

110TH CONGRESS  
1ST SESSION

# H. R. 3432

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2007

Received

OCTOBER 4, 2007

Read twice and referred to the Committee on the Judiciary

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## AN ACT

To establish the Commission on the Abolition of the  
Transatlantic Slave Trade.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on the  
3 Abolition of the Transatlantic Slave Trade Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) On March 2, 1807, President Thomas Jef-  
7 ferson signed into law a bill approved by the Con-  
8 gress “An Act to prohibit the importation of slaves  
9 into any port or place within the jurisdiction of the  
10 United States” (hereinafter in this Act referred to  
11 as the “1808 Transatlantic Slave Trade Act”) and  
12 made it unlawful “to import or bring into the United  
13 States or territories thereof from any foreign king-  
14 dom, place or country, any negro, mulatto, or person  
15 of colour, with intent to hold, sell, or dispose of  
16 such. . .as a slave, or to be held to service or  
17 labour”.

18 (2) Article I, Section 9 of the United States  
19 Constitution clearly spelled out that the inter-  
20 national slave trade could not be banned before  
21 1808, and it is only on January 1, 1808, that the  
22 1808 Transatlantic Slave Trade Act went into effect.

23 (3) An Act entitled “An Act to continue in  
24 force ‘An act to protect the commerce of the United  
25 States, and punish the crime of piracy,’ and also to  
26 make further provisions for punishing the crime of

1 piracy”, enacted May 15, 1820, made it unlawful for  
2 any citizen of the United States to engage “in the  
3 slave trade, or..., being of the crew or ship’s com-  
4 pany of any foreign ship..., seize any negro or mu-  
5 latto...with the intent to make...a slave...or forcibly  
6 bring ...on board any such ship....”.

7 (4) The transatlantic slave trade entailed the  
8 kidnapping, purchase, and commercial export of Af-  
9 ricans, mostly from West and Central Africa, to the  
10 European colonies and new nations in the Americas,  
11 including the United States, where they were  
12 enslaved in forced labor between the 15th and mid-  
13 19th centuries.

14 (5) The term “Middle Passage” refers to the  
15 horrific part of the transatlantic slave trade when  
16 millions of Africans were chained together and  
17 stowed by the hundreds in overcrowded ships where  
18 they were forced into small spaces for months with-  
19 out relief as they were transported across the Atlan-  
20 tic Ocean to the Americas.

21 (6) During the Middle Passage, enslaved Afri-  
22 cans resisted their enslavement through non-violent  
23 and violent means, including hunger strikes, suicide,  
24 and shipboard revolts, the most historically-recog-

1 nized events taking place on board the Don Carlos  
2 in 1732 and on board the Amistad in 1839.

3 (7) Scholars estimate that, at a minimum, be-  
4 tween 10,000,000 and 15,000,000 Africans survived  
5 the Middle Passage, were imported as chattel  
6 through customs houses and ports across the Amer-  
7 icas, and were sold into slavery.

8 (8) The thirteenth amendment to the Constitu-  
9 tion of the United States recognizes that “Neither  
10 slavery nor involuntary servitude, except as a pun-  
11 ishment for crime whereof the party shall have been  
12 duly convicted, shall exist within the United States,  
13 or any place subject to their jurisdiction.”.

14 (9) The slave trade and the legacy of slavery  
15 continue to have a profound impact on social and  
16 economic disparity, hatred, bias, racism, and dis-  
17 crimination, and continue to affect people in the  
18 Americas, particularly those of African descent.

19 (10) In 2007, the British Parliament marked  
20 the 200th anniversary of the abolition of the slave  
21 trade in the former British Empire with plans  
22 launched by the Department for Education and  
23 Skills which provided joint funding of £910,000  
24 (\$1,800,000) for the Understanding Slavery Initia-  
25 tive, and the Heritage Lottery Fund announced

1 awards of over £20,000,000 (\$40,000,000) for  
2 projects to commemorate the anniversary.

3 (b) PURPOSE.—The purpose of this Act is to estab-  
4 lish the Commission on the Abolition of the Transatlantic  
5 Slave Trade to—

6 (1) ensure a suitable national observance of the  
7 bicentennial anniversary of the abolition of the  
8 transatlantic slave trade by sponsoring and sup-  
9 porting commemorative programs;

10 (2) cooperate with and assist programs and ac-  
11 tivities throughout the United States in observance  
12 of the bicentennial anniversary of the abolition of  
13 the transatlantic slave trade;

14 (3) assist in ensuring that the observations of  
15 the bicentennial anniversary of the abolition of the  
16 transatlantic slave trade are inclusive and appro-  
17 priately recognize the experiences of all people dur-  
18 ing this period in history;

19 (4) support and facilitate international involve-  
20 ment in observances of the bicentennial anniversary  
21 of the abolition of the transatlantic slave trade; and

22 (5) study the impact of the transatlantic slave  
23 trade on the United States and the Americas.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2       There is established a commission to be known as the  
3 “Commission on the Abolition of the Transatlantic Slave  
4 Trade” (referred to in this Act as the “Commission”).

5 **SEC. 4. MEMBERSHIP, DUTIES, AND RELATED MATTERS.**

6       (a) MEMBERSHIP.—

7           (1) IN GENERAL.—

8           (A) The Commission shall be composed of  
9           9 members, of whom—

10                   (i) 3 shall be appointed by the Speak-  
11                   er of the House of Representatives;

12                   (ii) 2 shall be appointed by the major-  
13                   ity leader of the Senate;

14                   (iii) 2 shall be appointed by the mi-  
15                   nority leader of the House of Representa-  
16                   tives; and

17                   (iv) 2 shall be appointed by the minor-  
18                   ity leader of the Senate.

19           (B) Each appointing authority described in  
20           subparagraph (A) shall appoint the initial mem-  
21           bers of the Commission not later than 30 days  
22           after the date of the enactment of this Act.

23           (2) QUALIFICATIONS.—Members of the Com-  
24           mission shall be individuals with demonstrated ex-  
25           pertise or experience in the study and program fa-  
26           cilitation on the transatlantic slave trade and the in-

1           stitution of slavery as it relates to the United States  
2           and the Americas.

3           (3) TERM; VACANCIES.—

4           (A) TERM.—A member of the Commission  
5           shall be appointed for the life of the Commis-  
6           sion.

7           (B) VACANCIES.—

8           (i) IN GENERAL.—A vacancy on the  
9           Commission shall be filled in the same  
10          manner in which the original appointment  
11          was made.

12          (ii) PARTIAL TERM.—A member ap-  
13          pointed to fill a vacancy on the Commis-  
14          sion shall serve for the remainder of the  
15          term for which the predecessor of the  
16          member was appointed.

17          (4) MEETINGS.—

18          (A) IN GENERAL.—The Commission shall  
19          meet—

20                  (i) as many times as necessary; or

21                  (ii) at the call of the Chairperson or  
22          the majority of the members of the Com-  
23          mission.

24          (B) INITIAL MEETING.—Not later than 30  
25          days after the date on which all members of the

1 Commission have been appointed, the Commis-  
2 sion shall hold its initial meeting.

3 (C) NOTICE OF MEETINGS.—All Commis-  
4 sion members shall be given reasonable advance  
5 notice of all Commission meetings.

6 (D) APPOINTMENT OF CHAIRPERSON AND  
7 EXECUTIVE DIRECTOR.—Not later than 60 days  
8 after the date on which all members of the  
9 Commission have been appointed, the Commis-  
10 sion shall—

11 (i) designate 1 of the members as  
12 Chairperson; and

13 (ii) select an executive director as de-  
14 scribed under subsection (d)(2).

15 (5) VOTING.—

16 (A) IN GENERAL.—The Commission shall  
17 act only on an affirmative vote of a majority of  
18 the members of the Commission.

19 (B) QUORUM.—A majority of the members  
20 of the Commission, which includes at least 1  
21 member appointed pursuant to clause (iii) or  
22 (iv) of paragraph (1)(A), shall constitute a  
23 quorum for conducting business but fewer  
24 members may meet or hold hearings.

25 (b) DUTIES.—

1 (1) IN GENERAL.—The Commission shall—

2 (A) plan, develop, and execute programs  
3 and activities appropriate to commemorate the  
4 bicentennial anniversary of the abolition of the  
5 transatlantic slave trade;

6 (B) facilitate commemoration-related ac-  
7 tivities throughout the United States;

8 (C) encourage civic, historical, educational,  
9 religious, economic, and other organizations, as  
10 well as State and local governments, throughout  
11 the United States to organize and participate in  
12 anniversary activities to expand the under-  
13 standing and appreciation of the significance of  
14 the transatlantic slave trade and the institution  
15 of slavery, particularly as it relates to the  
16 United States;

17 (D) coordinate and facilitate for the public  
18 scholarly research on, publication about, and in-  
19 terpretation of, the transatlantic slave trade  
20 and the institution of slavery, particularly as it  
21 relates to the United States;

22 (E) assist in the development of appro-  
23 priate programs and facilities to ensure that the  
24 bicentennial anniversary of the abolition of the

1 transatlantic slave trade provides a lasting leg-  
2 acy and long-term public benefit;

3 (F) support and facilitate marketing ef-  
4 forts for the issuance of a commemorative coin,  
5 postage stamp, and related activities for observ-  
6 ances;

7 (G) facilitate the convening of a joint  
8 meeting or joint session of the Congress for  
9 ceremonies and activities relating to the trans-  
10 atlantic slave trade and the institution of slav-  
11 ery, particularly as it relates to the United  
12 States;

13 (H) promote the sponsorship of con-  
14 ferences, exhibitions, or public meetings con-  
15 cerning the transatlantic slave trade and the in-  
16 stitution of slavery, particularly as it relates to  
17 the United States;

18 (I) coordinate and facilitate the sponsor-  
19 ship of high school and collegiate essay contests  
20 concerning the transatlantic slave trade and the  
21 institution of slavery, particularly as it relates  
22 to the United States; and

23 (J) examine reports of modern-day slavery  
24 and human trafficking to raise the public's  
25 awareness of these matters and ensure such

1 atrocities do not go unnoticed by the people of  
2 the United States.

3 (2) INITIAL REPORT.—Not later than March  
4 31, 2009, the Commission shall submit to the Con-  
5 gress a report containing a summary of the activities  
6 of the Commission for 2008.

7 (c) POWERS OF THE COMMISSION.—The Commission  
8 may—

9 (1) accept donations and gift items related to  
10 the transatlantic slave trade, the institution of slav-  
11 ery, and the significance of slavery to the history of  
12 the United States;

13 (2) appoint such advisory committees as the  
14 Commission determines necessary to carry out this  
15 Act;

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

19 (4) procure supplies, services, and property, and  
20 make or enter into contracts, leases, or other legal  
21 agreements, to carry out this Act (except that any  
22 contracts, leases, or other legal agreements made or  
23 entered into by the Commission shall not extend be-  
24 yond the date of the termination of the Commis-  
25 sion); and

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

4           (d) PERSONNEL MATTERS.—

5           (1) COMPENSATION OF MEMBERS OF THE COM-  
6 MISSION.—

7           (A) BASIC PAY.—Members of the Commis-  
8 sion shall not receive compensation for the per-  
9 formance of their duties on behalf of the Com-  
10 mission.

11           (B) TRAVEL EXPENSES.—Upon approval  
12 of the Chairperson, a member of the Commis-  
13 sion shall be allowed travel expenses, including  
14 per diem in lieu of subsistence, at rates author-  
15 ized for an employee of an agency under sub-  
16 chapter I of chapter 57 of title 5, United States  
17 Code, while away from their homes or regular  
18 place of business in the performance of their  
19 duties on behalf of the Commission.

20           (2) STAFF.—

21           (A) IN GENERAL.—The Chairperson of the  
22 Commission shall, without regard to the civil  
23 service laws (including regulations), appoint  
24 and terminate an executive director and such

1 other additional personnel as are necessary to  
2 enable the Commission to perform its duties.

3 (B) EXECUTIVE DIRECTOR.—

4 (i) QUALIFICATIONS.—The person ap-  
5 pointed executive director shall have dem-  
6 onstrated expertise or experience in the  
7 study and program facilitation on the  
8 transatlantic slave trade and the institu-  
9 tion of slavery, particularly as it relates to  
10 the United States.

11 (ii) CONFIRMATION.—The employ-  
12 ment of an executive director shall be sub-  
13 ject to confirmation by the members of the  
14 Commission.

15 (C) COMPENSATION.—The Chairperson of  
16 the Commission may fix the compensation of  
17 the executive director and other personnel with-  
18 out regard to the provisions of chapter 51 and  
19 subchapter III of chapter 53 of title 5, United  
20 States Code, relating to classification of posi-  
21 tions and General Schedule pay rates, except  
22 that the rate of pay for the executive director  
23 and other personnel may not exceed the rate  
24 payable for level V of the Executive Schedule  
25 under section 5316 of such title.

1 (D) VOLUNTEER AND UNCOMPENSATED  
2 SERVICES.—Notwithstanding section 1342 of  
3 title 31, United States Code, the Commission  
4 may accept and use voluntary and uncompen-  
5 sated services as the Commission determines  
6 necessary.

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

15 (f) NON-APPLICABILITY OF FACA.—Section 14(b) of  
16 the Federal Advisory Committee Act (5 U.S.C. App.) shall  
17 not apply to the Commission.

18 **SEC. 5. TERMINATION.**

19 (a) DATE OF TERMINATION.—The Commission shall  
20 terminate on December 31, 2009.

21 (b) FINAL REPORT.—Upon termination, the Com-  
22 mission shall submit to the Congress a report con-  
23 taining—

24 (1) a detailed statement of the activities of the  
25 Commission; and

