

400 YEARS OF AFRICAN-AMERICAN HISTORY COMMISSION
ACT

MAY 1, 2017.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 1242]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 1242) to establish the 400 Years of Afri-
can-American History Commission, and for other purposes, having
considered the same, report favorably thereon without amendment
and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The purpose of H.R. 1242 is to establish the 400 Years of Afri-
can-American History Commission.

BACKGROUND AND NEED FOR LEGISLATION

The first documented arrival of Africans to the English colonies occurred in August 1619, when a group of approximately 20 individuals disembarked from a ship at Point Comfort, Virginia. Since slavery was not institutionalized at that point, the individuals were sold as involuntary labor or indentured servants, and told they would work under contract for a certain period of time before being granted freedom and the rights of other settlers.¹ This moment marked a painful, but significant, time in colonial America, when Africans were taken against their will, transplanted, and committed to lives of slavery.

August 2019 will mark 400 years since that initial entrance to the colonies. H.R. 1242 establishes the “400 Years of African-American History Commission” to develop and carry out activities throughout the United States to commemorate the arrival of Africans. The Commission will also celebrate the contributions African-Americans have made since 1619, despite the debilitating effects of slavery and racial discrimination.

LEGISLATIVE HISTORY

On February 28, 2017, Representative Bobby Scott (D–VA) introduced H.R. 1242, the 400 Years of African-American History Commission Act. H.R. 1242 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 1242 at a business meeting on March 28, 2017, and ordered the bill reported favorably, without amendment, by voice vote.

In the 114th Congress, Representative Scott introduced H.R. 4539, the 400 Years of African-American History Commission Act on February 11, 2016. H.R. 4539 was referred to the Committee on Oversight and Government Reform. On July 5, 2016, the bill, as amended, passed the House under suspension by voice vote.

SECTION-BY-SECTION

Section 1. Short title

The short title of the bill is the “400 Years of African-American History Commission Act.”

Section 2. Definitions

Section 2 defines “commemoration” as the commemoration of the 400th anniversary of the arrival of Africans in the English colonies, at Point Comfort, Virginia, in 1619. Section 2 defines “commission” as the 400 Years of African-American History Commission established by section 3(a). Section 2 also defines “Secretary” as the Secretary of the Interior.

Section 3. Establishment

Subsection (a) establishes the Commission.

Subsection (b) establishes the membership of the commission, and paragraph (1) of subsection (b) sets out the composition of the Commission.

¹John Thornton, *The African Experience of the “20 and Odd Negroes” Arriving in Virginia in 1619*, *William and Mary Quarterly* (July 1998), available at www.jstor.org/stable/2674531?seq=1#page_scan_tab_contents.

Subparagraph (A) of paragraph (1) directs the Secretary of the Interior to appoint three members to the Commission after considering recommendations of Governors, including the Governor of Virginia.

Subparagraph (B) directs the Secretary to appoint six members to the Commission after considering recommendations of civil rights organizations and historical organizations.

Subparagraph (C) directs the Secretary to appoint one member to the Commission that is an employee of the National Park Service having experience relative to the historical and cultural resources related to the commemoration.

Subparagraph (D) directs the Secretary to appoint two members to the Commission after considering the recommendations of the Secretary of the Smithsonian Institution.

Subparagraph (E) directs the Secretary to appoint three members to the Commission who have an interest in, support for, and expertise appropriate to the commemoration after considering the recommendations of Members of Congress.

Paragraph (2) of subsection (b) requires that the Secretary make all appointments within 120 days of enactment of the bill.

Paragraph (3) sets the terms of the Commissioners and establishes the process for vacancies.

Subparagraph (A) of paragraph (3) notes that a member of the Commission shall be appointed for the life of the Commission.

Subparagraph (B) notes that a vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Subparagraph (B) further notes that a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

Subparagraph (C) sets out that if a member of the Commission was appointed to the Commission as an employee of the National Park Service, and then leaves the National Park Service, that member can only continue on the Commission for 30 days after when they left the National Park Service.

Subsection (c) of section 3 describes the activities of the Commission.

Paragraph (1) of subsection (c) tasks the Commission with planning, developing, and carrying out programs and activities throughout the United States that it deems appropriate for the commemoration to recognize and highlight the resilience and contributions of African-Americans since 1619.

Subparagraph (C) of paragraph (1) notes that the Commission is to acknowledge the impact that slavery and laws that enforced racial discrimination had on the United States.

Subparagraph (D) tasks the Commission with educating the public about the arrival of Africans in the United States and the contributions of African-Americans to the United States.

Paragraph (2) of subsection (c) notes that the Commission is to encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the arrival of Africans in the United States and the contributions of African-Americans to the United States.

Paragraph (3) directs the Commission to provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

Paragraph (4) directs the Commission to coordinate and facilitate for the public scholarly research on, publication about, and interpretation of the arrival of Africans in the United States and the contributions of African-Americans to the United States.

Paragraph (5) ensures that the Commission's commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs.

Paragraph (6) requires that the Commission help ensure that the observances of the commemoration are inclusive and appropriately recognize the experiences and heritage of all individuals present at the arrival of Africans in the United States.

Section 4. Commission meetings

Subsection (a) of section 4 requires the Commission to meet within 30 days of all Commission members being appointed.

Subsection (b) requires the Commission to meet at least three times a year or at the call of the Chairperson or the majority of the members of the Commission.

Subsection (c) notes that the majority of the Commission's members constitutes a quorum, but fewer members can hold meetings.

Subsection (d) notes that the Commission is to elect the Chairperson and Vice Chairperson of the Commission on an annual basis. Subsection (d) further notes that the Vice Chairperson is to serve as the Chairperson in the Chairperson's absence.

Subsection (e) requires the Commission to only act on an affirmative vote of the majority of the members of the Commission.

Section 5. Commission powers

Subsection (a) of section 5 allows the Commission to solicit, accept, use, and dispose of gifts or other property for aiding or facilitating the work of the Commission.

Subsection (b) allows the Commission to appoint advisory Committees the Commission deems necessary.

Subsection (c) authorizes the Commission to allow members to take action the Commission is authorized to take under the bill.

Subsection (d) allows the Commission to procure supplies, services, and property and make or enter into contracts, leases, or legal agreements. It is limited in that the Commission cannot purchase real property.

Subsection (e) allows the Commission to use the United States Postal Service mail systems in the same way as other federal agencies.

Subsection (f) allows the Commission to provide grants that are not to exceed \$20,000 per grant to communities and nonprofit organizations, to provide grants to research and scholarly organizations, and to provide technical assistance to state and local organizations.

Section 6. Commission personnel matters

Subsection (a) of section 6 states members of the Commission are to serve without compensation. However, if a member of the Commission is an officer or employee of the federal government, they

can serve without compensation other than the compensation received for the services they would receive as officers of the federal government.

Subsection (b) allows for travel expenses and per diem for members of the Commission in the course of their duties as a member.

Subsection (c) establishes the role, and allows for the appointment and confirmation, of the executive director.

Subsection (d) sets the compensation for the executive director and other staff.

Subsection (e) allows employees from federal and state agencies to be detailed to the Commission.

Subsection (f) allows for the procurement of temporary and intermittent services.

Subsection (g) allows the Commission to accept and use voluntary and uncompensated services.

Subsection (h) directs the Secretary to provide the Commission with administrative support services on a reimbursable basis.

Subsection (i) clarifies that nothing in section 6 supersedes the authority of the National Park Service with respect to the commemoration.

Section 7. Plans; Reports

Section 7 requires the Commission to prepare a strategic plan and file a final report. The report will contain a summary of the Commission's activities, a final accounting of funds received and expended by the Commission, and the findings and recommendations of the Commission.

Section 8. Termination of Commission

Section 8 establishes the termination date for the Commission as July 1, 2020. Section 8 also requires that all documents and materials of the Commission must be retained and turned over to the National Archives or another appropriate federal entity prior to termination of the Commission.

EXPLANATION OF AMENDMENTS

No amendments to H.R. 1242 were offered or adopted during Full Committee consideration of the bill.

COMMITTEE CONSIDERATION

On March 28, 2017, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported by voice vote.

ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 1242.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill establishes the 400 Years of African-American History Commission. As such, this bill

does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to establish the 400 Years of African-American History Commission.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5 of the United States Code.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the bill as reported include unfunded mandates. In compliance with this requirement, the Committee has included below a letter received from the Congressional Budget Office.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill.

However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, which the Committee has included below.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 4, 2017.

Hon. JASON CHAFFETZ,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1242, the 400 Years of African-American History Commission Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1242—400 Years of African-American History Commission Act

H.R. 1242 would establish a commission to plan activities and provide grants to develop programs and events to commemorate 400 years of African American history in the United States. The bill would authorize the appropriation of the necessary amounts for those purposes. The commission would consist of 15 members. Members would serve without pay but would be reimbursed for travel expenses. The legislation would authorize the commission to make grants to communities, nonprofit organizations, and other groups to conduct activities to commemorate the anniversary. In addition, the commission could hire staff, use personnel from other federal agencies or state governments, and accept volunteers to perform its work. The commission would submit a final report to the Congress and terminate on July 1, 2020.

Based on the cost of similar commissions, CBO estimates that implementing the bill would cost about \$2 million a year—a total of \$6 million over the 2018–2021 period, assuming appropriation of the necessary amounts. Enacting H.R. 1242 would affect direct spending because it would authorize the commission to accept and spend monetary gifts; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be negligible. Enacting H.R. 1242 would not affect revenues.

CBO estimates that enacting H.R. 1242 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1242 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford.

This estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

