

105TH CONGRESS
2^D SESSION

H. R. 3117

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1998

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Civil Rights Commis-
3 sion Act of 1998”.

4 **SEC. 2. EXTENSION AND AUTHORIZATION OF APPROPRIA-**
5 **TIONS.**

6 (a) EXTENSION.—Section 6 of the Civil Rights Com-
7 mission Act of 1983 (42 U.S.C. 1975d) is amended by
8 striking “1996” and inserting “2001”.

9 (b) AUTHORIZATION.—The first sentence of section
10 5 of the Civil Rights Commission Act of 1983 (42 U.S.C.
11 1975c) is amended to read “There are authorized to be
12 appropriated such sums as may be necessary to carry out
13 this Act for fiscal years through fiscal year 2001.”.

14 **SEC. 3. STAFF DIRECTOR.**

15 Section 4(a)(1) of the Civil Rights Commission Act
16 of 1983 (42 U.S.C. 1975b(a)(1)) is amended—

17 (1) by striking “There shall” and inserting the
18 following:

19 “(A) IN GENERAL.—There shall”;

20 (2) by striking “(A)” and inserting the
21 following:

22 “(i)”;

23 (3) by striking “(B)” and inserting the
24 following:

25 “(ii)”;

26 (4) by adding at the end the following:

1 “(B) TERM OF OFFICE.—The term of of-
2 fice of the Staff Director shall be 4 years.

3 “(C) REVIEW AND RETENTION.—The
4 Commission shall annually review the perform-
5 ance of the staff director.”.

6 **SEC. 4. APPLICATION OF FREEDOM OF INFORMATION, PRI-**
7 **VACY, SUNSHINE, AND ADVISORY COMMIT-**
8 **TEE ACTS.**

9 Section 4 of the Civil Rights Commission Act of 1983
10 (42 U.S.C. 1975b) is amended by adding at the end the
11 following:

12 “(f) APPLICATION OF CERTAIN PROVISIONS OF
13 LAW.—The Commission shall be considered to be an agen-
14 cy, as defined in section 551(1) of title 5, United States
15 Code, for the purposes of sections 552, 552a, and 552b
16 of title 5, United States Code, and for the purposes of
17 the Federal Advisory Committee Act.”.

18 **SEC. 5. REQUIREMENT FOR INDEPENDENT AUDIT.**

19 Section 4 of the Civil Rights Commission Act of 1983
20 (42 U.S.C. 1975b) is further amended by adding at the
21 end the following:

22 “(g) INDEPENDENT AUDIT.—Beginning with the fis-
23 cal year ending September 30, 1998, and each year there-
24 after, the Commission shall prepare an annual financial
25 statement in accordance with section 3515 of title 31,

1 United States Code, and shall have the statement audited
2 by an independent external auditor in accordance with sec-
3 tion 3521 of such title.”.

4 **SEC. 6. TERMS OF MEMBERS.**

5 (a) IN GENERAL.—Section 2(c) of the Civil Rights
6 Commission Act of 1983 (42 U.S.C. 1975(c)) is amended
7 by striking “6 years” and inserting “5 years”.

8 (b) APPLICABILITY.—The amendment made by this
9 section shall apply only with respect to terms of office
10 commencing after the date of the enactment of this Act.

11 **SEC. 7. REPORTS.**

12 Section 3(c)(1) of the Civil Rights Commission Act
13 of 1983 (42 U.S.C. 1975a(c)(1)) is amended by striking
14 “at least one report annually” and inserting “a report on
15 or before September 30 of each year”.

16 **SEC. 8. SPECIFIC DIRECTIONS TO THE COMMISSION.**

17 (a) IMPLEMENTATION OF GAO RECOMMENDA-
18 TIONS.—The Commission shall, not later than June 30,
19 1998, implement the United States General Accounting
20 Office recommendations regarding revision of the Commis-
21 sion’s Administrative Instructions and structural regula-
22 tions to reflect the current agency structure, and establish
23 a management information system to enhance the over-
24 sight and project efficiency of the Commission.

1 (b) ADA ENFORCEMENT REPORT.—Not later than
2 September 30, 1998, the Commission shall complete and
3 submit a report regarding the enforcement of the Ameri-
4 cans with Disabilities Act of 1990.

5 (c) RELIGIOUS FREEDOM IN PUBLIC SCHOOLS.—

6 (1) REPORT REQUIRED.—Not later than Sep-
7 tember 30, 1998, the Commission shall prepare, and
8 submit under section 3 of the Civil Rights Commis-
9 sion Act of 1983, a report evaluating the policies
10 and practices of public schools to determine whether
11 laws are being effectively enforced to prevent dis-
12 crimination or the denial of equal protection of the
13 law based on religion, and whether such laws need
14 to be changed in order to protect more fully the con-
15 stitutional and civil rights of students and of teach-
16 ers and other school employees.

17 (2) REVIEW OF ENFORCEMENT ACTIVITIES.—
18 Such report shall include a review of the enforce-
19 ment activities of Federal agencies, including the
20 Departments of Justice and Education, to determine
21 if those agencies are properly protecting the religious
22 freedom in schools.

23 (3) DESCRIPTION OF RIGHTS.—Such report
24 shall also include a description of—

1 (A) the rights of students and others
2 under the Federal Equal Access Act (20 U.S.C.
3 4071 et seq.), constitutional provisions regard-
4 ing equal access, and other similar laws;

5 (B) the rights of students and teachers
6 and other school employees to be free from dis-
7 crimination in matters of religious expression
8 and the accommodation of the free exercise of
9 religion; and

10 (C) issues relating to religious non-dis-
11 crimination in curriculum construction.

12 (d) CRISIS OF YOUNG AFRICAN-AMERICAN MALES
13 REPORT.—Not later than September 30, 1999, the Com-
14 mission shall submit a report on the crisis of young Afri-
15 can-American males.

16 (e) FAIR EMPLOYMENT LAW ENFORCEMENT RE-
17 PORT.—Not later than September 30, 1999, the Commis-
18 sion shall submit a report on fair employment law enforce-
19 ment.

20 (f) REGULATORY OBSTACLES CONFRONTING MINOR-
21 ITY ENTREPRENEURS.—Not later than September 30,
22 1999, the Commission shall develop and carry out a study
23 on the civil rights implications of regulatory obstacles con-
24 fronting minority entrepreneurs, and report the results of

1 such study under section 3 of the Civil Rights Commission
2 Act of 1983.

3 **SEC. 9. ADVISORY COMMITTEES.**

4 Section 3(d) of the Civil Rights Commission Act of
5 1983 (42 U.S.C. 1975a(d)) is amended by adding at the
6 end the following: “The purpose of each such advisory
7 committee shall be to conduct fact finding activities and
8 develop findings or recommendations for the Commission.
9 Any report by such an advisory committee to the Commis-
10 sion shall be fairly balanced as to the viewpoints rep-
11 resented.”.

Passed the House of Representatives March 18,
1998.

Attest:

Robin H. Carle,
Clerk.