

TALKING POINTS

THEME: REAUTHORIZATION AND RESTORTION AND RACIAL TENSIONS IN  
AMERICAN CITIES

- \* IN NOVEMBER 1989, CONGRESS PLACED THE COMMISSION ON A "22-MONTH PROBATION" WHEN IT WAS REAUTEORIZED. OUR ACCOMPLISHMENTS, DURING THAT TIME, GIVEN OUR LIMITED RESOURCES, HAVE DEMONSTRATED THAT THE COMMISSION IS AGAIN FUNCTIONING AS THE INDEPENDENT, CREDIBLE, MORAL AUTHORITY ON CIVIL RIGHTS. (TAB A PAGES 1-2)
  
- \* THE LEADERSHIP PROVIDED BY OUR CURRENT COMMISSIONERS AND THE STAFF DIRECTOR, IS ONE OF THE MOST IMPORTANT FACTORS IN THE PROGRESS WE HAVE MADE DURING THE 17 LAST MONTHS. TO THAT END, EACH OF US IS COMMITTED TO FUNCTIONING AS AN EFFECTIVE COLLEGIAL BODY.
  
- \* AS AN EXAMPLE, AT OUR FEBRUARY 1, 1991 RETREAT WE UNANIMOUSLY DECIDED TO DO A BROAD-RANGING PROJECT TO ADDRESS INCREASING RACIAL TENSIONS IN AMERICAN COMMUNITIES. WE INTEND TO FOCUS NATIONAL ATTENTION ON THE STATE OF RACE RELATIONS, THE CAUSES OF WORSENING RACIAL TENSIONS, AND THE CONTINUING NEED TO FIND

SOLUTIONS TO WHAT HAS APTLY BEEN DEEMED OUR "NATIONAL TRAGEDY." (TAB B, BOTTOM OF PAGES 2 TO 4)

\* IN RECENT YEARS, THE NUMBER OF CROSS BURNINGS AND OTHER TYPES OF RACIAL VIOLENCE AND INCIDENTS HAVE INCREASED. (USE THE MAP TO ILLUSTRATE THE POINT.) (TAB N)

\* FAILURE TO CREATE A SOCIAL AND WORK ENVIRONMENT THAT THRIVES ON DIVERSITY WILL NOT ONLY MEAN CONTINUED DENIAL OF EQUAL OPPORTUNITY, BUT WILL HAVE DIRE CONSEQUENCES FOR AMERICA'S ECONOMIC STRENGTH IN THE FUTURE. (TAB C, MIDDLE OF PAGE 4 TO 5)

\* THE COMMISSION HAS A VERY BROAD MANDATE AND IS USING IT TO ADDRESS COMPLAINTS OF POLICE ABUSE, "RACE BAITING" ADS, THE MOUNT PLEASANT SITUATION IN THE DISTRICT OF COLUMBIA, INCREASED RACIAL TENSIONS IN SELMA, ALABAMA, AND BORDER VIOLENCE DIRECTED TOWARDS UNDOCUMENTED MEXICANS AND OTHER HISPANICS CROSSING INTO THE UNITED STATES. (TAB D, PAGES 7-9)

\* EXAMPLES OF ACTIVITIES THAT DO NOT PRODUCE A DIRECT AND IMMEDIATE PAYOFF IN TERMS OF PUBLISHED WORKS: COMMISSION SENT A LETTER TO PRESIDENT BUSH EXPRESSING CONCERN ABOUT POLICY CHANGES ON SCHOLARSHIPS; WORK WITH SOCIAL SECURITY ADMINISTRATION TO DEVELOP ADMINISTRATIVE DATA TO

FACILITATE MONITORING OF MINORITY AND IMMIGRANT ECONOMIC STATUS; MEETING WITH CABINET SECRETARIES; AND MEETING WITH KEY NATIONAL CIVIL RIGHTS LEADERS. (TAB E, PAGES 9 TO TOP OF 11)

\* THE FOLLOWING STUDIES AND REPORTS REFLECT PROJECTS CURRENTLY UNDERWAY OR JUST RECENTLY COMPLETED:

(MR. CHAIRMAN PLEASE USE TABS AS NOTED TO REFER TO THE TEXT OF YOUR TESTIMONY FOR FULL EXPLANATION)

EVALUATION OF THE CIVIL RIGHTS ACT OF 1990

(TAB F, PAGE 11)

IMMIGRATION REFORM AND CONTROL ACT (TAB F, PAGES 11-12)

ECONOMIC STATUS OF BLACK WOMEN: AN

EXPLORATORY INVESTIGATION (STAFF REPORT)

(TAB G, PAGES 12-13)

CHANGING PERSPECTIVES ON CIVIL RIGHTS

(TAB H, PAGE 13)

INTIMIDATION AND VIOLENCE - RACIAL AND  
RELIGIOUS BIGOTRY IN AMERICA (TAB H, PAGES  
13-14)

ASIAN AMERICAN CIVIL RIGHTS ISSUES FOR THE  
1990'S (TAB I, PAGE 14)

THE SOCIOECONOMIC STATUS OF HISPANIC  
AMERICANS; PAST TRENDS AND FUTURE PROSPECTS  
(TAB I, PAGES 14-15)

TOWARDS EQUAL OPPORTUNITY IN EDUCATION  
(TAB J, PAGE 15)

MINORITIES AND WOMEN IN THE MEDIA  
(TAB J, PAGE 15)

INDIAN CIVIL RIGHTS ACT (TAB J, PAGES 15-16)

FAIR HOUSING AMENDMENTS ACT OF 1988  
(TAB K, PAGES 16-17)

- \* GIVEN SUFFICIENT RESOURCES WE WOULD BE ABLE TO: (TAB L,  
PAGES 17-18)
  - o ISSUE AN ANNUAL REPORT TO THE PRESIDENT AND  
THE CONGRESS ON THE STATUS OF CIVIL RIGHTS IN  
THE NATION

- o HOLD A NUMBER OF BRIEFINGS TO FOCUS ON IMMEDIATE AND INFLAMED SITUATIONS RESULTING FROM RACIAL TENSIONS
  
- o CONTINUOUSLY MONITOR CIVIL RIGHTS ENFORCEMENT AT MOST FEDERAL AGENCIES
  
- o STRENGTHEN THE REGIONAL OFFICES AND THE STATE ADVISORY COMMITTEES BY HOLDING 4 MEETINGS PER STATE PER YEAR
  
- o FILE AMICUS CURIAE BRIEFS
  
- o ENTER INTO COOPERATIVE AGREEMENTS WITH FEDERAL, STATE, AND LOCAL GOVERNMENTAL AGENCIES TO JOINTLY CODUCT PUBLIC INFORMATION AND EDUCATIONAL ACTIVITIES

\* IN 1983 THE COMMISSION HAD 256 FULL-TIME PERMANENT EMPLOYEES; 171 IN HEADQUARTERS AND 85 IN THE FIELD. TODAY WE HAVE A TOTAL OF 79 FULL-TIME PERMANENT EMPLOYEES -- LESS THAN 1/3 OF THE TOTAL IN 1983; 51 IN HEADQUARTERS AND 29 IN THE FIELD. (TAB M, PAGES 18-19)

(TAB O, CHARTS)

**STATEMENT OF**  
**THE HONORABLE ARTHUR A. FLETCHER, CHAIRMAN**  
**U.S. COMMISSION ON CIVIL RIGHTS**  
**BEFORE THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS**  
**COMMITTEE ON THE JUDICIARY**  
**JULY 25, 1991**

Mr. Chairman and members of the Subcommittee, I am pleased to testify today in strong support of the reauthorization of the U.S. Commission on Civil Rights. I am also here to state that the Commission must be restored to its former level of resources if Congress wants us to carry out our broad mandate as the "Nation's conscience on civil rights." I am here speaking on behalf of the Commission on Civil Rights, a revitalized, independent, bipartisan agency of the Federal Government. Let me state, at the outset, that the Administration has, in fact, endorsed Senator Hatch's reauthorization bill and has requested funding to restore the seven (7) regional offices that were eliminated in FY 1987.

In November 1989, the Congress put the Commission on a "22-month probation" when it was reauthorized. I believe our accomplishments, during that time, given our very limited resources, have demonstrated that the Commission is again functioning as an independent, credible, moral authority on civil rights issues. However, given the seriousness and complexity of

the civil rights issues that our Nation faces today and in the future, if the Commission is going to assume its rightful leadership role on civil rights, we must be restored to at least our former resource level so that we can carry out the mandate the Congress has given us.

The leadership provided by our current Commissioners, and the Staff Director, is one of the most important factors in the progress we have made during the past 17 months. Each member of the Commission has his or her own viewpoint on many of the issues, and we have differences in our racial, cultural and even economic backgrounds. As a result of our various backgrounds, the Commissioners are interested in a wide array of projects dealing with the civil rights concerns of the different groups in our society. Despite our differences, we share the common goal of fulfilling the Commission's legislative mandate to the best of our ability. To that end, each of us is committed to functioning as an effective collegial body. As a result, we were able, at our annual planning retreat on February 1, 1991, to reach consensus on a reauthorization statute for the Commission that will retain our current structure but will also enhance our ability to carry our mandate of moral suasion on pressing national civil rights issues.

As an example, the Commission has unanimously decided to do a broad-ranging project to address increasing Racial Tensions in American Communities. The projections of the Workforce 2000

project tell us that minorities and women will predominate in the labor force in less than 10 years. If the increase in bigotry and violence that we are currently experiencing has not been curbed by then, the consequences of the convergence of these two trends could derail our future. The Commission intends to focus national attention on the state of race relations, the causes of worsening racial tensions, and the continuing need to find solutions to what has aptly been deemed "our national tragedy."

Although we have made tremendous progress as a Nation since the Civil Rights Commission was created in 1957, many people today are still being illegally denied opportunities in employment, housing, education, political representation and other areas because of their race, color, religion, sex, age, disability, or national origin. Thirty-four years ago, we were preoccupied with attacking overt racism -- white racism against black people. Despite the significant progress we have made since then, much work remains to be done.

Discrimination still pervades most sectors of society and all geographic areas. In fact, it is increasing. You are all familiar with the racial tension incidents in Bensonhurst, Howard Beach, Los Angeles, and Mount Pleasant. But these types of incidents are happening everywhere, almost every day. For example, just in the last few weeks, the newspapers have carried the following illustrative stories:



- o In Tamarac, Florida, a 20-year-old black cook was questioned by police for 45 minutes after officials at the bank, where he wanted to open an account, reported that he planned to rob it.
- o A Brooklyn real-estate agency was set afire recently after workers there reported receiving threatening phone calls about selling property to minorities in a predominantly white neighborhood.
- o In Gladstone, Missouri, six young white men were charged with racially motivated attacks on a black family's home. The men are alleged to have made racial slurs and threats and done extensive damage to the home of the black family.
- o As recently documented by the Christopher Commission, there were numerous racial slurs used by the Los Angeles police in their communications over their car radios.

Further, in recent years, the number of cross burnings and other types of racial incidents in housing, on college campuses, and in the workplace have increased. (See attachment I.) Recent surveys show that negative racial stereotyping is getting worse.

Today, new and profound demographic, social and economic changes are reshaping America. With these changes comes the hope of a more vigorous and tolerant society in which a person's race, color, national origin, religion, sex, age or disability are not

impediments to realizing one's full potential. Yet, these changes also raise concern that progress towards solving long-standing civil rights problems has stalled, and may have been even reversed.

Structural changes in the American economy are shrinking the number of good jobs that are available for persons with little education. Jobs are being "upskilled." In this new environment, today's and tomorrow's businesses, will increasingly require better-educated employees. Persons without the skills and education to enter this evolving economy face a bleak future. On the one hand, this high demand for skilled labor provides an exciting opportunity for bringing minority members, women and the disabled fully into the mainstream workforce. But if our educational system continues to fail to adequately prepare these groups, and if these Americans continue to face barriers to training and access to stable, higher paying jobs with employers, this Nation faces a civil rights nightmare. Failure to create a work environment that thrives on diversity will not only mean continued denial of equal opportunity, but will have dire consequences for America's economic strength in the future.

I am here to tell you that the Commission has never been more vital to sustaining progress toward true equality -- and indeed, the socio-economic well-being and security of our Nation -- than it is today.

We have a broad statutory mandate. I would like to summarize it briefly:

The Commission shall--

- (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or national origin;
- (2) study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;
- (3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or the administration of justice;
- (4) serve as a clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;
- (5) investigate allegations made in writing and under

oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

(6) The Commission shall submit such reports to the Congress and the President at such times as the Commission, the Congress or the President shall deem desirable.

I want to illustrate to you the critical work that the Commission is undertaking today to carry out that mandate under our broad ranging agenda to address Racial Tensions in American Communities.

Within our limited resources, we are doing the following:

- o Immediately after the alleged police brutality incident in Los Angeles became public, our regional office staff began to aggressively monitor the situation for the Commission for potential civil rights violations. This included numerous contacts with law enforcement officials at the Federal, State, and local level. As a result of our interest, and that of others, the mayor established the Christopher Commission to investigate and report, with findings and recommendations, on the incident.

- o In response to the kind of "race baiting" ads that occurred in a 1990 Senatorial campaign, on July 18, the Commission sent a letter to the President, the Congressional leadership, and the Governors urging them to avoid these kinds of destructive tactics in the upcoming 1992 political campaigns because they only inflame the increasing racial tensions.
- o Immediately after the recent disturbance in Mount Pleasant, the District of Columbia Advisory Committee held a briefing session to inform the Commissioners what were the root causes that led to this eruption of violence. In response to the concerns raised by the Committee, the Commission will soon be holding a hearing which will result in a report with findings and recommendations.
- o In response to increased racial tensions in Selma, Alabama, the Advisory Committee held a four-day factfinding meeting that covered school desegregation, voting rights, equalization of municipal services and equal employment opportunities. The Advisory Committee's report will be released this fall with recommendations designed to reduce racial tensions.
- o The Advisory Committees of Arizona, California, New Mexico, and Texas will conduct a joint inquiry designed to examine the increased tensions along the United States-Mexico border including shootings, assaults and

other acts of violence and intimidation against the Hispanic population, and to determine what official response by the Government is appropriate. Much of the violence has been directed toward undocumented Mexicans and other Hispanics crossing into the United States.

In addition to these quick response actions, the Commission expends a considerable amount of its resources on activities that do not produce a direct and immediate payoff in terms of published works, but which are essential to our mandate. Here are some specific examples of these activities:

- o Commission staff met with staff of the Office for Civil Rights (OCR) of the Department of Education to discuss OCR's investigations of Asian admissions at Harvard and UCLA.
- o Staff provided Department of Education, Office for Civil Rights (OCR) with a set of recommendations for additional items to include in the Elementary and Secondary School Civil Rights Survey. Because the survey is used to identify for more intensive reviews, schools that may not be complying with civil rights laws, the additional items we recommended will aid the Department in enforcing these laws.
- o Commission staff also met with the Office for Civil Rights of the Department of Education to discuss changes in policies regarding scholarships targeted at racial and

ethnic minorities. Based on an analysis of this and other information, the Commission sent a letter on January 23, 1991, to President Bush expressing our concern about the policy changes on the scholarships.

- o Staff have been working with the Social Security Administration to develop their administrative data in such a way as to facilitate the monitoring of minority and immigrant economic status.
- o Finally, over the last few months the Commissioners have been meeting with Cabinet Secretaries to express our concerns about a wide variety of civil rights issues that come within each of their Departments' jurisdiction. For example, we met with Secretary Sullivan at Health and Human Services, to discuss minority health care issues; with Secretary Derwinski of the Department of Veterans Affairs about veterans benefits for women and minorities in the wake of the Persian Gulf War; and with Secretary Skinner at the Department of Transportation about the awarding of contracts to minority and women owned firms at the New Denver Airport. In August, we will be meeting with Secretary Martin to discuss enforcement activities at the Department of Labor.
- o In an effort to improve our relationships with the civil rights community, the Commissioners have met with civil rights leaders of national civil rights groups, and have

been invited to address and participate in conferences sponsored by these groups.

While all of these activities have been, and will continue to be, crucial to the reestablishment of our impact on the national civil rights debate, we are also mindful of our mandate to conduct studies and produce reports to the President and the Congress. The following studies and reports, reflect projects currently underway or just recently completed:

- o Evaluation of the Civil Rights Act of 1990. The Civil Rights Act of 1990, a major piece of civil rights legislation, was passed last year by both Houses of Congress but vetoed by President Bush. The Commission carefully reviewed the proposed legislation (S. 2104 and H.R. 4000). Based on staff analysis of the legislation, the Commissioners adopted a statement supporting the Civil Rights Act of 1990 in June and submitted a cover letter to the President urging him to sign the bill. This statement, including recommendations for modifying the legislation, and the Commission's analysis of the legislation are contained in the July report, Report of the United States Commission on Civil Rights on the Civil Rights Act of 1990.
- o Immigration Reform and Control Act (IRCA). The Commission examined the effects of the Immigration Reform



and Control Act (IRCA) upon discrimination under the Commission's monitoring function. The project was continued into FY 1990 to provide support for the Task Force on IRCA-Related Discrimination. This Task Force was activated by the March 1990 GAO finding that employer sanctions caused a widespread pattern of discrimination against authorized workers. Its members were Chairman Fletcher of the Civil Rights Commission, Vice Chairman Silberman of EEOC, and Assistant Attorney General Dunne (Chair). The Civil Rights Commission, along with the other participating agencies, was involved in factfinding, statistical analyses, and writing the final report. The Task Force issued its required report to Congress in September 1990. The report recommended that employer sanctions be eliminated because they tended to discriminate.

- o The Economic Status of Black Women: An Exploratory Investigation. A staff report was issued in April 1990. The report documents patterns of labor market discrimination against black women in comparison to white women, reaching both heartening and disheartening conclusions with respect to black women's economic status. On the one hand, the report finds that the hourly pay of black women has increased substantially, both relatively and absolutely, over the past half century, and the occupational distributions of black and

white women have undergone an equally large convergence over the same period. On the other hand, the report shows that black women still earn less than white women, and black women's overall economic status continues to be far below white women's. As one example, black women have substantially higher unemployment rates than white women with similar characteristics. The report also finds that black women continue to fare worse relative to white women in the South than in the rest of the country, and that the legacy of past discrimination has a larger effect on older black women than on their younger counterparts.

- o Changing Perspectives on Civil Rights. Staff completed summary reports on Civil Rights issues. The report on the Los Angeles forum summarized the views of the participants on the effects of changing demographics on the nature of the civil rights issues, and the report on the Nashville forum summarized participants' views on other emerging civil rights issues. Both reports were released at the end of 1990.
- o Intimidation and Violence - Racial and Religious Bigotry in America. In this September 1990 report, the Commission concluded that the phenomenon of racial and religious violence and harassment is a continuing threat to the maintenance of a peaceful, democratic and pluralistic society. The Commission urged upon all

Americans a cooperative and relentless effort, by all legal means, to excise from American life the roots of bigotry and violence that deny the rights of racial, religious and ethnic minorities.

- o Asian American Civil Rights Issues for the 1990s. We at the Commission are keenly aware that Asian Americans do face prejudice, discrimination, and barriers to equal opportunity. This fall we are planning to release a major report documenting the wide-ranging civil rights problems faced by Asian Americans today.
- o The Socioeconomic Status of Hispanic Americans; Past Trends and Future Prospects. Next year, the Commission will complete a study that examines several issues crucial to minority progress in a rapidly changing economy. In particular, we focus on the extent to which Hispanics are likely to partake in the new economic order. Are their educational skills sufficient to meet the needs of the jobs of today and of the future? Once they have acquired their education, can they get a job? To what extent are their efforts hampered by discrimination? Once they are employed, can they advance as quickly and as far as their non-Hispanic counterparts? These and other issues will be the focus of a comprehensive overview of where Americans of Hispanic descent are today in terms of their socioeconomic status,

and the issues that are likely to shape this status in years to come.

- o Towards Equal Opportunity in Education. In Fiscal Year 1991 the Commission launched a major new project on equal opportunity in education. As part of this project, the Commission will examine a number of important civil rights issues in the field of education. We expect to complete two reports in the next fiscal year: a report on equity in school finance, and a report on the education of Hispanic Americans. Future reports will focus on bilingual education, determinants of minority success in college, and issues related to multicultural curricula. The project will also serve to restore the Commission's role in monitoring the Federal enforcement of civil rights laws, by scrutinizing the activities of the Departments of Education and Justice and ensuring that they are doing everything possible under their mandate to secure equal educational opportunity for all Americans.
- o Minorities and Women in the Media. The Commission has initiated a project, in which a number of members of Congress have expressed a keen interest, to investigate the portrayal and representation of minorities and women in the electronic media.
- o Indian Civil Rights Act. The Commission recently approved this report for publication. It describes the

difficulties faced by many tribal courts because of inadequate funding; for example, high turnover of trained judges because of low salaries; caseloads comparable to those of State courts, but with only a fraction of their resources; and lack of training for judges and other court personnel because of limited resources. It also cites the Federal Government's trust obligation to assist tribal governments in their development.

- o Fair Housing Act Amendments of 1988. In September 1990, the Commission began a major study on the implementation, enforcement, and effectiveness of the 1988 law aimed at eliminating housing discrimination in this country. We examined the Department of Housing and Urban Development's (HUD) new, expanded role in fair housing enforcement. We are also assessing the role of every major segment affected by the new provisions, including the State and Local Human Relations/Rights Agencies that have agreements with HUD to process housing complaints, the business and industry groups such as Realtors and builders, fair housing councils that often represent complainants in their pursuit of equal opportunity in housing, and advocacy groups such as the NAACP that get the message out to the public about the law. This intensive study will culminate in at least two reports: State and Local Agencies Recertification Under the Fair

Housing Act, and the Enforcement of the Fair Housing Act by the Federal and Private Sectors.

- o Long-term State Advisory Committee Studies. Long-term State Advisory Committee studies underway include: race relations and civil rights issues in Alabama, Arkansas, and California; voting rights in Arizona and Rhode Island; police-community relations in Florida, Nevada, and New Jersey; and various aspects of education in California, Idaho, Kansas, Massachusetts, Minnesota, Vermont, and Wisconsin, to give but a few examples.

The information above outlines what we can, and are, doing within our limited financial and staffing resources.

Now I would like to give you some idea of the types of activities the Commission should do, provided we are reauthorized, and provided we are given sufficient resources to carry out our very broad and critical mandate:

- o Issue an annual report to the President and the Congress on the status of civil rights in the Nation.
- o Hold a number of briefings throughout the Nation to focus on immediate and inflamed situations resulting from racial tensions.
- o Continuously monitor civil rights enforcement at most Federal agencies, such as the Equal Employment Opportunity Commission; Office for Civil Rights in the

Departments of Health and Human Services, Education, Labor, Agriculture, and Housing and Urban Development, etc. and the Civil Rights Division of the Department of Justice.

- o Hold four (4) State Advisory Committee meetings in each State per year by strengthening SAC support and services by reopening all 10 regional offices. Mr. Chairman, you wrote to a former Chairman of the Commission in 1986, at the time of the appropriations cuts, to inform him that the cuts did not envision closing any regional offices. Unfortunately, seven (7) had to be closed. We are now in the process of trying to reestablish them to meet the concern you expressed five (5) years ago.
- o Conduct a survey of the public's attitudes on racial and ethnic issues.
- o File amicus curiae briefs with the Supreme Court on pending civil rights cases.
- o Enter into cooperative agreements with Federal, State and local governmental agencies to jointly carry out public information and educational activities, pursuant to the Commission's national clearinghouse function.

These activities will not be possible if the Congress and the President do not restore the Commission to at least its former level of funding and personnel. In 1983, the year we were reauthorized and reconstituted into our present structure, the

Commission had 256 full-time permanent employees. There were 171 employees in Headquarters and 85 assigned to Regional programs with an average of eight (8) employees in each of ten (10) regional offices. Today, we have a total of 79 full-time permanent employees in the Commission -- less than one third of the total employees we had in 1983. There are 51 employees in Headquarters, and 29 in the field. In salary and benefits costs alone, we would need almost \$13,000,000 in 1991 dollars to support that 1983 staffing level. (See Attachment II.)

We all agree, I trust, that the problems of civil rights are more critical and more threatening today than they were in 1983. Certainly, the problems are even more complex and divisive than they were when the Commission was established in 1957. And they are not going away in the foreseeable future. Since 1983 Congress has passed several amendments and major bills dealing with civil rights, which the Commission is expected to monitor. However, due to severe budget cuts, this agency does not presently have sufficient resources to monitor all of these new laws.

If you, in the Congress, and the President, are committed to resolving the civil rights issues we face today and in the future, you will not only reauthorize the Commission for a long period of time, but will also restore us to at least our 1983 level. The Nation needs a "conscience on civil rights" and we want to carry out our mandate to serve in that capacity. (See Attachment.)



ATTACHMENTS to Chairman Fletcher's July 25, 1991 Testimony on the U.S. Commission on Civil Rights' Reauthorization

I. Racial Tension Incidents:

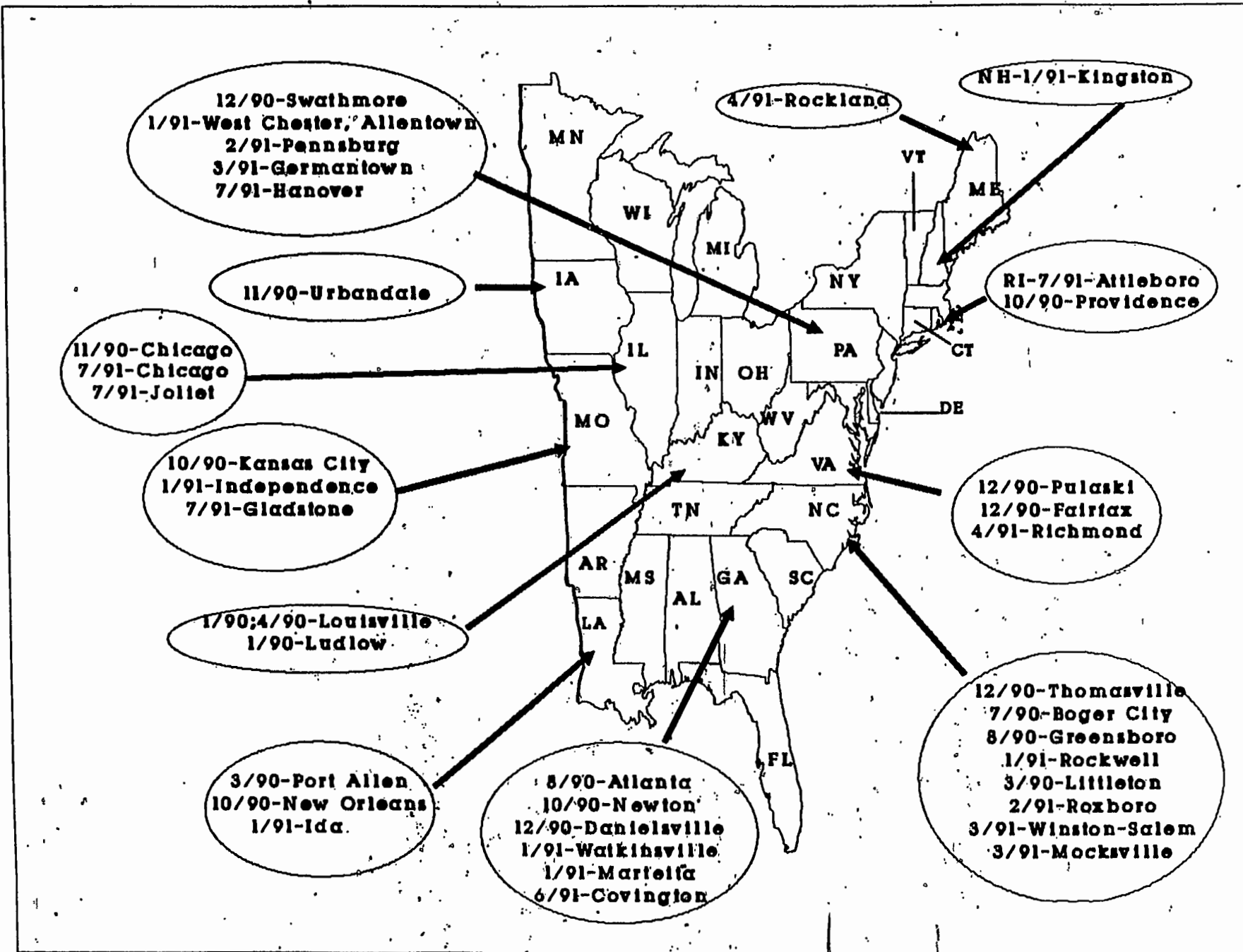
- Maps of United States showing sampling of racial tension incidents between January 1990 and July 1991.
- Listing of the sampling of racial tension incidents compiled by USCCR staff over last 18 months. The document lists, by state, for each instance, the month and year, city and type of incident.

II. Comparisons of the Commission's FY 1991 and FY 1992 Appropriation and Staffing Levels to FY 1983 and earlier levels:

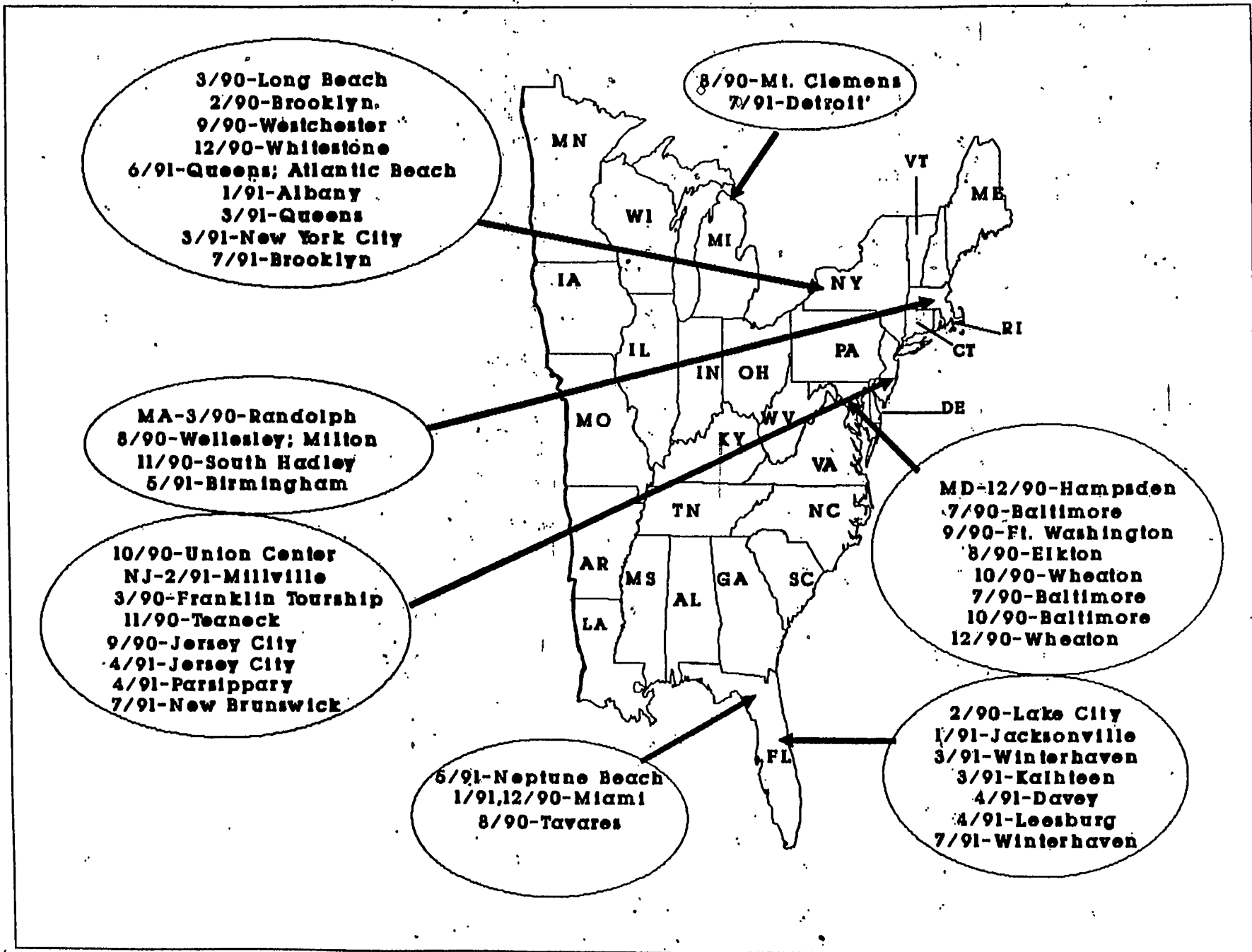
- Chart comparing FY 1991 and FY 1992 staffing levels, by organizations, to FY 1983 staffing level.
- Chart comparing, by organization, FY 1991 staffing costs to FY 1983 staffing costs in 1991 dollars. The chart reflects, in addition to inflationary increases, costs associated with 1991 SES pay raises, geographical differentials, and special clerical salary rates.
- Chart comparing USCCR Personnel Costs between FY 1983 and FY 1992 in FY 1991 dollars. The personnel costs exclude severance pay costs, 1991 SES pay raise, geographic differentials and special clerical salary rates. The bar graph shows the actual personnel costs for each year.
- Chart comparing USCCR Personnel Costs between FY 1979 and FY 1992 in FY 1992 dollars. The personnel costs exclude severance pay costs, 1991 SES pay raise, geographic differentials and special clerical salary rates. The bar graph shows the actual personnel costs for each year.
- Chart comparing USCCR Appropriations between FY 1983 and FY 1992 using 1991 dollars. The bar graph shows the actual appropriation for each year through FY 1991.
- Chart comparing USCCR Appropriations between FY 1979 and FY 1992 (requested). The bar graph shows the actual appropriation for each year.

III. Copies of the Commission's Reauthorization Bill approved by the Commissioners on February 1 and March 1, 1991. These are in both: (a) "whole bill" format; and, (b) "amendments" format with a section-by-section analysis for each version.

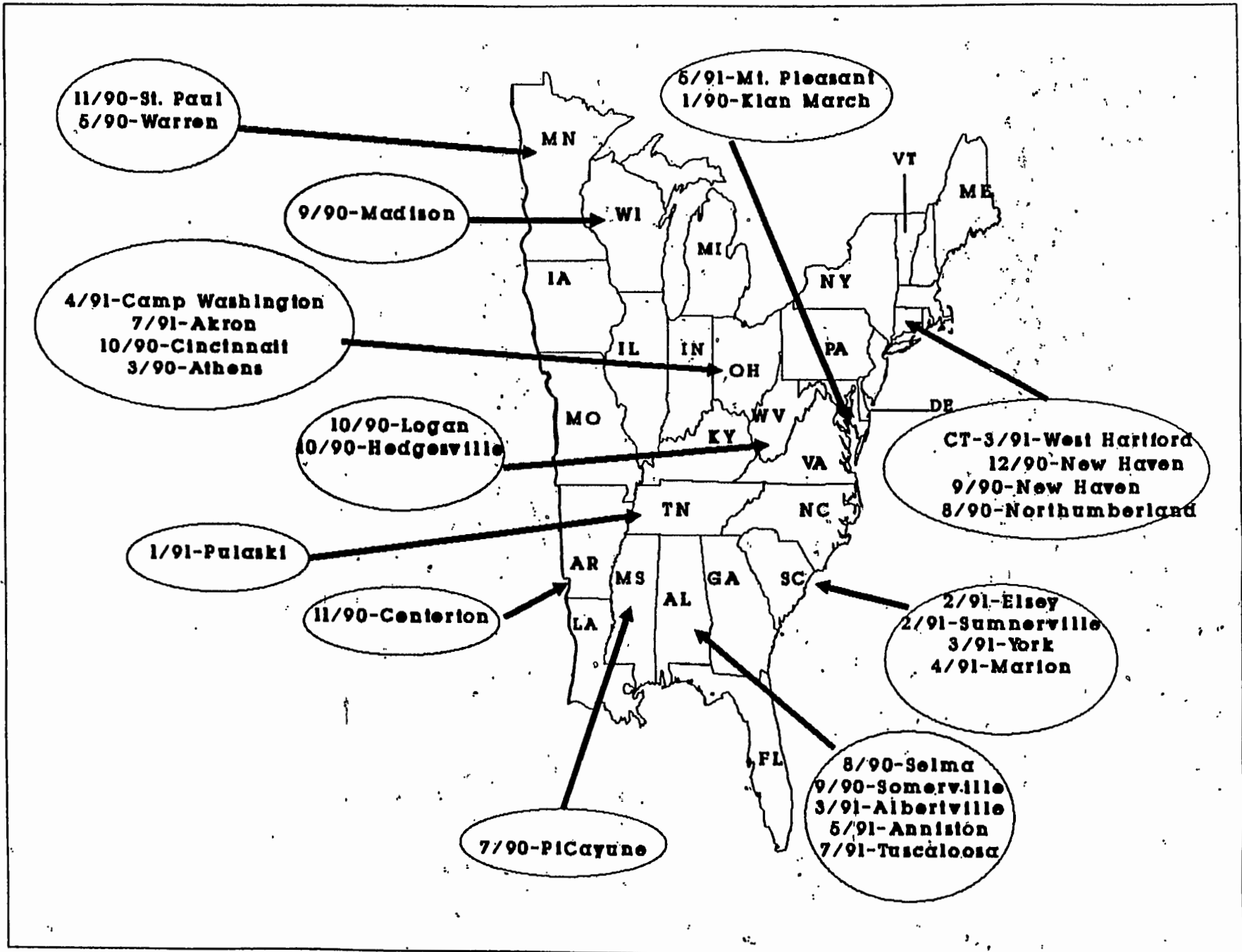
# Sample of Racial Intimidation Incidents (January 1990 - July 1991)



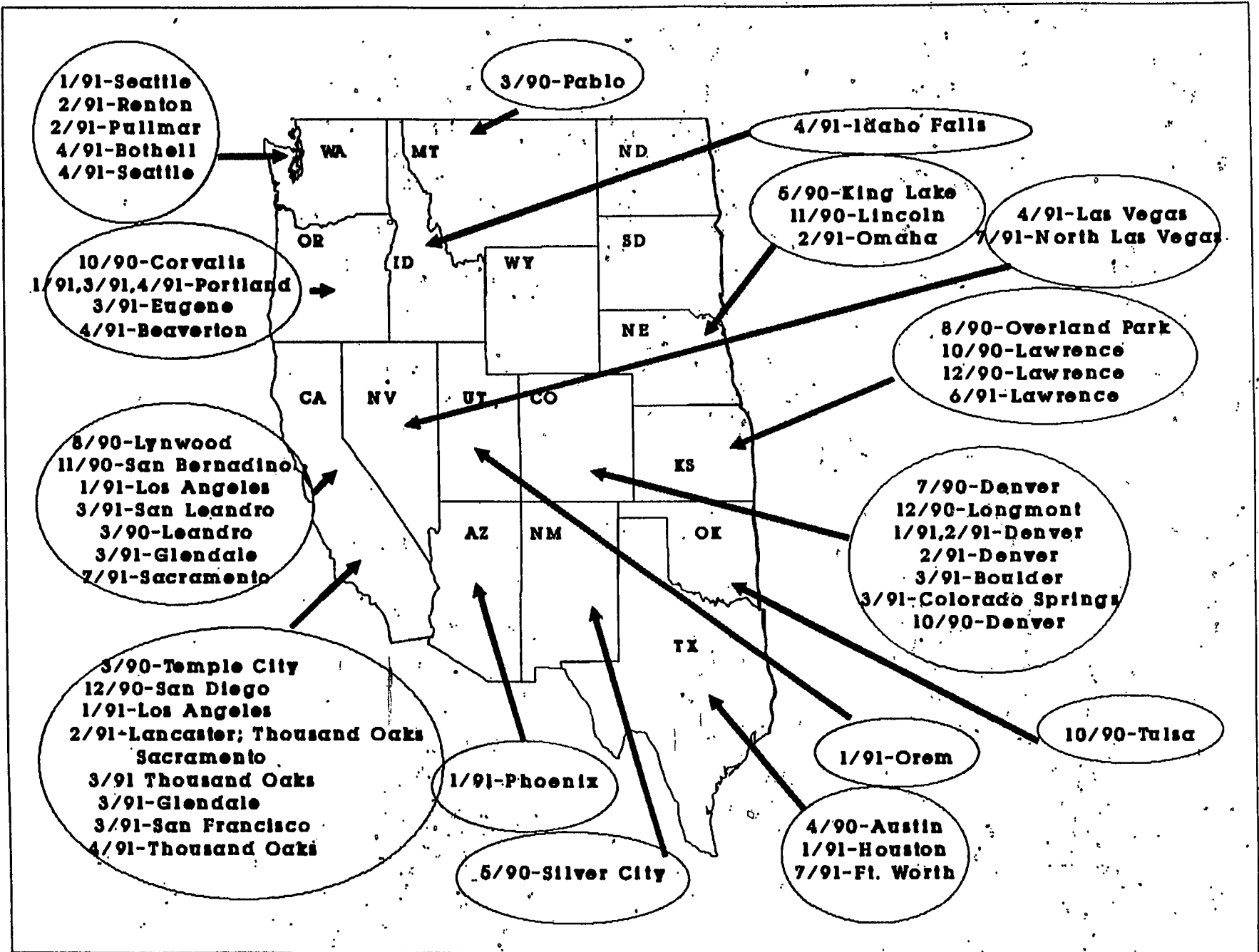
**Sample of Racial Hension Incidents  
(January 1990 to July 1991)**



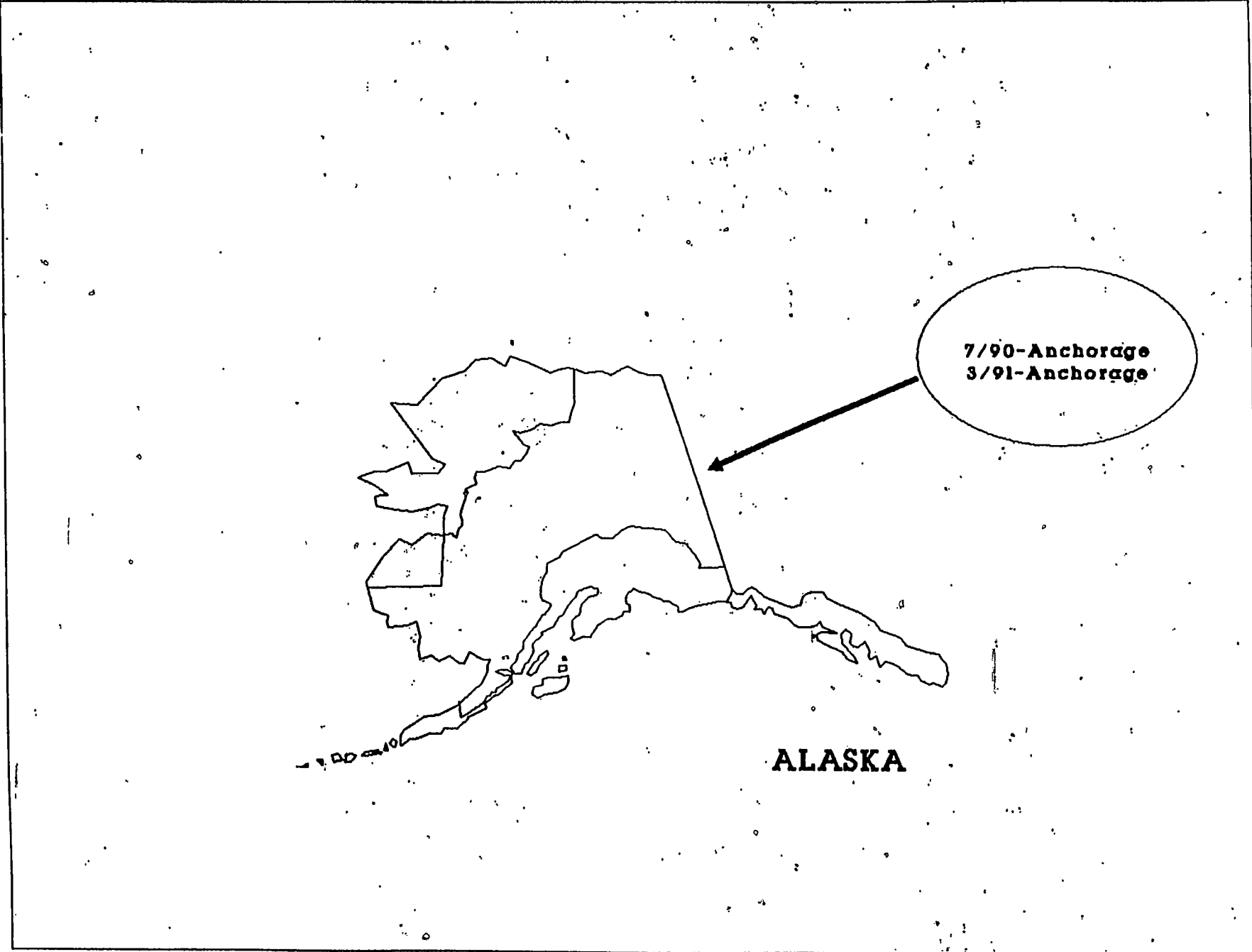
**Sample of Racial Tension Incidents  
(January 1990 to July 1991)**



# Sample of Racial Tension Incidents (January 1990 to July 1991)



**Sample of Racial Tension Incidents  
(January 1990 - July 1991)**



Sample of Racial Tension Incidents  
(January 1990 to July 1991)

Alabama

5/91 - Anniston - cross burning  
3/91 - Albertville - cross  
burning  
7/91 - Tuscaloosa - racial  
violence  
8/90 - Selma - racial protest  
9/90 - Somerville - Klan rally

Alaska

3/91 - Anchorage - racist news  
- letter - high school  
7/90 - Anchorage - anti-Semitic  
vandal

Arizona

1/91 - Phoenix - skinhead march  
1/90 - Phoenix - anti-Semitic  
Temple vandalism

Arkansas

11/90 - Centerton - Klan rally

California

3/90 - Temple City - housing  
violence - racial  
harassment  
1/91 - Los Angeles - arson -  
ethnic violence  
2/91 - Lancaster - cross  
burning  
1/91 - Stockton - cross burning  
2/91 - Thousand Oaks -  
synagogue vandalism  
2/91 - Sacramento - housing  
violence - racial  
harassment  
12/90 - San Diego - racial  
harassment  
3/91 - Thousand Oaks -  
synagogue arson  
4/91 - Thousand Oaks -  
synagogue arson  
4/91 - Los Angeles - school  
violence - racial  
4/91 - Riverside - cross  
burning  
3/91 - Glendale - Anti-Arab  
threat - college campus  
4/91 - Thousand Oaks - housing  
violence - racial har-  
assment  
3/91 - San Francisco - housing  
violence - racial har-  
assment  
3/91 - San Leandro - racial  
graffiti - school  
7/91 - Sacramento - racial  
violence  
7/91 - Upland - racial violence  
7/91 - Chino - racial violence  
8/90 - Lynwood - racial  
violence  
4/91 - Oakland - Conviction of  
police officers for  
civil rights violations  
1/91 - Los Angeles - racial  
violence - immigration  
11/90 - San Bernadino - racial  
harassment - college  
campus

## Colorado

- 1/91 - Thornton - racial assault
- 12/90 - Longmont - ethnic intimidation
- 1/91 - Denver - anti-King Day demonstration
- 2/91 - Denver - anti-Arab violence on college campus
- 3/91 - Boulder - housing violence - anti Semitic
- 4/91 - Aurora - racial assault
- 3/91 - Colorado Springs - racial & religious violence church
- 7/90 - Denver - racial assault
- 10/90 - Denver - racial harassment - college campus

## Connecticut

- 3/91 - West Hartford - anti-Semitic Violence-school
- 12/90 - New Haven - racial protest - school
- 9/90 - New Haven - graveyard desecration - ethnic
- 8/90 - Northumberland - cross burning

## Delaware

## District of Columbia

- 10/90 - Klan march - violence
- 5/91 - Mt. Pleasant - racial violence - police conduct
- 4/91 - Washington - racial violence - police conduct

## Florida

- 2/90 - Lake City - housing violence - racial harassment
- 1/91 - Jacksonville - cross burning
- 3/91 - Winterhayen - housing violence
- 3/91 - Kathteen - cross burning
- 3/91 - Winterhaven - cross burning
- 4/91 - Davie - housing violence - racial harassment
- 7/91 - Winterhaven - racial violence
- 5/91 - Neptune Beach - racial murder
- 1/91 - Miami - racial assault - police conduct
- 12/90 - Miami - racial violence
- 12/90 - Miami - racial violence
- 12/90 - Miami - racial rioting
- 8/90 - Tavares - racial assault

## Georgia

- 12/90 - Danielsville - racial assault - terroristic threats
- 1/91 - Watkinsville - Klan/Neo-Nazi march
- 1/91 - Marietta - racial fight - school
- 10/90 - Newton - high school - racial tension
- 8/90 - Atlanta - racial vandalism
- 6/91 - Covington - racial tension - high school

## Hawaii



Idaho

4/91 - Idaho Falls - housing  
racial harassment

Illinois

7/91 - Chicago - racial murder  
7/91 - Joliet - racial violence  
11/90 - Chicago - racial  
harassment - college  
campus

Indiana

Iowa

11/90 - Urbandale - cross  
burning

Kansas

6/91 - Lawrence - racial  
protest  
12/90 - Lawrence - racial  
protest  
10/90 - Lawrence - cross  
burning  
8/90 - Overland Park - racist  
handbills

Kentucky

1/90 - Louisville - arson of  
four black churches  
6/90 - Louisville - racial  
violence  
1/90 - Ludlow - cross burning

Louisiana

3/90 - Port Allen - housing  
violence - racial  
harassment  
1/91 - Ida - rally & cross  
burning  
10/90 - New Orleans - racial  
murder

Maine

4/91 - Rockland - anti-Semitic  
violence - synagogue

Maryland

12/90 - Hampden - racial  
assault  
10/90 - Baltimore - racial  
assault  
8/90 - Elkton - racial assault  
- high school  
10/90 - Wheaton - racial  
assault - police  
conduct  
6/91 - Frederick County -  
racial assault - police  
conduct  
6/91 - Hagerstown - racial  
violence - prison  
9/90 - Ft. Washington - racial  
vandalism  
2/91 - Montgomery County -  
racial violence - police  
conduct  
7/90 - Baltimore - racial  
assault  
7/90 - Baltimore - racial  
assault  
12/90 - Wheaton - racial  
assault

Massachusetts

3/90 - Randolph - synagogue  
vandalism  
4/91 - Boston - anti-Semitic  
threats - college campus  
7/91 - West Springfield -  
racial violence

Massachusetts (cont.)

- 8/90 - Wellesley - racial confrontation
- 8/90 - Milton - racial vandalism
- 5/91 - Birmingham - racist graffiti
- 11/90 - South Hadley - racial harassment - college campus

Michigan

- 7/91 - Detroit - racial violence
- 7/91 - Detroit - racial violence
- 8/90 - Mt. Clemens - ethnic intimidation

Minnesota

- 11/90 - St. Paul - anti-Semitic - college campus
- 5/90 - Warren - cross burning

Mississippi

- 7/90 - Picayune - racial threats

Missouri

- 1/91 - Independence - racial intimidation
- 7/91 - Gladstone - racial violence
- 10/90 - Kansas City - Klan racist telephone recording

Montana

- 3/90 - Pablo - racial threats

Nebraska

- 11/90 - Lincoln - racial harassment
- 2/91 - Omaha - racial slurs & intimidation
- 5/90 - King Lake - racial murder

Nevada

- 4/91 - Las Vegas - housing violence - racial harassment
- 7/91 - North Las Vegas - racial violence

New Hampshire

- 1/91 - Kingston - cross burning

New Jersey

- 2/91 - Millville - Klan rally
- 4/91 - Jersey City - cross burning
- 4/91 - Parsippany - religious & ethnic harassment
- 10/90 - Camden - cross burning
- 10/90 - Union Center - racial threats
- 7/91 - New Brunswick - racial murder - police conduct
- 9/90 - Jersey City - racial tensions - hospital
- 3/90 - Franklin Township - racial violence - police conduct
- 11/90 - Teaneck - racial shooting

New Mexico

- 5/90 - Silver City - cross burning

## New York

- 3/90 - Long Beach - housing violence - ethnic harassment
- 1/91 - Albany - anti-King Day rally by Klan
- 3/91 - Queens - racial murder
- 4/91 - Buffalo - racial assault
- 2/90 - Brooklyn - housing violence - racial
- 7/91 - Brooklyn - arson - racial harassment
- 7/91 - Brooklyn - housing violence - ethnic harassment
- 6/91 - Queens - housing violence - ethnic harassment
- 6/91 - Atlantic Beach, Long Island - racial violence - high school
- 12/90 - Whitestone - racial violence - high school
- 9/90 - Westchester - racial assault
- 3/91 - New York City - racial murder - police conduct
- 3/91 - New York City - racial violence - police conduct
- 2/90 - Brooklyn - racial violence - police conduct
- 1/91 - Bensonhurst - racial stabbing
- 1/90 - Brooklyn - racial violence
- 10/90 - Oswego - anti-Semitic slurs - college campus
- 8/90 - Albany - cross burning

## North Carolina

- 3/90 - Littleton - cross burning - racial harassment
- 2/90 - Roxboro - Klan march
- 12/90 - Thomasville - Klan march
- 1/91 - Rockwell - Klan rally

## North Carolina (cont.)

- 3/91 - Winston-Salem - Klan rally
- 3/91 - Mocksville - Klan rally
- 8/90 - Greensboro - cross burning
- 7/90 - Boger City - firebombing - church

## North Dakota

## Ohio

- 4/91 - Camp Washington - housing violence racial harassment
- 7/91 - Akron - racial violence
- 12/90 - Cincinatti - Klan rally racial violence
- 3/90 - Athens - racial assault

## Oklahoma

- 10/90 - Tulsa - racial assault

## Oregon

- 1/91 - Portland - cross burning
- 4/91 - Portland - racial assault
- 4/91 - Beaverton - cross burning
- 4/91 - Portland - racial harassment
- 3/91 - Portland - racial harassment
- 3/91 - Eugene - anti-Semitic harassment
- 10/90 - Corvallis - racial assault college campus

## Pennsylvania

- 12/90 - Swathmore - racial violence - college

Pennsylvania (cont.)

- campus  
1/91 - West Chester - Klan  
march  
1/91 - Allentown - Klan rally  
2/91 - Pennsburg - anti-Semitic  
demonstration  
3/91 - Upper Uwchlan - cross  
burning  
3/91 - Germantown - housing  
violence - anti-Semitic  
7/91 - Hanover - racial  
violence

Rhode Island

- 7/91 - Attleboro - racial  
violence  
10/90 - Providence - racial  
slurs - college campus

South Carolina

- 2/91 - Elsley - Klan rally  
2/91 - Sumnerville - Klan  
march  
3/91 - York - cross burning  
4/91 - Marion - Klan rally

South Dakota

Tennessee

- 1/91 - Pulaski - White  
Supremacists rally

Texas

- 7/91 - Ft. Worth - racial  
assault  
1/91 - Houston - racial murder  
4/90 - Austin - racial slur -  
college campus

Utah

- 1/91 - Orem - racial assault

Vermont

Virginia

- 12/90 - Pulaski - cross burning  
4/91 - Richmond - anti-Semitic  
violence - synagogue &  
school  
12/90 - Fairfax - racial  
tension - high school

Washington

- 2/91 - Renton - ethnic violence  
1/91 - Seattle - racial assault  
& slurs  
4/91 - Bothell - cross burning  
4/91 - Seattle - cross burning  
2/91 - Pullman - racial threats

West Virginia

- 10/90 - Logan - racial verbal  
assault  
10/90 - Hedgesville - ethnic  
violence

Wisconsin

- 9/90 - Madison - anti-Semitic  
acts

Wyoming

U.S. Commission on Civil Rights  
 Comparison of Staffing Levels by Organization  
 (FY 1991 and FY 1992 to FY 1983)

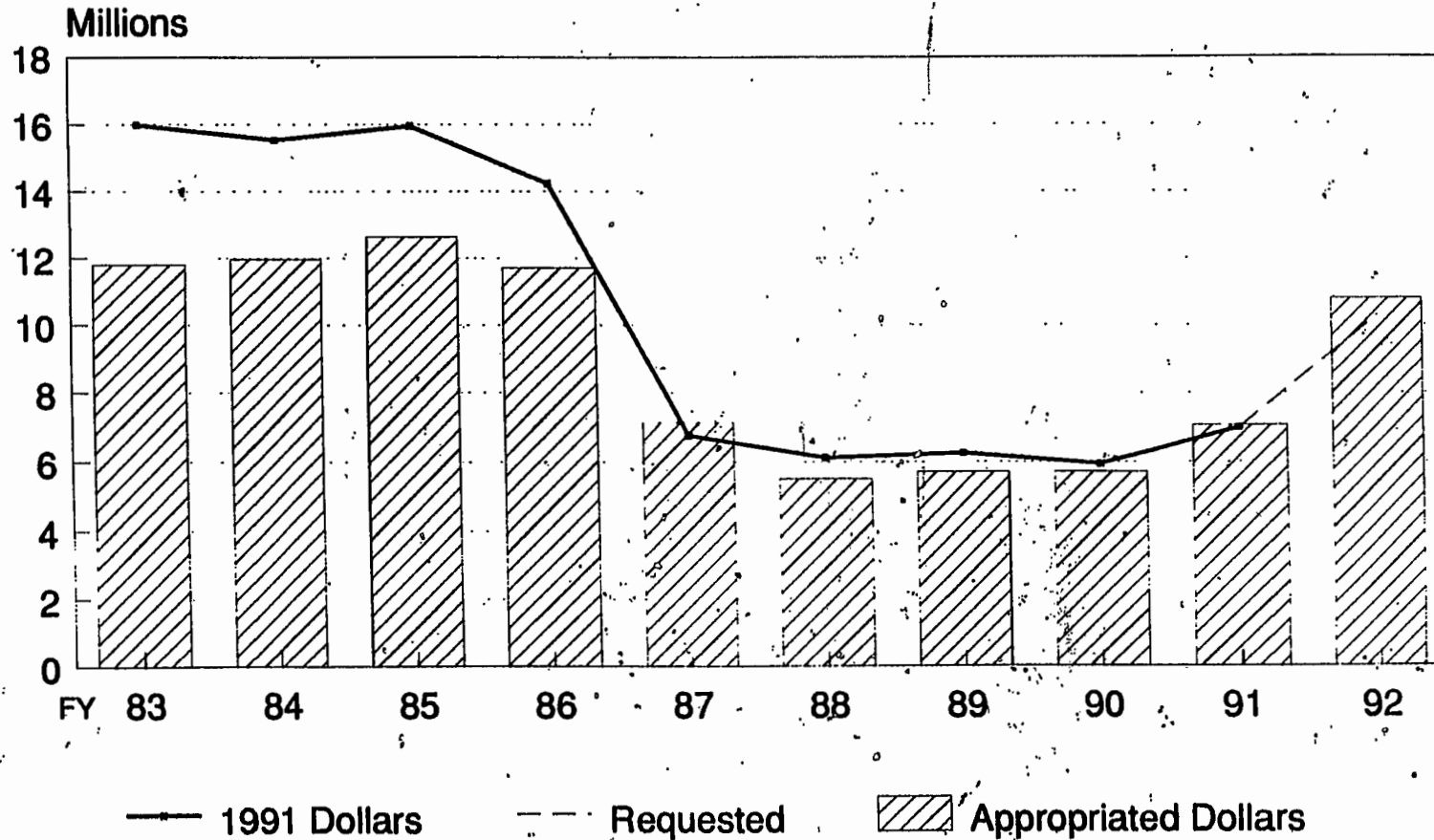
<u>Current Organization</u>	<u>FY 1991 (Actual)</u>	<u>FY 1992 (Requested)</u>	<u>Prior Organization</u>	<u>FY 1983 (Actual)</u>
o Office of Staff Director	5	7	o Office of Staff Director(9)	16
			o Office of Programs, Planning, & Evaluation(7)	
o Congressional Affairs Unit	1	1	o Office of Congressional & Public Affairs(2)	8
			o Congressional Liaison Div.(6)	
o Public Affairs Unit	4	4	o Press & Communications Div.(6)	13
			o Community Relations Div.(7)	
o Office of Civil Rights Evaluation	6	7	o Office of Fed. Civil Rights Eval.	20
o Office of Programs, Policy & Research	7	7	o Office of Programs & Policy Review	36
			o Office of General Counsel(26)	29
o Office of General Counsel	11	12	o Solicitors Unit(3)	
			o Office of Management	49
o Office of Management	17	22	o Immed. Office (3)	
o Immed. Office (1)(2)			o Admin. Svcs. Div(8)(30)	
o Admin. Svcs. & Clearing- house Division(7)(9)			o Pub. Mgmt. Div.(3)	
o Budget & Finance Div.(4)(5)			o Distribution Ctr.(3)	
o Personnel & EEO Div.(5)(6)			o Editing & Pub. Div.(5)	
	(51)	(60)	o Pub. & Supp. Ctr.(3)	(171)
			o National Clearing- house Library(8)	
			o Budget & Fiscal Div.(7)	
			o Personnel Div.(7)	
			o EEO Unit (2)	
o Regional Prog. Coord. Unit	2	4	o Office of Regional Program	7
o Region. 1-Boston	0	3	o Region. 1-Boston	6
o Region. 2-New York	0	3	o Region. 2-New York	7
o Region. 3-Washington, DC	6	6	o Region. 3-Washington, DC	10
o Region. 4-Atlanta	3	5	o Region. 4-Atlanta	10
o Region. 5-Chicago	3	5	o Region. 5-Chicago	10
o Region. 6-Dallas	0	3	o Region. 6-San Antonio	8
o Region. 7-Kansas City	5	5	o Region. 7-Kansas City	6
o Region. 8-Denver	3	5	o Region. 8-Denver	7
o Region. 9-Los Angeles	6	6	o Region. 9-Los Angeles	8
o Region. 10-Seattle	0 (28)	3 (48)	o Region. 10-Seattle	6 (85)
	79	108		256

U.S. Commission on Civil Rights  
 Comparison of Salary and Benefits Costs by Organization  
 (FY 1991 to FY 1983 in 1991 dollars)

<u>Current Organization</u>	<u>FY 1991 (Actual)</u>	<u>Prior Organization</u>	<u>FY 1983</u>
o Office of Staff Director(5)	\$311,082	o Office of Staff Director(9)	\$953,851
o Congressional Affairs Unit(1)	53,375	o Office of Programs, Planning, & Evaluation(7)	441,765
o Public Affairs Unit(4)	166,667	o Office of Congressional & Public Affairs(2)	677,851
o Office of Civil Rights Evaluation(6)	230,564	o Congressional Liaison Div.(6)	995,329
o Office of Programs, Policy & Research(7)	397,094	o Press & Communications Div.(6)	1,870,188
o Office of General Counsel(11)	513,086	o Community Relations Div.(7)	1,678,313
o Office of Management	725,274	o Office of Fed. Civil Rights Eval.(20)	1,926,141
o Immed. Office (1)		o Office of Programs & Policy Review(36)	
o Admin. Svcs. & Clearing- house Division(7)		o Office of General Counsel(26)	
o Budget & Finance Div.(4)		o Solicitors Unit(3)	
o Personnel & EEO Div.(5)		o Office of Management	
		o Immed. Office (3)	
		o Admin. Svcs. Div(8)	
		o Pub. Mgmt. Div.(3)	
		o Distribution Ctr.(3)	
		o Editing & Pub. Div.(5)	
		o Pub. & Supp. Ctr.(3)	
		o National Clearing- house Library(8)	
		o Budget & Fiscal Div.(7)	
		o Personnel Div.(7)	
		o EEO Unit (2)	
o Regional Prog. Coord. Unit(2)	1,327,588	o Office of Regional Programs(7)	4,439,184
o Region. 1-Boston(0)		o Region. 1-Boston(6)	
o Region. 2-New York(0)		o Region. 2-New York(7)	
o Region. 3-Washington, DC(6)		o Region. 3-Washington, DC(10)	
o Region. 4-Atlanta(3)		o Region. 4-Atlanta(10)	
o Region. 5-Chicago(3)		o Region. 5-Chicago(10)	
o Region. 6-Dallas(0)		o Region. 6-San Antonio(8)	
o Region. 7-Kansas City(5)		o Region. 7-Kansas City(6)	
o Region. 8-Denver(3)		o Region. 8-Denver(7)	
o Region. 9-Los Angeles(6)		o Region. 9-Los Angeles(8)	
o Region. 10-Seattle(0)		o Region. 10-Seattle(6)	
<b>Totals (79)</b>	<b>\$3,724,730</b>	<b>(256)</b>	<b>\$12,982,627</b>

# USCCR APPROPRIATION

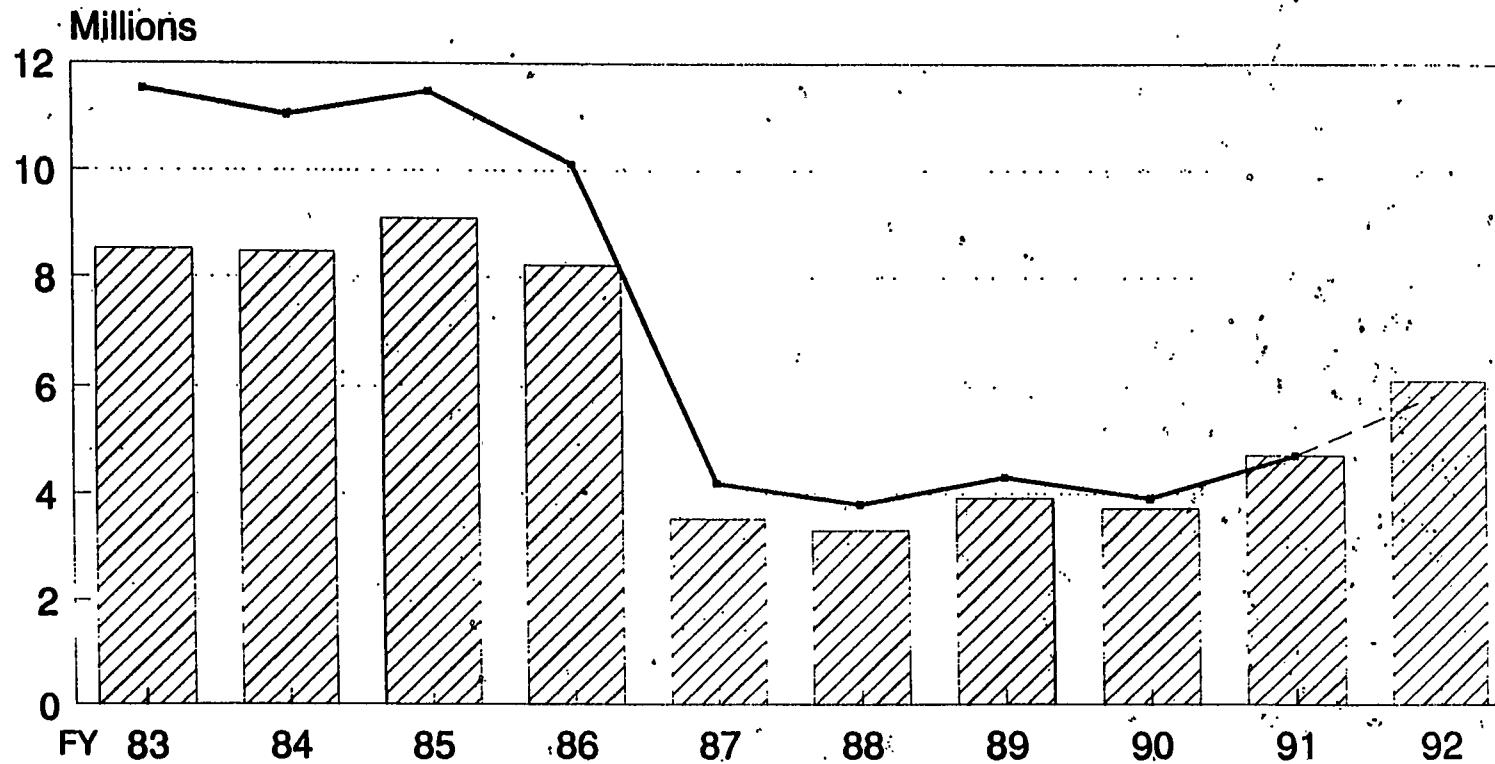
## FY 1991 Dollars



Excludes severance benefits

# USCCR PERSONNEL COSTS

## FY 1991 Dollars



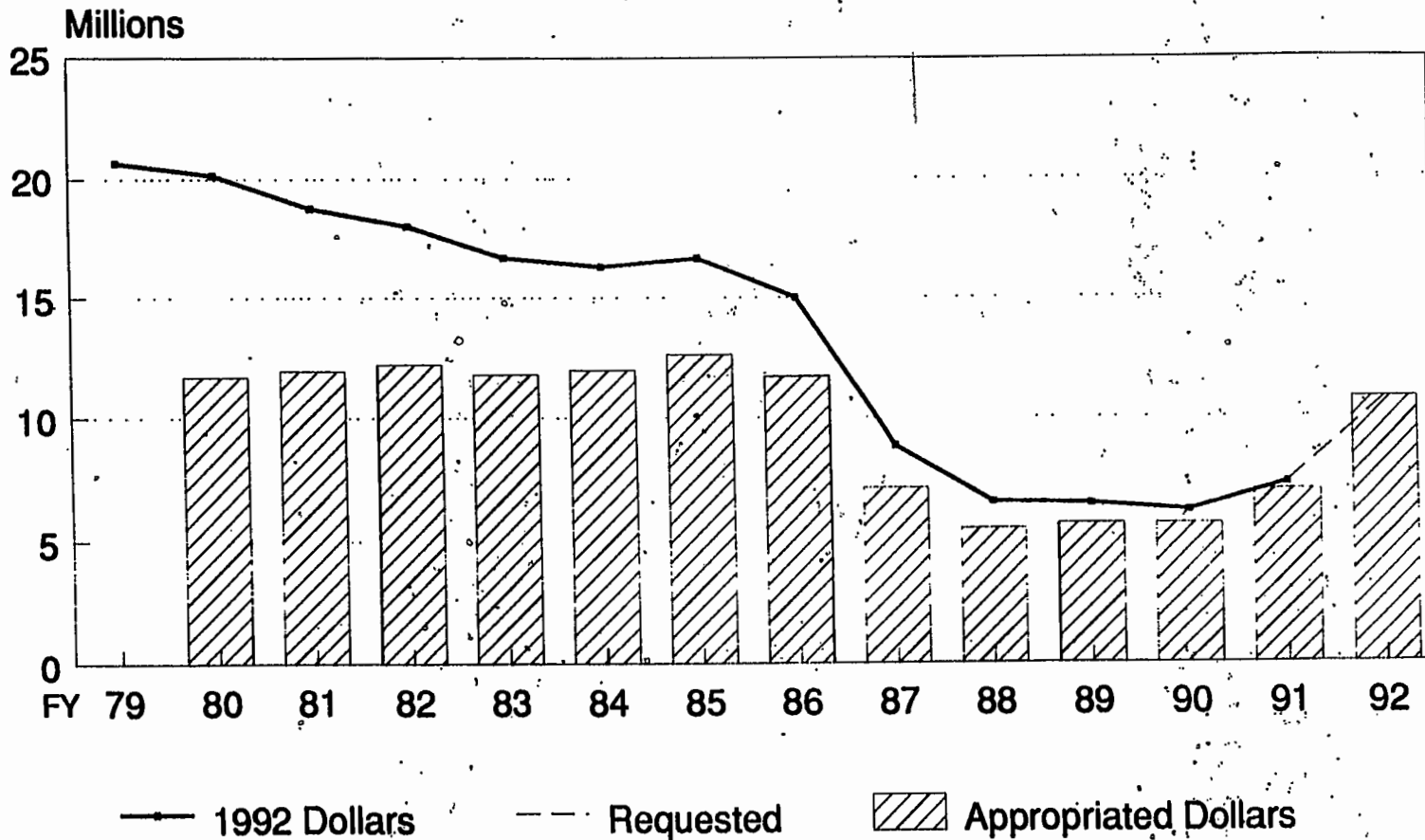
—●— 1991 Dollars      - - - Requested      ▨ Appropriated Dollars

Excludes severance benefits, 1991 SES pay raise, geographic differentials and special clerical salary rates



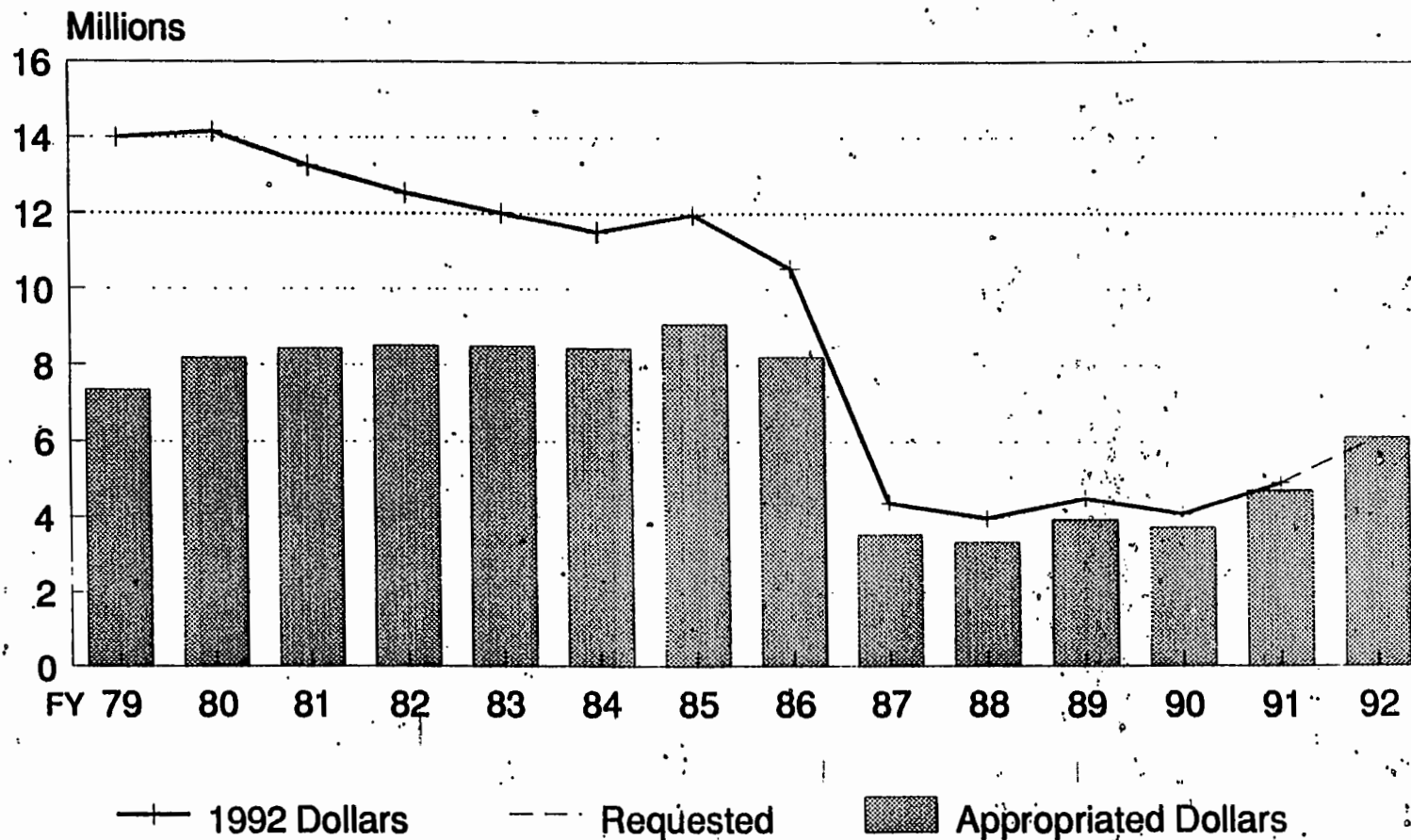
# USCCR APPROPRIATION

## FY 1992 Dollars



# USCCR PERSONNEL COSTS

## FY 1992 Dollars



Excludes severance benefits.

# A BILL

To extend the United States Commission on Civil Rights,  
and for other purposes.

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

3 **Sec. 1. SHORT TITLE.**

4 This Act may be cited as the "United States Commission on Civil  
5 Rights Act of 1991."

6 **Sec. 2. ESTABLISHMENT OF COMMISSION.**

7 There is established the United States Commission on Civil Rights,  
8 an independent, bipartisan, factfinding agency of the Federal Government  
9 (hereinafter in this Act referred to as the "Commission").

10 **Sec. 3. COMPOSITION; MEMBERSHIP; APPOINTMENT; TERMS**  
11 **OF OFFICE.**

12 **(a) APPOINTMENT.-**

13 **(1) IN GENERAL.-**The Commission shall consist of 8  
14 members. Members of the Commission shall be appointed as follows:

15 **(A)** four (4) members of the Commission shall be  
16 appointed by the President; and

17 **(B)** two (2) members of the Commission shall be

1 appointed by the President pro tempore of the Senate, upon the  
2 recommendations of the Majority Leader and the Minority Leader, and of  
3 the members appointed, not more than 1 shall be appointed from the same  
4 political party; and

5 (C) two (2) members of the Commission shall be  
6 appointed by the Speaker of the House of Representatives upon the  
7 recommendations of the Majority Leader and the Minority Leader, and of  
8 the members appointed, not more than 1 shall be appointed from the same  
9 political party.

10 (2) **TERMS OF OFFICE.**-The term of office for each  
11 member appointed shall be 6 years. Any member appointed to fill a  
12 vacancy shall serve for the remainder of the term for which his or her  
13 predecessor was appointed.

14 (3) **LIMITATION.**- Not more than 4 of the members  
15 shall at any one time be of the same political party.

16 (b) **REMOVAL.**-The President may remove a member of the  
17 Commission only for neglect of duty or malfeasance in office.

18 (c) **VACANCIES.**- A vacancy in the membership of the  
19 Commission shall not affect its powers. The vacancy shall be filled in the  
20 same manner and shall be subject to the same limitation with respect to  
21 party affiliation in Section 3(a)(3).

22 (d) **QUORUM.**-Five (5) members of the Commission shall  
23 constitute a quorum.

24 (e) **CHAIR AND VICE CHAIR.**-The President shall designate a  
25 Chair and a Vice Chair from among the Commission's members with the

1 concurrence of a majority of the Commission's members.

2 (1) **VICE CHAIR.**-The Vice Chair shall act in the place  
3 and stead of the Chair, in the absence of the Chair.

4 (2) **VACANCY IN THE CHAIR AND VICE CHAIR**  
5 **POSITIONS.**-In the absence of a Chair and a Vice Chair, the senior  
6 member of the Commission will serve as Acting Chair.

7 (f) **COMPENSATION OF MEMBERS.**-

8 (1) **IN GENERAL.**-Each member of the  
9 Commission who is not otherwise in the service of the Government of the  
10 United States shall receive a sum equivalent to the compensation paid at  
11 Level IV of the Federal Executive Salary Schedule, pursuant to section  
12 5315 of Title 5, United States Code, prorated on an hourly basis for each  
13 hour spent in the work of the Commission.

14 (2) **LIMITATION.**-The total amount that each  
15 member of the Commission may receive under subparagraph (1) in any one  
16 calendar year shall not exceed one half of the total annual compensation of  
17 a Level IV of the Federal Executive Salary Schedule.

18 (3) **TRAVEL EXPENSES AND PER DIEM.**-  
19 Each member of the Commission shall be paid actual travel expenses, and  
20 per diem in lieu of subsistence expenses incurred in attending meetings and  
21 other activities of the Commission when away from the member's usual  
22 place of residence in accordance with subchapter 1 of chapter 57 of Title  
23 5, United States Code.

24 (4) **FEDERAL EMPLOYEE.**-Each member of the  
25 Commission who is otherwise in the service of the Government of the

1 United States shall serve without compensation in addition to that received  
2 for such other service, but while engaged in the work of the Commission  
3 shall be paid expenses as provided under subparagraph (3).

4 (g) **STATUTORY EXEMPTION.**-Members of the Commission  
5 shall be exempt from the operation of sections 203, 205, 207, 208, and 209  
6 of Title 18 of the United States Code.

7 **Sec. 4. DUTIES OF THE COMMISSION.**

8 (a) **IN GENERAL.**-The Commission shall-

9 (1) investigate allegations in writing under oath or  
10 affirmation that certain citizens of the United States are being deprived of  
11 their right to vote and have that vote counted by reason of their color, race,  
12 religion, sex, age, disability, or national origin; which writing; under oath  
13 or affirmation, shall set forth the facts upon which such belief or beliefs are  
14 based;

15 (2) study and collect information concerning legal  
16 developments constituting discrimination or a denial of equal protection of  
17 the laws under the Constitution because of race, color, religion, sex, age,  
18 disability, or national origin; or in the administration of justice;

19 (3) appraise the laws and policies of the Federal  
20 Government with respect to discrimination or denial of equal protection of  
21 the laws under the Constitution because of race, color, religion, sex, age,  
22 disability, or national origin; or in the administration of justice;

23 (4) serve as national clearinghouse for information in  
24 respect to discrimination or denials of equal protection of the laws because  
25 or race, color, religion, sex, age, disability, or national origin, including

1 but not limited to the fields of voting, education, housing, employment, the  
2 use of public facilities, and transportation, or in the administration of  
3 justice; and

4 (5) investigate allegations, made in writing and under oath  
5 or affirmation, that citizens of the United States are unlawfully being  
6 accorded or denied the right to vote, or to have their votes properly  
7 counted, in any election of the Presidential electors, Members of the United  
8 States Senate, or the House of Representatives, as a result of any patterns  
9 or practice of fraud or discrimination in the conduct of such election.

10 (b) **LIMITATIONS.**-Nothing in this or any other act shall be  
11 construed as authorizing the Commission, its advisory committees (as  
12 established under Section 8), or any individual under its supervision or  
13 control:

14 (1) to inquire into or to investigate any membership  
15 practices or internal operations of any fraternal organization, any college  
16 or university fraternity or sorority, any private club, or any religious  
17 organization; and

18 (2) to appraise, or to study and collect information about  
19 laws and policies of the Federal Government, or any other governmental  
20 authority in the United States, with respect to abortion.

21 (c) **REPORTS.**-The Commission shall submit reports to the  
22 Congress and the President at such times as the Commission, the Congress  
23 or the President shall deem desirable.

24 (d) **AMICUS CURIAE BRIEFS.**-The Commission attorneys may  
25 submit an amicus curiae brief to the Supreme Court of the United States on

1 any matter within the jurisdiction of the Commission, if a majority of the  
2 members of the Commission approve the submission of such brief.

3 **Sec. 5. COOPERATION OF FEDERAL AGENCIES.**

4 All Federal agencies shall cooperate fully with the Commission to  
5 the end that it may effectively carry out its functions and duties.

6 **Sec. 6. POWERS OF COMMISSION; HEARINGS; SUBPOENAS.**

7 (a) **IN GENERAL.**-The Commission, or on the authorization of  
8 the Commission any subcommittee of 2 or more members, at least 1 of  
9 whom shall be of each major political party, may, for the purpose of  
10 carrying out this Act, hold such hearings and act at such times and places  
11 as the Commission or such authorized subcommittee may deem advisable.

12 (b) **DECISION TO HOLD HEARINGS.**-The holding of hearings  
13 by the Commission, or the appointment of a subcommittee to hold hearings  
14 pursuant to this subparagraph, must be approved by a majority of the  
15 Commission, or by a majority of the members present at a meeting at  
16 which at least a quorum is present.

17 (c) **NOTIFICATION.**-At least 30 days prior to the commencement  
18 of any hearing, the Commission shall cause to be published in the Federal  
19 Register notice of the date on which such hearing is to commence, the  
20 place at which it is to be held and the subject of the hearing.

21 (d) **SUBPOENAS.**

22 (1) **ISSUANCE.**-Subpoenas for the attendance and  
23 testimony of witnesses or the production of written or other matter may be  
24 issued in accordance with the rules of the Commission as contained in  
25 Section 6(d)(2) et seq., over the signature of the Chair of the Commission



1 or of such subcommittee, and may be served by any person designated by  
2 the Chair.

3 (2) LIMITATIONS.-

4 (A) IN GENERAL.-Except as provided  
5 in subparagraph (B), the Commission shall not issue any subpoena for the  
6 attendance and testimony of witnesses or for the production of written or  
7 other matter which would require the presence of the party subpoenaed at  
8 a hearing held outside of the State wherein the witness is found or resides  
9 or is domiciled or transacts business, or has appointed an agent for receipt  
10 of service of process.

11 (B) EXCEPTION.-The Commission may  
12 issue subpoenas for the attendance and testimony of witnesses and the  
13 production of written or other matter at a hearing held within 50 miles of  
14 the place where the witness is found or resides or is domiciled or transacts  
15 business or has appointed an agent for receipt of service of process.

16 (3) ENFORCEMENT.-In case of contumacy or  
17 refusal to obey a subpoena, any District Court of the United States, or the  
18 United States court of any territory or possession, or the District Court of  
19 the United States for the District of Columbia; within the jurisdiction of  
20 which the inquiry is carried on or within the jurisdiction of which said  
21 person guilty of contumacy or refusal to obey is found or resides or is  
22 domiciled or transacts business, or has appointed an agent for receipt of  
23 service of process, upon application by the Attorney General of the United  
24 States shall have jurisdiction to issue to such person an order requiring  
25 such person to appear before the Commission or a subcommittee thereof,

1 there to produce pertinent, relevant and nonprivileged evidence if so  
2 ordered, or there to give testimony touching the matter under investigation.  
3 Any failure to obey such order of the court may be punished by the court  
4 as a contempt thereof.

5 (4) **WITNESS FEES.**-A witness attending any  
6 session of the Commission shall be paid the same fees and mileage that are  
7 paid witnesses in the courts of the United States. Mileage payments shall  
8 be tendered to the witness upon service of a subpoena issued on behalf of  
9 the Commission, or any subcommittee thereof.

10 (e) **OPENING STATEMENT.**-The Chair, or one designated by  
11 the Chair to act as Chair at a hearing of the Commission, shall announce  
12 in an opening statement the subject of the hearing.

13 (f) **COPY OF RULES.**-A copy of the Commission's rules shall  
14 be made available to any witness before the Commission. A witness  
15 compelled to appear before the Commission, or required to produce written  
16 or other matter, shall be served with a copy of the Commission's rules at  
17 the time of service of the subpoena.

18 (g) **POWER TO ADMINISTER OATHS.**- Without limiting the  
19 application of any other provision of this Act, each member of the  
20 Commission shall have the power and authority to administer oaths or take  
21 statements of witnesses under affirmation.

22 (h) **RIGHT TO COUNSEL.**-

23 (1) **IN GENERAL.**-Any person compelled to appear in  
24 person before the Commission shall be accorded the right to be  
25 accompanied and advised by counsel.

1 (2) **POWERS OF COUNSEL.**-An attorney who  
2 represents a person before the Commission shall have the right to subject  
3 his or her client to reasonable examination, to make objections on the  
4 record, and to argue briefly the basis for such objections.

5 (i) **RIGHT TO SPEEDY HEARING; CONVENIENCE AND**  
6 **NECESSITY OF WITNESSES.**-The Commission shall proceed with  
7 reasonable dispatch to conclude any hearing in which it is engaged. Due  
8 regard shall be had for the convenience and necessity of witnesses.

9 (j) **CENSURE AND EXCLUSION.**-The Chair or Acting Chair  
10 may punish breaches of order and decorum by censure and exclusion from  
11 the hearings.

12 (k) **DEFAMATION, DEGRADATION, OR**  
13 **INCRIMINATION.**-

14 (1) **IN GENERAL.**-If the Commission determines that  
15 evidence or testimony at any hearing may tend to defame, degrade, or  
16 incriminate any person, it shall receive such evidence or testimony or  
17 summary of such evidence or testimony in executive session.

18 (2) **OPPORTUNITY TO APPEAR.**-The Commission  
19 shall afford any person defamed, degraded, or incriminated by such  
20 evidence or testimony an opportunity to appear and be heard in executive  
21 session, with a reasonable number of additional witnesses requested by that  
22 person, before deciding to use such evidence or testimony.

23 (3) **PUBLIC SESSION.**-In the event the Commission  
24 determines to release or use such evidence or testimony in such manner as  
25 to reveal publicly the identity of the person defamed, degraded, or

1       incriminated, such evidence or testimony, prior to such public release or  
2       use, shall be given at a public session. The Commission shall afford such  
3       person an opportunity to appear as a voluntary witness or to file a sworn  
4       statement in such person's behalf and to submit brief and pertinent sworn  
5       statements of others.

6                   **(4) ADDITIONAL WITNESSES.**-Except as otherwise  
7       provided in this section the Chair shall receive and the Commission shall  
8       dispose of requests to subpoena additional witnesses.

9                   **(5) PRIOR ACCESS TO REPORT.**-If a report of the  
10       Commission tends to defame, degrade or incriminate any person, then the  
11       report shall be delivered to such person 30 days before the report shall be  
12       made public in order that such person may make a timely answer to the  
13       report.

14                   **(6) RIGHT TO ANSWER.**-

15                   **(A) TIME LIMIT AND EXTENSION.**-Each  
16       person so defamed, degraded or incriminated in such report may file with  
17       the Commission a verified answer to the report not later than 20 days after  
18       service of the report upon that person. Upon a showing of good cause, the  
19       Commission may grant the person an extension of time within which to file  
20       such answer.

21                   **(B) CONTENT OF ANSWER.**-Each answer shall  
22       plainly and concisely state the facts and law constituting the person's reply  
23       or defense to the charges or allegations contained in the report.

24                   **(C) PUBLICATION OF ANSWER.**-Such answer  
25       shall be published as an appendix to the report.

1 (D) LIMITATION ON RIGHT TO ANSWER.-

2 The right to answer within these time limitations and to have the answer  
3 annexed to the Commission report shall be limited only by the  
4 Commission's power to except from the answer such matter as it  
5 determines has been inserted scandalously, prejudiciously or unnecessarily.

6 (7) RELEASE OF EVIDENCE OR TESTIMONY.-

7 (A) IN GENERAL.-No evidence or testimony or  
8 summary of evidence or testimony taken in executive session may be  
9 released or used in public sessions without the consent of the Commission.

10 (B) PENALTY.-Whoever releases, or uses in  
11 public without the consent of the Commission, such evidence or testimony  
12 taken in executive session shall be fined not more than \$1000, or  
13 imprisoned for not more than 1 year. The term "whoever" as used in this  
14 Subparagraph shall be construed to mean a person whose services are  
15 compensated by the United States.

16 (8) SUBMISSION OF SWORN WRITTEN

17 STATEMENTS.-In the discretion of the Commission, witnesses may  
18 submit brief and pertinent sworn statements in writing for inclusion in the  
19 record. The Commission shall determine the pertinency of testimony and  
20 evidence adduced at its hearings.

21 (9) COPY OF TRANSCRIPT.-Every person who

22 submits data or evidence shall be entitled to retain or, on payment of  
23 lawfully prescribed costs, procure a copy or transcript thereof, except that  
24 a witness in a hearing held in executive session may for good cause be  
25 limited to inspection of the official transcript of his or her testimony.

1 Transcript copies of public sessions may be obtained by the public upon the  
2 payment of the cost thereof. An accurate transcript shall be made of the  
3 testimony of all witnesses at all hearings, either public or executive  
4 sessions, of the Commission or of any subcommittee thereof.

5 **Sec. 7. COMMISSION STAFF AND ORGANIZATION.-**

6 **(a) EXECUTIVE DIRECTOR.-**

7 (1) **APPOINTMENT.** There shall be a full-time Executive  
8 Director for the Commission who shall be appointed by the President with  
9 the concurrence of a majority of the members of the Commission.

10 (2) **CHIEF OPERATING OFFICER.-**The Executive  
11 Director will serve as the chief operating officer of the Commission and  
12 shall be responsible for the day-to-day operations of the agency including  
13 matters pertaining to employment, use and expenditure of funds, and  
14 general administration, consistent with policies determined by the  
15 Commission.

16 (b) **VACANCY IN THE EXECUTIVE DIRECTOR**  
17 **POSITION.-**In the event of a vacancy in the position of Executive  
18 Director, the Chair shall designate, with the concurrence of a majority of  
19 the members of the Commission, an employee of the Commission to serve  
20 as Acting Executive Director.

21 (c) **APPOINTMENT OF STAFF.-**Within the limitation of its  
22 appropriations, and pursuant to Section 7 (a), the Commission may appoint  
23 such other personnel as it deems advisable, in accordance with the civil  
24 service and classification laws and Title 5, United States Code, and may  
25 procure services as authorized by section 3109 of Title 5, United States

1 Code, but at rates for individuals not in excess of the daily equivalent paid  
2 for positions at the maximum rate for GS-15 of the General Schedule under  
3 section 5332 of Title 5, United States Code.

4 **(d) PROHIBITION ON USE OF UNCOMPENSATED STAFF.-**

5 Except as provided in 5 USC 3111, the Commission shall not accept or  
6 utilize services of voluntary or uncompensated personnel.

7 **(e) REPRESENTATIONAL FUNDS.-**Not more than .1 per  
8 centum of the total amounts appropriated to the Commission in each fiscal  
9 year may be used for official representation and reception.

10 **(f) ACCEPTANCE OF GRATUITOUS SERVICES, GOODS  
11 AND FACILITIES.-**The Commission may accept and utilize services,  
12 goods and facilities of Federal, State and local agencies, organizations, and  
13 individuals appointed pursuant to Section 3(a)(1) and Section 8(a) from  
14 time to time, as may be necessary, to further the objectives of the  
15 Commission,

16 **(g) AGREEMENTS AND ACTIVITIES FOR  
17 COOPERATION.-**Subject to subsection (h) below and in accordance with  
18 the policy and program direction established by the members of the  
19 Commission and the clearinghouse function of the agency, the Commission  
20 may enter into agreements to cooperate with Federal, State and local  
21 agencies in public information programs, including but not limited to  
22 forums, conferences or other educational events, and such other activities  
23 as, from time to time, may be necessary to further the objectives of the  
24 Commission pursuant to Section 4 of this Act.

25 **(h) DISCLAIMERS ON ACCEPTANCE OF GRATUITOUS**

**SERVICES, GOODS AND FACILITIES; AND AGREEMENTS AND  
ACTIVITIES FOR COOPERATION.**

**(1) DISCLAIMER ON CONFLICT OF INTEREST.-To**

the extent it does not create the appearance of a conflict of interest because of the nature of the activities, entities or their affiliates, the Commission may accept and utilize gratuitous services, goods and facilities of Federal, State and local agencies, organizations and individuals as provided in (f) above and participate in an agreement or activity with a Federal, State or local agency, as provided in (g) above.

**(2) DISCLAIMER ON NONENDORSEMENT OF**

**PRODUCTS AND SERVICES.-To the extent that it does not constitute or imply an endorsement by the Commission of the products or services of the other entity, the Commission may accept and utilize gratuitous services, goods and facilities or enter into such agreements or activities as provided in (f) and (g) above.**

**(3) DISCLAIMER ON NONENDORSEMENT OF THE**

**OTHER ENTITY.-To the extent it does not constitute or imply an endorsement by the Commission of, or give undue recognition to the entity involved, the Commission shall ensure that it receives appropriate recognition in all such cooperative arrangements and activities as provided in (g) above.**

**Sec. 8. ADVISORY COMMITTEES.-**

**ESTABLISHMENT.**

(a) The Commission may constitute such advisory committees within States, the District of Columbia, Puerto Rico, and commonwealths



1 and territories of the United States, as it deems advisable, but the  
2 Commission shall constitute at least one advisory committee within each  
3 State composed of citizens of that State. The Commission may consult  
4 with governors, attorneys general, and other representatives of State and  
5 local governments and private organizations, as it deems advisable.

6 (b) **INVESTIGATIVE AUTHORITY.**-An advisory committee  
7 established under paragraph (a) shall have the same investigative authority  
8 as the Commission has under Section 6 except that such committee shall  
9 not subpoena witnesses.

10 (c) **EXCEPTIONS.**-

11 (1) Members of advisory committees established pursuant  
12 to subparagraph (a), shall be exempt from the operation of sections 203,  
13 205, 207, 208, and 209 of Title 18 of the United States Code.

14 (2) Members of the advisory committee are not  
15 "employees" under sections 2104 and 2105 of Title 5 of the United States  
16 Code.

17 (d) **TRAVEL EXPENSES AND PER DIEM FOR MEMBERS**  
18 **OF ADVISORY COMMITTEES.**-Each member of an advisory  
19 committee shall be paid actual travel expenses, and per diem in lieu of  
20 subsistence expenses incurred in attending advisory committee meetings and  
21 activities of the Commission when away from the member's usual place of  
22 residence in accordance with subchapter 1 of chapter 57 of Title 5 United  
23 States Code.

24 **Sec. 9. STATEMENT OF ORGANIZATION.**-

25 (a) **REQUIREMENT.**-The Commission shall separately state and

1 currently publish in the Federal Register-

2 (1) descriptions of its central and field organizations,  
3 including the established places at which, and methods whereby, the public  
4 may secure information or make requests;

5 (2) statements of the general course and method by which  
6 its functions are channeled and determined; and

7 (3) rules adopted as authorized by law.

8 (b) **UNPUBLISHED MATTERS NOT BINDING.**-No person  
9 shall in any manner be subject to or required to resort to rules,  
10 organization, or procedure not so published.

11 **Sec. 10. RULES.-**

12 (a) **IN GENERAL.**-The Commission shall have the power to make  
13 such rules and regulations as are necessary to carry out the purposes of this  
14 Act.

15 (b) **INTERIM RULES.**-To the extent not inconsistent with the  
16 provisions of this Act, the Commission established by Section 2 of this  
17 Act, shall be bound by all rules issued by the Civil Rights Commission  
18 established by the Civil Rights Act of 1957, as amended, and which are in  
19 effect on the day prior to the effective date of this Act, until modified by  
20 the Commission in accordance with applicable law.

21 (c) **ADMINISTRATIVE PROCEDURE.**-The provisions of  
22 subchapter II of chapter 5 of Title 5 of the United States Code, relating to  
23 administrative procedure and freedom of information, shall, to the extent  
24 not inconsistent with this Act, apply to the Commission established under  
25 this Act.

1           **Sec. 11. TRANSFER OF COMMISSION EMPLOYEES.-**

2

3           **(a) IN GENERAL.-**Effective on October 1, 1991, or the date of  
4 the enactment of this Act, whichever occurs first, all employees of the  
5 Commission on Civil Rights are transferred to the Commission established  
6 by Section 2 of this Act.

7           **(b) COMPARABILITY OF POSITIONS.-**Upon application of  
8 any individual who was an employee of the Commission on Civil Rights,  
9 established by the Civil Rights Act of 1957, as amended, on the day before  
10 the effective date of the Act, the Commission shall appoint such individual  
11 to a position, the duties and responsibilities of which and the rate of pay  
12 for which, are the same as the duties, responsibilities and rate of pay of the  
13 position held by such employee immediately prior to the day before the  
14 effective date of this Act.

15           **(c) RETENTION OF BENEFITS.-**

16           **(1) IN GENERAL.-**Notwithstanding any other provision  
17 of law, employees transferred to the Commission under subparagraph (a)  
18 shall retain all rights and benefits to which they were entitled or for which  
19 they were eligible immediately prior to their transfer to the Commission.

20           **(2) CONTINUITY OF PERSONNEL PROVISIONS.-**

21 Notwithstanding any other provision of law, the Commission shall be  
22 bound by those provisions of Title 5, United States Code, to which the  
23 previous Commission on Civil Rights, established by the Civil Right Act  
24 of 1957, as amended, was bound.

25           **(d) TRANSFER OF MEMBERS OF THE COMMISSION.-**The

1 members of the Commission who were employees of the Commission on the  
2 day prior to the effective date of this Act shall continue in their positions until  
3 the expiration of their current term.

4 (e) **TRANSFER OF STAFF DIRECTOR (EXECUTIVE DIRECTOR).**-

5 The Executive Director (the former Staff Director) who was an employee of  
6 the Commission on the day prior to the effective date of this Act, shall  
7 continue in his or her position.

8 **Sec. 12. AUTHORIZATION OF APPROPRIATIONS.**-There are authorized  
9 to be appropriated for each of the fiscal years 1992 through 2016, such sums  
10 as may be necessary to carry out this Act.

11 **Sec. 13. EFFECTIVE DATE.**-

12 (a) **IN GENERAL.**-This Act shall take effect on October 1, 1991.

13 (b) **TRANSFER OF FILES, RECORDS, AND BALANCES OF**  
14 **APPROPRIATIONS.**-The Commission shall make arrangements for the  
15 transfer of all files, records, and balances of appropriations of the Commission  
16 on Civil Rights as established by the Civil Rights Act of 1957 to the  
17 Commission established by this Act.

18

## SECTION BY SECTION ANALYSIS

### Sec. 1. SHORT TITLE.

This states that this bill if enacted, would be the United States Commission on Civil Rights Act of 1991.

### Sec. 2. ESTABLISHMENT OF COMMISSION.

This section states affirmatively that this Reauthorization Act is establishing an independent, bipartisan, fact-finding agency.

### Sec. 3. COMPOSITION; MEMBERSHIP; APPOINTMENT; TERMS OF OFFICE.

#### (a) APPOINTMENT.-

- (1) **IN GENERAL.**-This is the same language as in Section 2(b), 1(A), (B) and (C) of the current authorization statute P.L. 98-183 as extended by P.L. 101-180 (hereinafter referred to as "current statute"). The heading is added.
  - (2) **TERMS OF OFFICE.**-This is essentially the same language as Sec. 2(b)(2) of the current statute, without the need to provide for a transition since this is an extension. See Sec. 10(d) with respect to terms of current members of the Commission. The heading is added.
  - (3) **LIMITATION.**-This is the same language as the second sentence of Sec.2(b)(1) of the current statute with the heading added.
- (b) **REMOVAL.**-This is the same language as Sec. 2(d) of the current statute with the heading added.
  - (c) **VACANCIES.**-This is essentially the same language as Sec. 2(e) of the current statute but it has been split into two sentences for clarity and a cross-reference to the section dealing with the appointment of the Commissioners. A heading is added.
  - (d) **QUORUM.**-This is the same language as Sec. 2(f) of the current statute. A heading is added.
  - (e) **CHAIR AND VICE CHAIR.**-This is essentially the same language as the first

sentence of Sec. 2(c) of the current statute but the terminology of "Chairman" and "Vice Chairman" has been changed to "Chair" and Vice Chair" to delete the gender specific term. A heading is added.

(1) **VICE CHAIR.**-This is essentially the same language as in the second sentence of Sec. 2(c) with the change in terminology to delete the gender specific term. A heading is added.

(2) **VACANCY IN THE CHAIR AND VICE CHAIR POSITIONS.**-This is a new provision designed to provide an orderly process for designating an Acting Chair when there is a vacancy in both positions, a situation that occurred at the Commission between December 1989 and February 1990. The "senior member" of the Commission is defined as the member with the longest continuous date of service based on last appointment. In the unlikely event two members have the same appointment date, the swearing-in date would be used to determine the "senior member".

**(f) COMPENSATION OF MEMBERS.-**

(1) **IN GENERAL.**-This is essentially the same language as Sec. 4(a) of the current statute, however, it has been changed to being prorated on an "hourly" basis instead of a "daily" basis to reflect the actual practice. A heading has been added.

(2) **LIMITATION.**-This is new and provides a limit in the authorization statute on the total salary compensation of the members of the Commission to reflect the fact that the positions continue to be intermittent and other than full-time appointments.

(3) **TRAVEL EXPENSES AND PER DIEM.**-This is the same language as the second part of Sec. 4(b) of the current statute with a heading added.

(4) **FEDERAL EMPLOYEE.**-This is the same language as Sec. 4(b) of the current statute but only with a cross-reference to payment for travel expenses as stated in the previous subsection. A heading is added.

(g) **STATUTORY EXEMPTION.**-This is the same language of Sec. 6(d) of the current statute with a heading added.

**Sec. 4. DUTIES OF THE COMMISSION.-**

(a) **IN GENERAL.**- (1)(2)(3)(4) and (5). The language is the same as Sec. 5(a)(1)(2)(3)(4) and (5) of the current statute, except that in (1)(2)(3) and (4) "handicap" has been changed to "disability" to reflect the terminology in the Americans with Disability Act of 1990. Headings have been added.

- (b) **LIMITATIONS.**-This is essentially the same language as in Sec. 5(b) and (e) of the current statute, but the limitations have been reformatted and combined into one subsection. However the provision regarding "members of eastern and southern European ethnic groups" in Sec. 5(f) of the current statute has been deleted. The Commission complied with this provision by issuing a report, *The Economic Status of Americans of Southern and European Ancestry* (October 1986), and a consultation report on Civil Rights of Euro-Ethnic Americans in the United States: Opportunities and Challenges. (December 1979).
- (c) **REPORTS.**-This is the same language as Sec. 5(c) of the current statute with the heading added.
- (d) **AMICUS CURIAE BRIEFS.**-This is a new provision. Unless there is a specific authority in the authorization statute, the Commission cannot file *amicus curiae* briefs. It is also intended to reinforce the Commission's independence by giving it the authority to unilaterally file such briefs.

**Sec. 5. COOPERATION OF FEDERAL AGENCIES.-**

This is the same language of Sec. 6(e) of the current statute with the heading added.

**Sec. 6. POWERS OF THE COMMISSION; HEARINGS; SUBPOENAS.-**

This is essentially the language in Sec. 3 and Sec. 6 of the current statute but it has been substantially reformatted.

- (a) **IN GENERAL.**-This is essentially the same language as the first sentence of Sec. 6(f) of the current statute.
- (b) **DECISION TO HOLD HEARINGS.**-This is essentially the same language as the last sentence of Sec. 6(f) of the current statute but "of 5 members" has been deleted because it is redundant to add it after "quorum". The heading has been added.
- (c) **NOTIFICATION.**-This is the same language as the first sentence of Sec. 3(a) of the current statute with the heading added.
- (d) **SUBPOENAS.-**
  - (1) **ISSUANCE.**-This is essentially the same language as the second sentence of Sec. 6(f) of the current statute but the citations have been changed to reflect the reformatting. Chairman was changed to Chair. A heading has been added.
  - (2) **LIMITATIONS.**-A heading has been added.

- (A) **IN GENERAL.**-This is essentially the same language as the first part of Sec. 3(k) of the current statute but it has been reformatted and a heading has been added.
- (B) **EXCEPTION.**-This is the same language as the second half of Sec. 3(k) of the current statute but it has been reformatted and a heading has been added.
- (3) **ENFORCEMENT.**-This is the same language as Sec. 6(g) of the current statute.
- (4) **WITNESS FEES.**-This is the same language as Sec. 3(j) of the current statute with the heading added.
- (c) **OPENING STATEMENT.**-This is essentially the same language as the second sentence of the Sec. 3(a) of the current statute, but "by his" has been changed to "Chair" to delete the gender specific term. A heading has been added.
- (f) **COPY OF RULES.**-This is essentially the same language of Sec. 3(b) of the current statute but it has been split into two sentences and a heading has been added.
- (g) **POWER TO ADMINISTER OATHS.**-This is the same language as in Sec. 6(h) of the current statute with a heading added.
- (h) **RIGHT TO COUNSEL.**
- (1) **IN GENERAL.**-This is essentially the same language as the first half of the first sentence of Sec. 3(c) of the current statute.
- (2) **POWERS OF COUNSEL.**-This is essentially the same language as the second half of the first sentence of Sec. 3(c) but "or her" has been added after "his" and before client to change the gender specific term. A heading has been added.
- (i) **RIGHT TO A SPEEDY HEARING; CONVENIENCE AND NECESSITY OF WITNESSES.**-This is the same language as the last two sentences of Sec. 3(c) of the current statute with the heading added.
- (j) **CENSURE AND EXCLUSION.**-This is the same language as Sec. 3(d) of the current statute, with the heading added.
- (k) **DEFAMATION, DEGRADATION, OR INCRIMINATION.**
- (1) **IN GENERAL.**-This is the same language as the first sentence of Sec. 3(e) of the current statute with the heading added.



- (2) **OPPORTUNITY TO APPEAR.**-This is essentially the same language as the second sentence of Sec. 3(e), however, "him" has been changed to "person" to delete the gender specific term. A heading has been added.
- (3) **PUBLIC SESSION.**-This is essentially the same as the third sentence of Section 3(e) of the current statute but it has been split into two sentences and before behalf "his" has been changed to "person's" to delete the gender specific reference. A heading has been added.
- (4) **ADDITIONAL WITNESSES.**-This is essentially the same language as Sec. 3(f) of the current statute with a minor change in the cross-reference to reflect the reformatting. A heading has been added.
- (5) **PRIOR ACCESS TO REPORT.**-This is the same language the first half of the fifth sentence in Sec. 3(e) of the current statute with the heading added.
- (6) **RIGHT-TO ANSWER.**-
- (A) **TIME LIMIT AND EXTENSION.**-This is the same language as the second half of the sixth sentence and all of the seventh sentence of Sec. 3(e) of the current statute with headings added.
- (B) **CONTENT OF ANSWER.**-This is the same language as the eighth sentence of Sec. 3(e) of the current statute with the heading added.
- (C) **PUBLICATION OF ANSWER.**-This is the same language as the ninth sentence of Sec. 3(e) of the current statute with the heading added.
- (D) **LIMITATION ON RIGHT TO ANSWER.**-This is the same language as the tenth sentence in Sec. 3(e) of the current statute with the heading added.
- (7) **RELEASE OF EVIDENCE OR TESTIMONY.**-
- (A) **IN GENERAL.**-This is the same language as the first sentence of Sec. 3(g) of the current statute with the heading added.
- (B) **PENALTY.**-This is the same language as the second sentence of Sec. 3(g) and Sec. 6(b) of the current statute, with the heading added.
- (8) **SUBMISSION OF SWORN WRITTEN STATEMENTS.**-This is the same language as in Sec. 3(h) of the current statute with the heading added.

- (9) **COPY OF THE TRANSCRIPT.**-This essentially is the same language as Sec. 3(i) of the current statute but "or her" has been added after "his" and before "testimony" to modify the gender specific term. A heading has been added.

## **Sec. 7. COMMISSION STAFF AND ORGANIZATION.**

- (a) **EXECUTIVE DIRECTOR.**-The title of Staff Director is changed to be consistent with comparable positions at most other Commissions and Boards.
- (1) **APPOINTMENT.**-The appointment of the Executive Director provision is essentially the same as the language in Sec. 6(a)(1) of the current statute. This statute and the current statute are silent on the compensation level of the Executive Director, however, since it is a Presidential appointment without Senate confirmation, it has been established in the Senior Executive Service, upon the recommendation and approval of the Office of Personnel Management.
- (2) **CHIEF OPERATING OFFICER.**-This provision is new and reflects the actual day to day operating responsibilities and authorities of the Executive Director.
- (b) **VACANCY IN THE EXECUTIVE DIRECTOR POSITION.**-This reflects the past practice for filling a temporary vacancy in the Executive Director position and gives it a statutory basis.
- (c) **APPOINTMENT OF STAFF.**-This is essentially the same language as Sec. 6(a)(3) as the current statute with a cross-reference added to the provisions on the Executive Director's responsibilities and authorities. The heading has been added.
- (d) **PROHIBITION ON USE OF UNCOMPENSATED STAFF.**-This is essentially the same language as the first half of Sec. 6(b) of the current statute with an exception. The exception in this subsection provides for utilization of student volunteers appointed pursuant to 5 USC 3111. According to Commission and GAO interpretations of the current statute, this is permitted now, but nevertheless should be explicitly stated. The definition of "whoever" in the last half of Sec. 6(b) has been moved to Sec. 6(k)(7)(B).
- (e) **REPRESENTATIONAL FUNDS.**-This provision is new and permits limited expenditures for refreshments by the Commission at such activities as SAC meetings.
- (f) **ACCEPTANCE OF GRATUITIOUS SERVICES, GOODS, AND FACILITIES.**- This provision is new and is intended to permit the acceptance of modest gratuitous services, goods and facilities from

Federal, State and local agencies, organizations, and Commissioners or SAC members, as is required to carry out the Commission's activities. For example, acceptance of a room or refreshments for a Commission or SAC meeting. These must be accepted in accordance with the disclaimers in subsections (h)(1) and (2) below. Funds have been intentionally excluded from this provision.

(g) **ACTIVITIES AND AGREEMENTS FOR COOPERATION.**-This provision is new and permits the Commission as part of its clearinghouse function in Sec. 4(a)(4), to enter into agreements with Federal, State and local agencies to conduct joint seminars, conferences, briefings, etc. However, such cooperation agreements and activities must be approved by the members of the Commission and be in accordance with the disclaimers in subsections (h),(1),(2), and (3).

(h) **DISCLAIMERS ON ACCEPTANCE OF GRATUITOUS SERVICES, GOODS AND FACILITIES; AND AGREEMENTS AND ACTIVITIES FOR COOPERATION.**

(1) **DISCLAIMER ON CONFLICT OF INTEREST.**-This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation create the appearance of a conflict of interest. This disclaimer ensures that the Commission maintains its independence.

(2) **DISCLAIMER ON NONENDORSEMENT OF PRODUCTS AND SERVICES.**-This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation will constitute or imply an endorsement of products or services of the other entity.

(3) **DISCLAIMER ON NONENDORSEMENT OF THE OTHER ENTITY.**-This provision is new and is intended to ensure that the entering into agreements or activities for cooperation does not constitute or imply an endorsement or give undue recognition to the participating Federal, State or local agency. This disclaimer ensures that the Commission maintains its independence.

**Sec. 8. ADVISORY COMMITTEES.**-The heading is added.

(a) **ESTABLISHMENT**-This is essentially the same language as the language in Sec. 6(c) of the current statute, however, it clarifies that statute to provide for establishing SACs in the District of Columbia, Puerto Rico, and other United States' commonwealths and territories.

(b) **INVESTIGATIVE AUTHORITY.**-This provision is new and clarifies the current statute to state what has been the past practice of the SACs.

**(c) EXCEPTIONS.-**

(1) This is essentially the same language as Sec. 6(d) of the current statute but the current statute combined these statutory exemptions for the members of the Commission and the SAC members. This has been split and placed within each of the appropriate sections.

(2) This provision is new and is intended to clarify the existing statute as to the legal status of members of the State Advisory Committees.

**(d) TRAVEL EXPENSES AND PER DIEM FOR MEMBERS OF ADVISORY COMMITTEES.-**This provision is new and is intended to state the past practice of paying travel expenses for members of Advisory Committees to attend SAC activities.

**Sec. 9. STATEMENT OF ORGANIZATION.-**

**(a) REQUIREMENT.-**This is the same language as in Sec. 3(1) of the same current statute with a minor format change, with the exception of the last sentence, and with a heading added.

**(b) UNPUBLISHED MATTERS NOT BINDING.-**This is the same language as the last sentence of Sec. 3(1) of the current statute with the heading added.

**Sec. 10 RULES.-**

**(a) IN GENERAL.-**This is the same language as Sec. 6(i)(1) of the current statute with the heading added.

**(b) INTERIM RULES.-**This is essentially the same language as in Sec. 6(i)(2) of the current statute but with a minor change in the cross-reference because of the change in format. The September 30, 1983 date has been changed to the " . . . day prior to the effective date of this Act". The heading has been added.

**(c) ADMINISTRATIVE PROCEDURE.-**This is essentially the same language as Sec. 3(m) of the current statute but the reference to "section" has been changed to "Act" after " . . . not inconsistent with this . . ." The heading has been added.

**Sec. 11 TRANSFER OF COMMISSION EMPLOYEES.-**

**(a) IN GENERAL.-**This is similar to the language in Sec. 6(a)(2)(A) of the current statute but the date has been changed to October 1, 1991 and a minor modification of the cross-reference to reflect the format of this statute. However, the

exceptions in the current statute on the transfer of the Staff Director and the members of the Commission are deleted and are dealt with in Sec. 7(d) and (e) below. The headings have been added.

(b) **COMPARABILITY OF POSITIONS.**-This is essentially the same language as Sec. 6(a)(2)(B) of the current statute, however the exception with respect to the Staff Director and the members of the Commission have been deleted and are dealt with in Sec. 7(d) and (e) below, and the references to September 30, 1983 have been changed to the "day before the effective date of this Act." The heading has been added.

(c) **RETENTION OF BENEFITS.**-

(1) **IN GENERAL.**-This is the same language as in Sec. 6(a)(2)(C)(i) of the current statute with the heading added.

(2) **CONTINUITY OF PERSONNEL PROVISIONS.**-This is the same language as in Sec. 6(a)(2)(C)(ii) of the current statute with the heading added.

(d) **TRANSFER OF MEMBERS OF THE COMMISSION.**-This subsection is new and is intended to provide for the orderly transition in leadership of the members of the Commission. The reference to "current terms" relate to the appointment process for members of the Commission that were established in P.L. 98-183, as extended by P.L. 101-180.

(e) **TRANSFER OF STAFF DIRECTOR (EXECUTIVE DIRECTOR).**- This subsection is new and is intended to provide for the orderly transition in the Staff Director's position to the retitled Executive Director.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**-

This is similar to Sec. 7 of the current statute. The language on authorization for appropriations has been amended to provide authorization for appropriations from FY 1992 through FY 2016.

**SEC. 13. EFFECTIVE DATE.**-

(a) **IN GENERAL.**-This sets the effective date of the reauthorization statute.

(b) **TRANSFER OF FILES, RECORDS, AND BALANCES OF APPROPRIATIONS.**-This is the same language as Sec. 6(i)(3) of the current statute with the heading added.

**TERMINATION.**-This draft bill does not provide for a termination date of the Commission reauthorization as established under Sec. 2 of P.L. 101-180.

# A BILL

To extend the United States Commission on Civil Rights,  
and for other purposes

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

3           **SECTION 1. SHORT TITLE.**

4           This Act may be cited as the "United States Commission on Civil  
5           Rights Act of 1991."

6           **SEC. 2. ESTABLISHMENT OF THE COMMISSION.**

7           Section 2 of the United States Commission on Civil Rights Act  
8           of 1983 (hereinafter referred to as the Act) is amended as follows--

9           (1) Sec. 2(a). After "... Rights", add "an independent,  
10           bipartisan, factfinding agency of the Federal Government"  
11           and before "(hereinafter in . . . .)"; and

12           (2) Sec. 2(c). After the last sentence, add "In the absence  
13           of a Chairman and a Vice Chairman, the senior member  
14           the Commission will serve as Acting Chairman".

15           **SEC. 3. COMPENSATION OF MEMBERS OF THE**  
16           **COMMISSION.**

1 Section 4 of the Act is amended as follows--

2 (1) Sec. 4(a). After "... prorated on", change "a daily" to  
3 "an hourly. . . "; and after "... for each", change "day" to  
4 "hour"; and

5 (2) Add a new subparagraph:

6 "Sec. 4(c). The total amount that each member of the  
7 Commission may receive under subparagraph (a) in any one  
8 calendar year shall not exceed one half of the total annual  
9 compensation of a Level IV of the Federal Executive Salary  
10 Schedule."

11 **SEC. 4. DUTIES OF THE COMMISSION.**

12 Section 5 of the Act is amended as follows--

13 (1) In subparagraphs (1),(2),(3) and (4) after "... age" and  
14 before "... or national. . . " "handicap" is changed to  
15 "disability";

16 (2) Subparagraph (d) of the current statute is deleted;

17 (3) A new subparagraph (d) is added:

18 " Section 5(d). The Commission attorneys may submit an  
19 amicus curiae brief to the Supreme Court of the United  
20 States on any matter within the jurisdiction of the  
21 Commission, if a majority of the members of the  
22 Commission approve the submission of such brief."; and

1 (4) Subparagraph (f) of the current statute is deleted.

2 **SEC. 5. POWERS OF THE COMMISSION**

3 Section 6 of the Act is amended as follows--

4 (1) Sec. 6(a)(1). Redesignate paragraph 6(a)(1) as  
5 6(a)(1)(A). The title of "Staff Director" is changed to  
6 "Executive Director";

7 (2) Add a new subparagraph 6(a)(1)(B):  
8 "Sec. 6(a)(1)(B). The Executive Director will serve as the  
9 chief operating officer of the Commission and shall be  
10 responsible for the day-to-day operations of the agency  
11 including matters pertaining to employment, use and  
12 expenditure of funds, and general administration, consistent  
13 with policies determined by the Commission.";

14 (3) Add a new subparagraph 6(a)(1)(C):  
15 "Sec. 6(a)(1)(C). In the event of a vacancy in the position of  
16 Executive Director, the Chairman shall designate, with the  
17 concurrence of a majority of the members of the  
18 Commission, an employee of the Commission to serve as  
19 Acting Executive Director.";

20 (4) Sec. 6(a)(2)(A). Change "November 29, 1983" to  
21 "October 1, 1991" and delete ". . . (other than Staff  
22 Director and the members of the Commission) . . .";



1 (5) Sec. 6(a)(2)(B). Delete " . . . (other than the Staff  
2 Director or a member of the Commission) . . . ", and change  
3 "1983" to "1991" before " . . . The Commission . . . ", and at  
4 the end of the subparagraph change "1983" to "1991" and add  
5 "or immediately prior to the day before the effective date of  
6 this Act.";

7 (6) Sec. 6. (b)(1). Redesignate subparagraph (b) as (b)(1)  
8 and add "Except as provided in 5 USC 3111, " before "The  
9 Commission . . . ";

10 (7) Add a new subparagraph:  
11 "Sec. 6(b)(2). Not more than .1 per centum of the total  
12 amounts due to the Commission in each fiscal year may be  
13 used for official representation and reception.";

14 (8) Add new subparagraph:  
15 "Sec. 6(b)(3). The Commission may accept and utilize  
16 services, goods and facilities of Federal, State and local  
17 agencies, organizations, and individuals appointed pursuant  
18 to Section 2(b)(1) and Section 6(c) from time to time, as  
19 may be necessary, to further the objectives of the  
20 Commission.";

21 (9) Add a new subparagraph:  
22 "Sec. 6(b)(4). Subject to subsection (b)(5) below and in

1 accordance with the policy and program direction  
2 established by the members of the Commission and the  
3 clearinghouse function of the agency, the Commission may  
4 execute agreements to cooperate with Federal, State and  
5 local agencies in public information programs, including but  
6 not limited to forums, conferences or other educational  
7 events, and such other activities as, from time to time, may  
8 be necessary to further the objectives of the Commission  
9 pursuant to Section 5 of this Act.";

10 (10) Add a new subparagraph:

11 "Sec. 6(b)(5)(A). To the extent it does not create the  
12 appearance of a conflict of interest because of the nature of  
13 the activities, entities or their affiliates, the Commission may  
14 accept and utilize gratuitous services, goods and facilities of  
15 Federal, State and local agencies, organizations and  
16 individuals as provided in (b)(3) above and participate in an  
17 agreement or activity with a Federal, State or local agency,  
18 as provided in (b)(4) above.";

19 (11) Add a new subparagraph:

20 "Sec. 6(b)(5)(B). To the extent that it does not constitute or  
21 imply an endorsement by the Commission of the products or  
22 services of the other entity, the Commission may accept and

1 utilize gratuitous services, goods and facilities or enter into  
2 such agreements or activities as provided in (b)(3) and  
3 (b)(4) above.";  
4 (12) Add a new subparagraph:  
5 "Sec. 6(b)(5)(C). To the extent it does not constitute or  
6 imply an endorsement by the Commission of, or give undue  
7 recognition to the entity involved, the Commission shall  
8 ensure that it receives appropriate recognition in all such  
9 cooperative arrangements and activities as provided in (b)(4)  
10 above.";  
11 (13) Sec. 6(c) becomes Sec. 6(c)(1). After " . . . States",  
12 add: "the District of Columbia, Puerto Rico, and  
13 commonwealths and territories of the United States," before  
14 " . . . as it deems. . . .";  
15 (14) Add a new subparagraph:  
16 "Sec. 6(c)(2). An advisory committee established under  
17 subparagraph (c)(1) shall have the same investigative  
18 authority as the Commission has under Section 3 except that  
19 such committee shall not subpoena witnesses.";  
20 (15) Add a new subparagraph:  
21 "Sec. 6(c)(3). Members of the advisory committee are not  
22 "employees" under sections 2104 and 2105 of Title 5 of the

1 United States Code.";

2 (16) Add a new subparagraph:

3 "Sec. 6(c)(4). Each member of advisory committees shall  
4 receive reasonable allowances for necessary expenses for  
5 travel, lodging and subsistence incurred in attending  
6 advisory committee meetings and activities of the  
7 Commission when away from the member's usual place of  
8 residence in amounts that shall not exceed the maximum  
9 fixed by subchapter 1 of chapter 57 of Title 5 United States  
10 Code, for officers and employees of the United States."; and

11 (17) Sec. 6 (i)(2). After " . . . were in effect. . . "  
12 delete "September 30, 1983" and add: ". . . on the day prior  
13 to the effective date of this Act."

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 7 of the Act is amended as follows--

16 (1) After " . . . appropriated", delete "\$12,180,000 for the  
17 fiscal year 1984" and insert "to carry out this Act" and after  
18 "each" delete "succeeding" and add "of the" before "fiscal"  
19 and delete "year ending prior to October 1, 1989" and insert  
20 "years 1992 through 2016".

21 **SEC. 7. TERMINATION.**

22 Section 8 of the Act is deleted.

## SECTION BY SECTION ANALYSIS

### SECTION 1. SHORT TITLE.

This states that this bill if enacted, would be the United States Commission on Civil Rights Act of 1991.

### SEC. 2. ESTABLISHMENT OF COMMISSION.

Section 2 of the Act is amended as follows--

- (1) Sec. 2 (a). This section states affirmatively that this Reauthorization Act is establishing an independent, bipartisan, fact-finding agency.
- (2) Sec. 2 (c). This subparagraph is a new provision designed to provide an orderly process for designating an Acting Chairman when there is a vacancy in both positions, a situation that occurred at the Commission between December 1989 and February 1990. The "senior member" of the Commission is defined as the member with the longest continuous date of service based on last appointment. In the unlikely event two members have the same appointment date, the swearing-in date would be used to determine the "senior member".

### SEC. 3. COMPENSATION OF MEMBERS OF THE COMMISSION.

Section 4 of the Act is amended as follows--

- (1) Sec. 4 (a). This is essentially the same language as Sec. 4(a) of the current statute, however, it been changed to being prorated on an "hourly" basis instead of a "daily" basis to reflect the actual practice.
- (2) Sec. 4 (c). This subparagraph is new and provides a limit in the authorization statute on the total salary compensation of the members of the Commission to reflect the fact that the positions continue to be intermittent and other than full-time.

### SEC. 4. DUTIES OF THE COMMISSION.

Section 5 of the Act is amended as follows--

- (1) Sec. 5 (a) (1),(2),(3),(4) and (5). The language is the same as Sec. 5(a) (1),(2),(3),(4) and (5) of the current statute, except that in subsections (1),(2),(3) and (4) "handicap" has been changed to "disability" to reflect the terminology in the Americans with Disability Act of 1990.
- (2) Sec. 5 (d). The original subparagraph (d) is deleted because the definition of "handicap"

is no longer necessary:

- (3) Sec. 5 (d). This subparagraph is a new provision. Unless there is a specific authority in the authorization statute, the Commission cannot file *amicus curiae* briefs. It is also intended to reinforce the Commission's independence by giving it the authority to unilaterally file such briefs.
- (4) Sec. 5 (f). This subparagraph regarding "members of eastern and southern European ethnic groups" in Sec. 5(f) of the current statute has been deleted. The Commission complied with this provision by issuing a report, *The Economic Status of Americans of Southern and European Ancestry* (October 1986), and a consultation report on Civil Rights of Euro-Ethnic Americans in the United States: Opportunities and Challenges (December 1979).

## **SEC. 5. POWERS OF THE COMMISSION.**

Section 6 of the Act is amended as follows--

- (1) Sec. 6 (a)(1). Subparagraph 6 (a)1 is redesignated as 6 (a)(1)(A). The title of "Staff Director" is changed to "Executive Director" to be consistent with comparable positions at most other Commissions and Boards.
- (2) Sec. 6 (a)(1)(B). This subparagraph is new and reflects the actual day-to-day operating responsibilities and authorities of the Executive Director.
- (3) Sec. 6 (a)(1)(C). This subparagraph is new and reflects the past practice for filling a temporary vacancy in the Executive Director position and gives it a statutory basis.
- (4) Sec. 6 (a)(2)(A). This is similar to the language in Sec. 6(a)(2)(A) of the current statute but the date has been changed to October 1, 1991 and the transfer exception for the Staff Director and the members of the Commission has been deleted. It is intended that there be an orderly transition in leadership for the current members of the Commission and the former Staff Director to the retitled position of Executive Director. The members will serve out their current terms.
- (5) Sec. 6 (a)(2)(B). This is a technical change to the date to reflect the current authorization extension to 1991.
- (6) Sec. 6 (b)(1). Subparagraph (b) is redesignated as (b)(1). The exception in this subsection provides for utilization of student volunteers appointed pursuant to 5 U.S.C. 3111. According to Commission and GAO interpretations of the current statute, this is permitted now, but nevertheless should be explicitly stated.
- (7) Sec. 6 (b)(2). This provision is new and permits limited expenditures for refreshments by the Commission at such activities as State Advisory Committee (SAC) meetings.
- (8) Sec. 6 (b)(3). This provision is new and is intended to permit the acceptance of modest

gratuitous services, goods and facilities from Federal, State and local agencies, organizations, and Commissioners or SAC members, as is required to carry out the Commission's activities. For example, acceptance of a room or refreshments for a Commission or SAC meeting. These must be accepted in accordance with the disclaimers in subsections (b)(5)(A) and (B) below. Funds have been intentionally excluded from this provision.

- (9) Sec. 6 (b)(4). This provision is new and permits the Commission as part of its clearinghouse function in Sec. 5(a)(4), to enter into agreements with Federal, State and local agencies to conduct joint seminars, conferences, briefings, etc. However, such cooperation agreements and activities must be approved by the members of the Commission and be in accordance with the disclaimers in subsections (b)(5)(A)(B) and (C).
- (10) Sec. 6 (b)(5)(A). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation create the appearance of a conflict of interest. This disclaimer ensures that the Commission maintains its independence.
- (11) Sec. 6 (b)(5)(B). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation will constitute or imply an endorsement of products or services of the other entity.
- (12) Sec. 6 (b)(5)(C). This provision is new and is intended to ensure that the entering into agreements or activities for cooperation does not constitute or imply an endorsement or give undue recognition to the participating Federal, State or local agency. This disclaimer ensures that the Commission maintains its independence.
- (13) Sec. 6 (c)(1). Subparagraph (c) is redesignated as (c)(1). This subparagraph is essentially the same language as the language in Sec. 6 (c) of the current statute, however, it clarifies that statute to provide for establishing SACs in the District of Columbia, Puerto Rico, and other United States' commonwealths and territories.
- (14) Sec. 6 (c)(2). This provision is new and clarifies the current statute to state what has been the past practice of the SACs with respect to investigative authority.
- (15) Sec. 6 (c)(3). This provision is new and is intended to clarify the existing statute as to the legal status of members of the SACs.
- (16) Sec. 6 (c)(4). This provision is new and is intended to state the past practice of paying travel expenses for members of Advisory Committees to attend SAC activities.
- (17) Sec. 6 (i)(2). This is essentially the same language as in Sec.6(i)(2) of the current statute but the September 30, 1983 date has been changed to the "... day prior to the effective date of this Act" to reflect the amendment and extension of the current statute.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

Section 7 of the Act is amended as follows--

This provides for authorization for appropriations for twenty-five fiscal years from FY 1992 through FY 2016.

**SEC. 7. TERMINATION.**

Section 8 of the Act is amended as follows--

Sec. 8 of the current statute is deleted so that the Commission will not have to be terminated at the end of the proposed 25-year reauthorization period.