriately recognizes the experiences and points  
2 of view of all people affected by the Civil War; and

3 (4) provide assistance for the development of  
4 programs, projects, and activities on the Civil War  
5 that have lasting educational value.

6 **SEC. 3. CIVIL WAR SESQUICENTENNIAL COMMEMORATION**  
7 **COMMISSION.**

8 The Secretary of the Interior shall establish a com-  
9 mission to be known as the Civil War Sesquicentennial  
10 Commemoration Commission (hereafter in this Act re-  
11 ferred to as the “Commission”).

12 **SEC. 4. COMPOSITION OF THE COMMISSION.**

13 (a) IN GENERAL.—The Commission shall be com-  
14 posed of 25 members as follows:

15 (1) GOVERNMENT MEMBERS.—The Commission  
16 shall include—

17 (A) 2 Members of the Senate appointed by  
18 the President pro tempore of the Senate, in  
19 consultation with the majority leader and the  
20 minority leader of the Senate;

21 (B) 2 Members of the House of Represent-  
22 atives appointed by the Speaker of the House of  
23 Representatives;

24 (C) the Secretary of the Interior or the  
25 designee of the Secretary;

1 (D) the Secretary of the Smithsonian In-  
2 stitution, or the designee of the Secretary;

3 (E) the Secretary of the Department of  
4 Education, or the designee of the Secretary;

5 (F) the Chairman of the National Endow-  
6 ment for the Humanities, or the designee of the  
7 Chairman;

8 (G) the Archivist of the United States, or  
9 the designee of the Archivist;

10 (H) the Librarian of Congress, or the des-  
11 ignee of the Librarian; and

12 (I) the Director of the National Park Serv-  
13 ice, or the designee of the Director.

14 (2) PRIVATE MEMBERS.—The Commission shall  
15 include—

16 (A) 5 members appointed by the President  
17 from among individuals who are representative  
18 of the corporate community; and

19 (B) 9 individuals, appointed by the Presi-  
20 dent, from among persons who by reason of  
21 education, training, and experience, are experts  
22 on the Antebellum, Civil War, and Reconstruc-  
23 tion eras, including—

24 (i) 6 individuals with expertise in his-  
25 tory;

1 (ii) 1 individual with specific expertise  
 2 in art history, historic preservation, or a  
 3 related field;

4 (iii) 1 individual with expertise in an-  
 5 thropology, cultural geography, sociology,  
 6 or a related field; and

7 (iv) 1 individual with expertise in po-  
 8 litical science, law, economics, or a related  
 9 field.

10 (b) TERMS.—Members shall be appointed for the life  
 11 of the Commission.

12 (c) VACANCIES.—Any vacancy in the Commission  
 13 shall not affect its powers, and shall be filled in the same  
 14 manner as the original appointment.

15 (d) INITIAL APPOINTMENTS.—The appointment of  
 16 the members of the Commission shall be made not later  
 17 than 60 days after the date of the enactment of this Act.

18 **SEC. 5. GENERAL PROVISIONS.**

19 (a) MEETINGS.—

20 (1) INITIAL MEETING.—Not later than 60 days  
 21 after the date on which all members of the Commis-  
 22 sion have been appointed, the members appointed  
 23 under subparagraphs (A) and (B) of section 4(a)(2)  
 24 shall call the first meeting of the Commission.

1           (2) SUBSEQUENT MEETINGS.—The Commission  
2           shall hold subsequent meetings at the call of the  
3           chairperson.

4           (b) CHAIRPERSON AND VICE CHAIRPERSON.—At the  
5           initial meeting, the Commission shall elect a Chairperson  
6           and Vice Chairperson from among its voting members.

7           (c) QUORUM.—A majority of voting members shall  
8           constitute a quorum, but a lesser number may hold meet-  
9           ings.

10          (d) VOTING.—

11           (1) IN GENERAL.—The Commission shall act  
12           only on an affirmative vote of a majority of the vot-  
13           ing members of the Commission.

14           (2) NONVOTING MEMBERS.—The individuals  
15           appointed under subparagraphs (A) and (B) of sec-  
16           tion 4(a)(1) shall be nonvoting members, and shall  
17           serve only in an advisory capacity.

18 **SEC. 6. DUTIES OF THE COMMISSION.**

19           (a) ACTIVITIES RELATED TO THE SESQUICENTEN-  
20           NIAL.—The Commission shall—

21           (1) plan, develop, and carry out programs and  
22           activities appropriate to commemorate the sesqui-  
23           centennial of the Civil War;

24           (2) encourage interdisciplinary examination of  
25           the Civil War;

1           (3) facilitate Civil War-related activities  
2 throughout the United States;

3           (4) encourage civic, historical, educational, eco-  
4 nomic, and other organizations throughout the  
5 United States to organize and participate in activi-  
6 ties to expand the understanding and appreciation of  
7 the significance of the Civil War;

8           (5) coordinate and facilitate the public distribu-  
9 tion of scholarly research, publications, and interpre-  
10 tations of the Civil War;

11           (6) provide technical assistance to States, local-  
12 ities, and nonprofit organizations to further the com-  
13 memoration of the sesquicentennial of the Civil War;

14           (7) develop programs and facilities to ensure  
15 that the sesquicentennial commemoration of the  
16 Civil War results in a positive legacy and long-term  
17 public benefit; and

18           (8) encourage the development and conduct of  
19 programs designed to involve the international com-  
20 munity in activities that commemorate the Civil  
21 War.

22 (b) PLANS AND REPORT.—

23           (1) STRATEGIC PLAN AND ANNUAL PERFORM-  
24 ANCE PLANS.—The Commission shall prepare a  
25 strategic plan in accordance with section 306 of title



1 5, United States Code, and annual performance  
2 plans in accordance with section 1115 of title 31,  
3 United States Code, for the activities of the Com-  
4 mission carried out under this Act.

5 (2) REPORTS.—

6 (A) ANNUAL REPORT.—The Commission  
7 shall submit to Congress an annual report that  
8 contains a list of each gift, bequest, or devise  
9 with a value of more than \$250, together with  
10 the identity of the donor of each such gift, be-  
11 quest, or devise.

12 (B) FINAL REPORT.—Not later than De-  
13 cember 30, 2015, the Commission shall submit  
14 to Congress a final report that contains—

15 (i) a summary of activities of the  
16 Commission;

17 (ii) a final accounting of funds re-  
18 ceived and expended by the Commission;

19 and

20 (iii) the findings and recommenda-  
21 tions of the Commission.

22 **SEC. 7. GRANT PROGRAM.**

23 (a) GRANTS AUTHORIZED.—The National Endow-  
24 ment for the Humanities shall award grants under this  
25 section for the uses described in subsection (b).

1 (b) USE OF GRANTS.—Grants awarded under this  
2 section shall be used for appropriate activities relating to  
3 the sesquicentennial of the Civil War.

4 (c) CONSIDERATION.—In awarding grants under this  
5 section, the National Endowment of the Humanities shall  
6 consider established university, museum, or academic pro-  
7 grams with national scope that sponsor multidisciplinary  
8 projects, including those that concentrate on the role of  
9 African Americans in the Civil War.

10 **SEC. 8. POWERS OF THE COMMISSION.**

11 (a) IN GENERAL.—The Commission may—

12 (1) solicit, accept, use, and dispose of gifts, be-  
13 quests, or devises of money or other real or personal  
14 property for the purpose of aiding or facilitating the  
15 work of the Commission;

16 (2) appoint any advisory committee as the  
17 Commission considers appropriate for the purposes  
18 of this Act;

19 (3) authorize any voting member or employee of  
20 the Commission to take any action that the Commis-  
21 sion is authorized to take under this Act;

22 (4) procure supplies, services, and property, and  
23 make or enter into contracts, leases, or other legal  
24 agreements to carry out this Act (except that any  
25 contracts, leases, or other legal agreements entered

1 into by the Commission shall not extend beyond the  
2 date of the termination of the Commission); and

3 (5) use the United States mails in the same  
4 manner and under the same conditions as other  
5 Federal agencies.

6 **SEC. 9. PERSONNEL MATTERS.**

7 (a) COMPENSATION OF MEMBERS.—Members of the  
8 Commission, and members of any advisory committee ap-  
9 pointed under section 8(a)(2), shall serve without com-  
10 pensation.

11 (b) TRAVEL EXPENSES.—Members of the Commis-  
12 sion, and members of any advisory committees appointed  
13 under section 8(a)(2), shall be allowed travel expenses, in-  
14 cluding per diem in lieu of subsistence, at rates authorized  
15 for an employee of an agency under subchapter I of chap-  
16 ter 57 of title 5, United States Code, while away from  
17 the home or regular place of business of the member in  
18 the performance of the duties of the Commission.

19 (c) STAFF.—

20 (1) IN GENERAL.—The Chairperson of the  
21 Commission may, without regard to civil service laws  
22 (including regulations), appoint and terminate an ex-  
23 ecutive director and such other additional personnel  
24 as are necessary to enable the Commission to per-  
25 form the 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           (3) COMPENSATION.—

5           (A) IN GENERAL.—Except as provided in  
6           subparagraph (B), the Chairperson of the Com-  
7           mission may fix the compensation of the execu-  
8           tive director and other personnel without regard  
9           to the provisions of chapter 51 and subchapter  
10          III of chapter 53 of title 5, United States Code,  
11          relating to classification of positions and Gen-  
12          eral Schedule pay rates.

13          (B) MAXIMUM RATE OF PAY.—The rate of  
14          pay for the executive director and other per-  
15          sonnel shall not exceed the rate payable for  
16          level V of the Executive Schedule under section  
17          5316 of title 5, United States Code.

18          (d) DETAIL OF GOVERNMENT EMPLOYEES.—

19          (1) IN GENERAL.—At the request of the Com-  
20          mission, the head of any Federal agency may detail,  
21          on a reimbursable or nonreimbursable basis, any of  
22          the personnel of the agency to the Commission to as-  
23          sist the Commission in carrying out the duties of the  
24          Commission under this Act.

1           (2) CIVIL SERVICE STATUS.—The detail of an  
2           employee under paragraph (1) shall be without inter-  
3           ruption or loss of civil service status or privilege.

4           (e) VOLUNTEER AND UNCOMPENSATED SERVICES.—  
5           Notwithstanding section 1342 of title 31, United States  
6           Code, the Commission may accept and use voluntary and  
7           uncompensated services as the Commission determines  
8           necessary.

9           (f) SUPPORT SERVICES.—The Director of the Na-  
10          tional Park Service shall provide to the Commission, on  
11          a reimbursable basis, such administrative support services  
12          as the Commission may request.

13          (g) PROCUREMENT OF TEMPORARY AND INTERMIT-  
14          TENT SERVICES.—The Chairperson of the Commission  
15          may procure temporary and intermittent services under  
16          section 3109(b) of title 5, United States Code, at daily  
17          rates for individuals which do not exceed the daily equiva-  
18          lent of the annual rate of basic pay prescribed for level  
19          V of the Executive Schedule under section 5316 of such  
20          title.

21          (h) FACA NONAPPLICABILITY.—Section 14(b) of the  
22          Federal Advisory Committee Act (5 U.S.C. App.) shall not  
23          apply to the Commission.

1 (i) **TERMINATION.**—The Commission shall terminate  
2 on the date that is 90 days after the date on which the  
3 Commission submits its report under section 6(b)(2).

4 **SEC. 10. AUDIT OF COMMISSION.**

5 The Inspector General of the Department of the Inte-  
6 rior shall perform an annual audit of the Commission and  
7 shall make the results of the audit available to the public.

8 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) **IN GENERAL.**—There is authorized to be appro-  
10 priated to carry out this Act (other than section 7)  
11 \$200,000 for each of the fiscal years 2010 through 2017.

12 (b) **GRANTS.**—There is authorized to be appropriated  
13 \$3,500,000 to the National Endowment for the Human-  
14 ities to provide grants under section 7, to remain available  
15 until expended.

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