

FREDERICK DOUGLASS BICENTENNIAL COMMISSION ACT

OCTOBER 5, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2989]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2989) to establish the Frederick Douglass Bicentennial Commission, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Frederick Douglass Bicentennial Commission Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Born into slavery on the Eastern Shore of Maryland in 1818 and given the name Frederick Augustus Washington Bailey after his mother Harriet Bailey, Frederick Douglass has been called the father of the civil rights movement.

(2) Douglass rose through determination, brilliance, and eloquence to shape the American Nation. He was an abolitionist, human rights and women's rights activist, orator, author, journalist, publisher, and social reformer.

(3) Taught basic reading skills by his mistress until she was forced to stop, Douglass continued to teach himself to read and write and taught other slaves to read despite risks including death.

(4) During the course of his remarkable life Frederick Douglass escaped from slavery, became internationally renowned for his eloquence in the cause of liberty, and went on to serve the national government in several official capacities.

(5) Forced to leave the country to avoid arrest as an escaped slave, he returned to become a staunch advocate of the Union cause and helped recruit African-American troops for the Union Army, including two of his sons, Charles and Lewis Douglass. His personal relationship with Abraham Lincoln helped persuade the President to make emancipation a cause of the Civil War.

(6) With the abolition of slavery at the close of the Civil War, Douglass then turned his attention to the full integration of African-Americans into the political and economic life of the United States. Committed to freedom, Douglass dedicated his life to achieving justice for all Americans, in particular African-Americans, women, and minority groups. He envisioned America as an inclusive Nation strengthened by diversity and free of discrimination.

(7) Douglass served as an advisor to Presidents. Abraham Lincoln referred to him as the most meritorious man of the nineteenth century. Douglass was appointed to several offices. He served as the United States Marshal of the District of Columbia under Rutherford B. Hayes' administration; President James Garfield appointed Douglass the District of Columbia Recorder of Deeds. In 1889, President Benjamin Harrison appointed Frederick Douglass to be the United States minister to Haiti. He was also appointed by President Grant to serve as Assistant Secretary of the Commission of Inquiry to Santo Domingo.

(8) Douglass lived in the District of Columbia for 23 of his 57 years as a free man, and in recognition of his leadership and continuous fight for justice and freedom, his home, Cedar Hill, was established as a National Historic Site in Anacostia, in Southeast Washington, DC.

(9) The statue of Frederick Douglass in the United States Capitol is a gift from the almost 700,000 residents of the District of Columbia.

(10) All Americans could benefit from studying the life of Frederick Douglass, for Douglass dedicated his own life to ensuring freedom and equality for future generations of Americans. This Nation should ensure that his tireless struggle, transformative words, and inclusive vision of humanity continue to inspire and sustain us.

(11) The year 2018 marks the bicentennial anniversary of the birth of Frederick Douglass, and a commission should be established to plan, develop, and carry out, and to recommend to Congress, programs and activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Frederick Douglass.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Frederick Douglass Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To plan, develop, and carry out programs and activities that are fitting and proper to honor Frederick Douglass on the occasion of the bicentennial anniversary of Douglass' birth.

(2) To recommend to Congress programs and activities that the Commission considers fitting and proper to honor Frederick Douglass on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such programs and activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Maryland.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Massachusetts.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of New York.

(5) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Mayor of the District of Columbia.

(6) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(7) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(8) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(9) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) **QUALIFIED CITIZEN.**—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Frederick Douglass.

(c) **TIME OF APPOINTMENT.**—Each initial appointment of a member of the Commission shall be made before the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) **CONTINUATION OF MEMBERSHIP.**—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) **TERMS.**—Each member shall be appointed for the life of the Commission.

(f) **VACANCIES.**—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) **BASIC PAY.**—Members shall serve on the Commission without pay.

(h) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) **QUORUM.**—Six members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) **CHAIR.**—The Commission shall select a Chair from among the members of the Commission.

(k) **MEETINGS.**—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Rochester, New York.

SEC. 6. DIRECTOR AND STAFF.

(a) **DIRECTOR.**—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—

(1) **DIRECTOR.**—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) **STAFF.**—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) **GIFTS.**—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for carrying out its duties.

SEC. 8. REPORTS.

(a) **INITIAL REPORT.**—Not later than August 1, 2018, the Commission shall submit to Congress an initial report containing its recommendations under section 4(2).

(b) **FINAL REPORT.**—Not later than June 1, 2019, the Commission shall submit a final report to Congress, and shall include in the final report—

(1) a summary of its activities and programs;

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

(3) any other information that the Commission considers to be appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate 30 days after submitting the final report pursuant to section 8(b).

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 2989, the *Frederick Douglass Bicentennial Commission Act*, establishes a commission to commemorate the bicentennial anniversary of the birth of Frederick Douglass. The Commission shall plan, develop, carry out, and recommend to Congress programs and activities that are fitting and proper to celebrate the anniversary in a manner that appropriately honors Frederick Douglass.

BACKGROUND AND NEED FOR LEGISLATION

The year 2018 marks the bicentennial anniversary of the birth of Frederick Douglass, one of the most recognizable figures of the 19th century abolitionist movement. Born into slavery in Maryland c. 1817, Douglass escaped by the age of 21.¹ Douglass went on to publish an autobiography documenting his life as a slave, *Narrative of the Life of Frederick Douglass*, while a fugitive slave.² The initial print quickly sold out, marking the beginning of Douglass's life advocating against slavery and for equal civil rights.³ To commemorate Douglass's birth, H.R. 2989 establishes a 16-member commission to plan, develop, coordinate, and recommend to Congress activities honoring Douglass and his work.

¹ Frederick Douglass, *Narrative of the Life of Frederick Douglass* 26, 241 (2d ed., Webb & Chapman, GT: 1946).

² *Id.* at iii–iv.

³ *E.g.*, Frederick Douglass, *My Bondage and My Freedom* (1855); Frederick Douglass, *Life and Times of Frederick Douglass* (1881).

LEGISLATIVE HISTORY

On June 21, 2017, Delegate Eleanor Holmes Norton (D–DC) introduced H.R. 2989, the *Frederick Douglass Bicentennial Commission Act*, with Representative Andy Harris (R–MD). H.R. 2989 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 2989 at a business meeting on July 19, 2017, and ordered the bill reported favorably, as amended, by voice vote.

On July 19, 2017, Senator Chris Van Hollen (D–MD) introduced a bill substantially similar to H.R. 2989. Senator Van Hollen introduced S. 1582, the *Frederick Douglass Bicentennial Commission Act*, with Senator Benjamin Cardin (D–MD), and it was referred to the Senate Committee on the Judiciary.

Delegate Norton introduced bills substantially similar to H.R. 2989 in the 114th Congress and the 113th Congress. In the 114th Congress, Delegate Norton introduced H.R. 4543, the *Frederick Douglass Bicentennial Commission Act*, which was referred to the Committee on Oversight and Government Reform. In the 113th Congress, Delegate Norton introduced H.R. 4055, the *Frederick Douglass Bicentennial Commission Act*, which was also referred to the Committee on Oversight and Government Reform.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the “Frederick Douglass Bicentennial Commission Act”.

Sec. 2. Findings

Section 2 makes several findings related to Frederick Douglass’s life.

Sec. 3. Establishment

Section 3 establishes the Frederick Douglass Bicentennial Commission (“the Commission”).

Sec. 4. Duties

Section 4 prescribes the twofold duties of the Commission. First, the Commission must plan, develop, and carry out programs and activities that are fitting and proper to honor Frederick Douglass on the occasion of the bicentennial anniversary of his birth. Second, the Commission must recommend to Congress activities that are fitting and proper to honor Frederick Douglass, and identify the entities in the Federal Government it considers most appropriate to carry out those activities.

Sec. 5. Membership

Section 5 provides for the composition of the Commission and selection of its 16 members. Six of the commissioners are to be qualified citizens appointed by the President, four of whom are appointed upon recommendations. The remaining ten commissioners are to be appointed by congressional leadership. “Qualified citizen” is defined in subsection (b), and includes a requirement that the individual be dedicated to historical education and possess substantial knowledge of Frederick Douglass.

Each commissioner must be appointed within 60 days of enactment and is appointed for the life of the Commission. A commissioner who was also a Member of Congress at the time of appointment cannot serve for longer than 30 days after leaving Congress. Any vacancies on the Commission are filled as the original appointment and do not affect the Commission's ability to conduct its work.

Commissioners serve on the Commission without pay, but are eligible to receive travel expenses in accordance with sections 5702 and 5703 of title 5, United States Code.

Six members of the Commission constitute a quorum to conduct business but the Commission can establish a lesser number of commissioners to constitute a quorum to conduct hearings.

The Commission will be led by a chair, selected from among the commissioners by the commissioners, and will meet periodically in Rochester, New York, and at the call of the Chair.

Sec. 6. Director and staff

Section 6 authorizes the Commission to hire a Director and staff and establish their salaries, subject to certain restrictions in title 5.

Sec. 7. Powers

Section 7 authorizes the Commission to hold hearings, take testimony, and receive evidence in furtherance of its duties as appropriate, and at such time and place it determines. The Commission may require the production of information from any department or agency of the United States consistent with those duties. The bill does not authorize appropriations and the Committee intends the Commission to be privately funded except as it relates to use of the United States Postal Service. Consequently, the bill authorizes the Commission to solicit, accept, use, and dispose of gifts for carrying out its duties and utilize administrative support services from the General Services Administration on a reimbursable basis.

The Commission may authorize any commissioner or agent of the Commission to exercise its authorities under the Act.

Sec. 8. Reports

Section 8 requires the Commission to submit an initial report containing its recommendations to Congress by August 1, 2018 and a final report by June 1, 2019. The final report must include a summary of the Commission's activities and an accounting of its fundraising and expenditures.

Sec. 9. Termination

The Commission terminates 30 days after submission of its final report.

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Delegate Norton offered an amendment in the nature of a substitute, reflected in the sectional analysis above, amending paragraphs (1) and (2) of section 4, section 5(c), and section (8); striking section 6(c) in the bill as introduced and inserting section 7(f) in the amendment; and

striking section 10 in the bill as introduced. The Committee agreed to the amendment by voice vote.

COMMITTEE CONSIDERATION

On July 19, 2017, the Committee met in open session and, with a quorum being present, ordered the bill, as amended, favorably reported by voice vote.

ROLL CALL VOTES

There were no roll call votes requested or conducted during consideration of H.R. 2989.

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 Frederick Douglass Bicentennial 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 Frederick Douglass Bicentennial 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 or title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds 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, United States Code.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113–67), the Committee has included a letter received from the Congressional Budget Office below.

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 of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2017.

Hon. TREY GOWDY,
*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. 2989, the Frederick Douglass Bicentennial 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,

MARK P. HADLEY
(For Keith Hall, *Director*).

Enclosure.

H.R. 2989—Frederick Douglass Bicentennial Commission Act

H.R. 2989 would establish a commission to plan programs and activities to commemorate the bicentennial anniversary of Frederick Douglass' birth. The commission would consist of 16 members. Members would serve without pay but would be reimbursed for travel expenses. The legislation would authorize the commission to hold hearings, hire staff, and collect information from federal agencies. Under the bill, the commission could retain and spend gifts. The commission would submit a final report to the Congress on June 1, 2019, and terminate 30 days later.

Based on the cost of similar commissions, CBO estimates that implementing the bill would cost about \$2 million over the 2018–2022 period; assuming appropriation of the necessary amounts.

Enacting H.R. 2989 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 the bill would not affect revenues.

CBO estimates that enacting H.R. 2989 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2989 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.

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

The legislation would neither repeal nor amend existing law, within the meaning of clause 3(e) of rule XIII of the House of Representatives.