

# CRS Report for Congress

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## Civil Rights Commission Reauthorization

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### Summary

The Civil Rights Commission Act of 1998 (H.R. 3117) would reauthorize the commission through FY2001. It was introduced by Representative Canady on January 28, 1998, referred to the Committee on the Judiciary, and reported with an amendment on March 2, 1998. It passed the House, amended, by voice vote on March 18.

### History of the Commission

The Civil Rights Commission was created in 1957 to serve as an independent, bipartisan, fact-finding agency to inform the President and Congress concerning the implementation of civil rights protections. Between the 1950s and the 1980s, the work of the commission was largely centered on investigations of voting rights violations and legal developments constituting discrimination or denial of equal protection of the law because of race, color, religion, sex, age, handicap, or national origin. The commission has never had any enforcement authority.

In 1983, the presidentially appointed Civil Rights Commission terminated, pursuant to its organic statute. Legislation creating a new, bipartisan commission was the outcome of congressional reaction to President Reagan's attempt to replace commissioners with his nominees. The new commission, reconstituted as an independent agency, is composed of eight members who serve staggered, six-year terms and who can be removed by the President only for neglect of duty or malfeasance in office. Four members are appointed by the President, without the advice and consent of the Senate, and the President pro tempore of the Senate and the Speaker of the House appoint two each, upon the recommendations of the majority and minority leaders in each chamber. No more than four commissioners can be of the same political party. With the concurrence of a majority of the commission, the President also names the commissioners who are to serve as chairman and vice chairman and appoints the staff director. The FY1998 budget of the commission is \$8.75 million. In addition to the eight part-time commissioners, the current staff number is 91.

## **The Work of the Commission**

The commission accomplishes its mandate by (1) investigating charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collecting and studying information concerning legal developments on voting rights; (3) monitoring the enforcement of federal laws and policies from a civil rights perspective; (4) serving as a national clearing house for information; and (5) preparing public service announcements and advertising campaigns on civil rights issues. The commission may hold hearings, and within specific guidelines, issue subpoenas to obtain certain records and have witnesses appear at hearings. It also maintains state advisory committees and consults with representatives of federal, state, and local governments and private organizations to advance its fact-finding work.

## **Criticisms of the Commission**

During appropriations and oversight hearings, Members of Congress frequently have criticized the commission for inadequate output. In addition, the General Accounting Office (GAO) has repeatedly found deficiencies in the management of the commission. These have concerned not only general management of its operations but also the management of projects. The commission has accepted the GAO recommendations and has reportedly been working to satisfy them.

## **Provisions of H.R. 3117**

The Civil Rights Commission Act of 1998 (H.R. 3117) would reauthorize the commission through FY2001 and authorize to be appropriated such sums as may be necessary to carry out the provisions of H.R. 3117 through FY2001. It would also set the term of office of the staff director to four years and require the commission to review annually the performance of the staff director.

Section 4 of the act would apply the provisions of the Freedom of Information, Privacy, Sunshine, and Advisory Committee Acts to the Civil Rights Commission by including the commission within the definition of "agency" contained in Sections 551 and 552 of Title 5 of the U.S. Code.

Section 5 of the act would require an independent financial audit of the Civil Rights Commission, beginning with FY1998, prepared in accordance with Section 3515 of Title 31, U.S. Code, and audited by an independent external auditor in accordance with Section 3521 of that title.

Section 6 would change the term served by the eight members of the commission from six years to five. This provision would apply only to terms of office commencing after the date of enactment of the act.

Section 7 would require that the commission's annual report to Congress be submitted on or before September 30 of each year.

Section 8 of the act would require the commission to implement the recommendations regarding revision of its Administrative Instructions and structural

regulations to reflect the current agency structure, and establish a management information system to enhance its oversight and project efficiency, as recommended by GAO in its report of July 1997.<sup>1</sup>

Section 8 of H.R. 3117 would also direct the commission to prepare three reports as follows:

- Americans with Disabilities Act (ADA) enforcement report - Not later than September 30, 1998, the commission would complete and submit to Congress a report on enforcement of the provisions of the ADA.
- Religious freedom in public schools - Not later than September 30, 1998, the commission would prepare a report evaluating the policies and practices of public schools to determine whether laws are being effectively enforced to prevent discrimination or the denial of equal protection of the law based on religion, and whether such laws need to be changed in order to protect more fully the constitutional and civil rights of students and of teachers and other school employees.
- Crisis of young African-American males - Not later than September 30, 1999, the commission would submit a report on the crisis of young African-American males.
- Fair employment law enforcement report - Not later than September 30, 1999, the commission would submit a report on fair employment law enforcement.
- Regulatory obstacles confronting minority entrepreneurs - Not later than September 30, 1999, the commission would develop and carry out a study on the civil rights implications of regulatory obstacles confronting minority entrepreneurs.

Finally, Section 9 of H.R. 3117 would amend Section 3(d) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(d)) by adding at the end the following: “The purpose of each such advisory committee shall be to conduct fact finding activities and develop findings or recommendations for the Commission. Any report by such an advisory committee to the Commission shall be fairly balanced as to the viewpoints represented.”

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<sup>1</sup> U.S. General Accounting Office, *U.S. Commission on Civil Rights: Agency Lacks Basic Management Controls*, GAO report HEHS-97-125 (Washington: July 8, 1997).