111TH CONGRESS
1ST SESSION

S. 1838

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

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 Natural Resources

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Civil War Sesquicentennial Commission Act”.

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:

(1) The American Civil War was a defining experience in the development of the United States.
(2) The people of the United States continue to struggle with issues of race, civil rights, the politics of federalism, and heritage which are legacies of the Civil War and Reconstruction.

(3) There is a resurgence of interest in the Civil War that is evidenced by the multitude of publications, exhibits, reenactments, research organizations, Internet and multimedia resources, historic parks, and preservation associations focused on the Civil War.

(4) The years 2011 through 2015 mark the sesquicentennial of the Civil War.

(5) The sesquicentennial of the Civil War presents a significant opportunity for Americans to recall and reflect upon the Civil War and its legacy in a spirit of reconciliation and reflection.

(6) The United States Civil War Center at Louisiana State University, Louisiana, and the Civil War Institute at Gettysburg College, Pennsylvania, have been designated by the Federal Government to plan and facilitate the commemoration of the sesquicentennial of the Civil War.

(7) The State of Virginia—

(A) witnessed more Civil War military engagements on its soil than any other State;
(B) hosts more historic sites related to the Civil War than any other State; and

(C) is home to the Pamplin Historical Park and the National Museum of the Civil War Soldier and the Virginia Center for Civil War Studies at Virginia Polytechnic Institute and State University, both of which are nationally recognized centers of expertise in the study of the Civil War.

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

(b) PURPOSE.—The purpose of this Act is to establish a Civil War Sesquicentennial Commemoration Commission to—

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

(2) cooperate with and assist States and national organizations with programs and activities for the observance of the sesquicentennial of the Civil War;

(3) assist in ensuring that any observance of the sesquicentennial of the Civil War is inclusive and
appropriately recognizes the experiences and points
of view of all people affected by the Civil War; and
(4) provide assistance for the development of
programs, projects, and activities on the Civil War
that have lasting educational value.

SEC. 3. CIVIL WAR SESQUICENTENNIAL COMMEMORATION
COMMISSION.

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

SEC. 4. COMPOSITION OF THE COMMISSION.

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

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

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

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

(C) the Secretary of the Interior or the
designee of the Secretary;
(D) the Secretary of the Smithsonian Institution, or the designee of the Secretary;

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

(F) the Chairman of the National Endowment for the Humanities, or the designee of the Chairman;

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

(H) the Librarian of Congress, or the designee of the Librarian; and

(I) the Director of the National Park Service, or the designee of the Director.

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

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

(B) 9 individuals, appointed by the President, from among persons who by reason of education, training, and experience, are experts on the Antebellum, Civil War, and Reconstruction eras, including—

(i) 6 individuals with expertise in history;
(ii) 1 individual with specific expertise in art history, historic preservation, or a related field;

(iii) 1 individual with expertise in anthropology, cultural geography, sociology, or a related field; and

(iv) 1 individual with expertise in political science, law, economics, or a related field.

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

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

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

SEC. 5. GENERAL PROVISIONS.

(a) MEETINGS.—

(1) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed, the members appointed under subparagraphs (A) and (B) of section 4(a)(2) shall call the first meeting of the Commission.
(2) Subsequent meetings.—The Commission shall hold subsequent meetings at the call of the chairperson.

(b) Chairperson and Vice Chairperson.—At the initial meeting, the Commission shall elect a Chairperson and Vice Chairperson from among its voting members.

(e) Quorum.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) Voting.—

(1) In general.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(2) Nonvoting members.—The individuals appointed under subparagraphs (A) and (B) of section 4(a)(1) shall be nonvoting members, and shall serve only in an advisory capacity.

SEC. 6. DUTIES OF THE COMMISSION.

(a) Activities Related to the Sesquicentennial.—The Commission shall—

(1) plan, develop, and carry out programs and activities appropriate to commemorate the sesquicentennial of the Civil War;

(2) encourage interdisciplinary examination of the Civil War;
(3) facilitate Civil War-related activities throughout the United States;

(4) encourage civic, historical, educational, economic, and other organizations throughout the United States to organize and participate in activities to expand the understanding and appreciation of the significance of the Civil War;

(5) coordinate and facilitate the public distribution of scholarly research, publications, and interpretations of the Civil War;

(6) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration of the sesquicentennial of the Civil War;

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

(8) encourage the development and conduct of programs designed to involve the international community in activities that commemorate the Civil War.

(b) PLANS AND REPORT.—

(1) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title
5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(2) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than December 30, 2015, the Commission shall submit to Congress a final report that contains—

(i) a summary of activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

SEC. 7. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The National Endowment for the Humanities shall award grants under this section for the uses described in subsection (b).
(b) USE OF GRANTS.—Grants awarded under this section shall be used for appropriate activities relating to the sesquicentennial of the Civil War.

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

SEC. 8. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

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

(3) authorize any voting member or employee of the Commission to take any action that the Commission is authorized to take under this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements to carry out this Act (except that any contracts, leases, or other legal agreements entered
into by the Commission shall not extend beyond the
date of the termination of the Commission); and

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

**SEC. 9. PERSONNEL MATTERS.**

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

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

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the
Commission may, without regard to civil service laws
(including regulations), appoint and terminate an ex-
ceutive director and such other additional personnel
as are necessary to enable the Commission to per-
form the duties of the Commission.
(2) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) Detail of government employees.—

(1) In general.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.
(2) CIVIL SERVICE STATUS.—The detail of an employee under paragraph (1) shall be without interruption or loss of civil service status or privilege.

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

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at daily rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.
(i) **TERMINATION.**—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under section 6(b)(2).

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

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission and shall make the results of the audit available to the public.

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

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

(b) **GRANTS.**—There is authorized to be appropriated $3,500,000 to the National Endowment for the Humanities to provide grants under section 7, to remain available until expended.