

VIRGIN ISLANDS OF THE UNITED STATES CENTENNIAL
COMMISSION ACT

APRIL 12, 2016.—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. 2615]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 2615) to establish the Virgin Islands of
the United States Centennial Commission, having considered the
same, report favorably thereon with an amendment and rec-
ommend 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 “Virgin Islands of the United States Centennial
Commission Act”.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the “Virgin Islands of the United States Centennial Commission” (in this Act referred to as the “Commission”).

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

- (1) plan, develop, and carry out such activities as the Commission determines to be appropriate to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States;
- (2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States; and
- (3) submit to the President and Congress the reports required pursuant to section 7.

SEC. 4. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 8 members as follows:

- (1) The Assistant Secretary of the Interior for Insular Affairs or a designee of the Assistant Secretary.
- (2) One member appointed by the Governor of the Virgin Islands of the United States or a designee of the Governor.
- (3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.
- (5) Two Members of the Senate appointed by the majority leader of the Senate.
- (6) One Member of the Senate appointed by the minority leader of the Senate.

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

(c) **DEADLINE FOR APPOINTMENT.**—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(d) **VACANCIES.**—A vacancy on the Commission shall—

- (1) not affect the powers of the Commission; and
- (2) be filled in the manner in which the original appointment was made.

(e) **RATES OF PAY.**—Members shall not receive compensation for the performance of duties on behalf of the Commission.

(f) **TRAVEL EXPENSES.**—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or regular place of business of the member, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(g) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

(h) **CHAIRPERSON.**—The chairperson of the Commission shall be selected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) **DIRECTOR AND STAFF.**—The Commission shall appoint an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The executive director and staff 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 such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level III of the Executive Schedule under section 5314 of such title.

(c) **DETAIL OF FEDERAL EMPLOYEES.**—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of the Department of the Interior or the National Archives and Records Administration, respectively to the Commission to assist the Commission to perform the duties of the Commission.

(d) **EXPERTS AND CONSULTANTS.**—The Commission may procure such temporary and intermittent services from experts and consultants as are necessary to enable the Commission to perform the duties of the Commission.

(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.

SEC. 6. POWERS OF COMMISSION.

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

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

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any Federal agency information necessary to enable the Commission to perform the duties of the Commission. Upon request of the chairperson of the Commission, the head of that Federal agency shall furnish that information to the Commission.

(d) **GIFTS, BEQUESTS, DEVISES.**—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(e) **AVAILABLE SPACE.**—Upon the request of the Commission, the Administrator of General Services shall make available to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to perform the duties of the Commission.

(f) **CONTRACT AUTHORITY.**—The Commission may enter into contracts with and compensate the Federal Government, State and local governments, private entities, or individuals to enable the Commission to perform the duties of the Commission.

SEC. 7. REPORTS.

(a) **ANNUAL REPORTS.**—Not later than January 31 of each year, and annually thereafter until the final report is submitted pursuant to subsection (b), the Commission shall submit to the President and the Congress a report on—

- (1) the activities of the Commission; and
- (2) the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than \$250, including the identity of the donor of each gift, bequest, or devise.

(b) **FINAL REPORT.**—Not later than January 31, 2018, the Commission shall submit a final report to the President and the Congress containing—

- (1) a summary of the activities of the Commission; and
- (2) a final accounting of funds received and expended by the Commission.

SEC. 8. ANNUAL AUDIT.

The Inspector General of the Department of the Interior—

- (1) may perform an audit of the Commission;
- (2) shall make the results of any such audit available to the public; and
- (3) shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 9. DEFINITIONS.

In this Act:

(1) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “agency” in section 551 of title 5, United States Code.

(2) **STATE.**—The term “State” means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

SEC. 10. TERMINATION.

The Commission shall terminate on September 30, 2018, or may terminate at an earlier date determined by the Commission after the final report is submitted pursuant to section 7(b).

SEC. 11. NO ADDITIONAL FUNDS AUTHORIZED.

No Federal funds are authorized or may be obligated to carry out this Act.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The Virgin Islands of the United States Centennial Commission Act creates a federal commission to commemorate the 100th anniversary of the U.S. Virgin Islands becoming an unincorporated territory of the United States.

BACKGROUND AND NEED FOR LEGISLATION

The transfer of the Virgin Islands from Denmark to the United States in 1917 was a significant historic and cultural event. H.R. 2615 creates a bipartisan federal commission that will develop, plan, and execute formal commemorative activities to honor the rich heritage of the U.S. Virgin Islands and celebrate the 100th anniversary of its status as a U.S. territory.

LEGISLATIVE HISTORY

H.R. 2615, the Virgin Islands of the United States Centennial Commission, was introduced on June 2, 2015, by Delegate Stacey Plaskett (D–VI) and referred to the Committee on Oversight and Government Reform. On March 1, 2016, the Committee on Oversight and Government Reform ordered H.R. 2615 favorably reported, as amended.

SECTION-BY-SECTION

Section 1. Short title

Designates the short title of the bill as the “Virgin Islands of the United States Centennial Commission Act”.

Section 2. Establishment

Establishes a Virgin Islands of the United States Centennial Commission (the Commission).

Section 3. Duties of the Commission

Requires the Commission to plan and implement activities to commemorate the 100th anniversary of the Virgin Islands of the United States (USVI) becoming an unincorporated territory of the United States, and provide advice and assistance to federal, state and local government agencies, and civic groups to carry out commemorative activities.

Requires the Commission to submit reports to the President and Congress pursuant to section 7.

Section 4. Membership

The Commission is composed of eight members including the Assistant Secretary of the Interior for Insular Affairs or a designee, one member appointed by the Governor of the USVI or a designee, two members of the U.S. House of Representatives appointed by the Speaker of the House, one member of the House of Representatives appointed by the Minority Leader of the House, two members of the U.S. Senate appointed by the Majority Leader of the Senate, and one member of the Senate appointed by the Minority Leader of the Senate.

Requires members to be appointed no later than 90 days after the date of the enactment, vacancies to be filled in the manner in which the original appointment was made, and that a vacancy shall not affect the powers of the Commission. A majority of the members shall constitute a quorum to conduct business, and the chairperson of the Commission shall be selected by a majority vote of the members.

Members shall not receive compensation for duties of the Commission, but shall be reimbursed for travel and per diem for duties of the Commission.

Section 5. Director and Staff of Commission

Requires the Commission to appoint an Executive Director and other personnel needed to enable the Commission to perform its duties. The personnel may be appointed without regard to the provisions governing appointments in the competitive service, and the rate of pay may not exceed level III of the Executive Schedule. The Commission may also hire experts and consultants and accept and use voluntary and uncompensated services.

The Secretary of the Interior or the Archivist of the United States may detail any personnel to assist the Commission to perform duties.

Section 6. Powers of the Commission

Allows the Commission to hold hearings, take testimony, and receive evidence the Commission determines appropriate to carry out this Act. The Commission may use the U.S. mail service in the same manner as other federal agencies, and at the request of the chairperson, may secure official federal agency information to perform the duties of the Commission.

Permits the Commission to solicit, accept, and use gifts or donations of money, services, or property, both real and personal, to aid the work of the Commission. The Commission may enter into contracts with and compensate federal, state, and local governments, and private entities. Upon request of the Commission, the Administrator of the Government Services Administration shall make available to the Commission, at the normal rental rate for federal agencies, assistance and facilities that may be needed for the Commission to perform its duties.

Section 7. Reports

Requires the Commission to submit an annual report to the President and the Congress on the activities, revenue and expenditures of the Commission including a list of each gift with a value of more than \$250, including the identity of the donor.

Section 8. Annual audit

Permits the Inspector General of the Department of the Interior to conduct an audit of the Commission.

Section 9. Definitions

Defines various terms in the Act including federal agency.

Section 10. Termination

Requires the Commission to terminate no later than September 30, 2018.

Section 11. No additional funds authorized

Stipulates that no federal funds are authorized or may be obligated to carry out this Act.

EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, Delegate Stacey Plaskett (D–VI) offered an amendment in the nature of a substitute to the bill and the changes the legislation are reflected in the section by section description above. The amendment was adopted by unanimous consent.

COMMITTEE CONSIDERATION

On March 1, 2016, the Committee met in open session and ordered reported favorably the bill, H.R. 2615, as amended, by unanimous consent, a quorum being present.

ROLL CALL VOTES

No recorded votes were requested or conducted during the Committee’s consideration of H.R. 2615.

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 Virgin Islands of the United States Centennial 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 the bill is to establish the Virgin Islands of the United States Centennial Commission.

DUPLICATION OF FEDERAL PROGRAMS

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 5 U.S.C. 551.

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 5 U.S.C. App., Section 5(b).

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 reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

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.

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:

H.R. 2615—Virgin Islands of the United States Centennial Commission Act

H.R. 2615 would establish a commission to plan, develop, and coordinate the 100th anniversary of the U.S. Virgin Islands becoming an unincorporated territory of the United States. The eight commission members would serve without pay but would be reimbursed for travel expenses. The commission would be authorized to hire staff and could use the employees and services of the Department of the Interior and the National Archives on a reimbursable basis. Under the bill the commission could spend gifts and contributions to cover its costs, but the use of appropriated funds would be prohibited. The commission would terminate by September 30, 2018.

CBO estimates that implementing the bill would have no significant net effect on the federal budget. The legislation would affect direct spending because it would authorize the commission to ac-

cept 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. 2615 would not affect revenues.

CBO estimates that enacting H.R. 2615 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 2615 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

