

# Union Calendar No. 248

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3117

[Report No. 105-439]

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1998

Mr. CANADY of Florida (for himself and Mr. SCOTT) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 12, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 28, 1998]

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Civil Rights Commission*  
5 *Act of 1998”.*

1 **SEC. 2. EXTENSION AND AUTHORIZATION OF APPROPRIA-**  
2 **TIONS.**

3 (a) *EXTENSION.*—Section 6 of the Civil Rights Com-  
4 mission Act of 1983 (42 U.S.C. 1975d) is amended by strik-  
5 ing “1996” and inserting “2001”.

6 (b) *AUTHORIZATION.*—The first sentence of section 5  
7 of the Civil Rights Commission Act of 1983 (42 U.S.C.  
8 1975c) is amended to read “There are authorized to be ap-  
9 propriated such sums as may be necessary to carry out this  
10 Act for fiscal years through fiscal year 2001.”.

11 **SEC. 3. STAFF DIRECTOR.**

12 Section 4(a)(1) of the Civil Rights Commission Act of  
13 1983 (42 U.S.C. 1975b(a)(1)) is amended—

14 (1) by striking “There shall” and inserting the  
15 following:

16 “(A) *IN GENERAL.*—There shall”;

17 (2) by striking “(A)” and inserting the follow-  
18 ing:

19 “(i)”;

20 (3) by striking “(B)” and inserting the follow-  
21 ing:

22 “(ii)”;

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

24 “(B) *TERM OF OFFICE.*—The term of office  
25 of the Staff Director shall be 4 years.

1                   “(C) *REVIEW AND RETENTION.*—*The Com-*  
2                   *mission shall annually review the performance of*  
3                   *the staff director.*”.

4 **SEC. 4. APPLICATION OF FREEDOM OF INFORMATION, PRI-**  
5                   **VACY, SUNSHINE, AND ADVISORY COMMITTEE**  
6                   **ACTS.**

7                   *Section 4 of the Civil Rights Commission Act of 1983*  
8                   *(42 U.S.C. 1975b) is amended by adding at the end the*  
9                   *following:*

10                  “(f) *APPLICATION OF CERTAIN PROVISIONS OF LAW.*—  
11                  *The Commission shall be considered to be an agency, as de-*  
12                  *finied in section 551(1) of title 5, United States Code, for*  
13                  *the purposes of sections 552, 552a, and 552b of title 5,*  
14                  *United States Code, and for the purposes of the Federal Ad-*  
15                  *visory Committee Act.*”.

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

17                  *Section 4 of the Civil Rights Commission Act of 1983*  
18                  *(42 U.S.C. 1975b) is further amended by adding at the end*  
19                  *the following:*

20                  “(g) *INDEPENDENT AUDIT.*—*Beginning with the fiscal*  
21                  *year ending September 30, 1998, and each year thereafter,*  
22                  *the Commission shall prepare an annual financial state-*  
23                  *ment in accordance with section 3515 of title 31, United*  
24                  *States Code, and shall have the statement audited by an*

1 *independent external auditor in accordance with section*  
2 *3521 of such title.”.*

3 **SEC. 6. TERMS OF MEMBERS.**

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

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

10 **SEC. 7. REPORTS.**

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

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

16 (a) *IMPLEMENTATION OF GAO RECOMMENDATIONS.*—  
17 The Commission shall, not later than June 30, 1998, imple-  
18 ment the United States General Accounting Office rec-  
19 ommendations regarding revision of the Commission’s Ad-  
20 ministrative Instructions and structural regulations to re-  
21 flect the current agency structure, and establish a manage-  
22 ment information system to enhance the oversight and  
23 project efficiency of the Commission.

24 (b) *ADA ENFORCEMENT REPORT.*—Not later than  
25 September 30, 1998, the Commission shall complete and

1 *submit a report regarding the enforcement of the Americans*  
2 *with Disabilities Act of 1990.*

3 *(c) RELIGIOUS FREEDOM IN PUBLIC SCHOOLS.—*

4 *(1) REPORT REQUIRED.—Not later than Septem-*  
5 *ber 30, 1998, the Commission shall prepare, and sub-*  
6 *mit under section 3 of the Civil Rights Commission*  
7 *Act of 1983, a report evaluating the policies and*  
8 *practices of public schools to determine whether laws*  
9 *are being effectively enforced to prevent discrimina-*  
10 *tion or the denial of equal protection of the law based*  
11 *on religion, and whether such laws need to be changed*  
12 *in order to protect more fully the constitutional and*  
13 *civil rights of students and of teachers and other*  
14 *school employees.*

15 *(2) REVIEW OF ENFORCEMENT ACTIVITIES.—*  
16 *Such report shall include a review of the enforcement*  
17 *activities of Federal agencies, including the Depart-*  
18 *ments of Justice and Education, to determine if those*  
19 *agencies are properly protecting the religious freedom*  
20 *in schools.*

21 *(3) DESCRIPTION OF RIGHTS.—Such report shall*  
22 *also include a description of—*

23 *(A) the rights of students and others under*  
24 *the Federal Equal Access Act (20 U.S.C. 4071 et*

1           *seq.*), constitutional provisions regarding equal  
2           access, and other similar laws; and

3                   (B) the rights of students and teachers and  
4           other school employees to be free from discrimi-  
5           nation in matters of religious expression and the  
6           accommodation of the free exercise of religion;  
7           and

8                   (C) issues relating to religious non-dis-  
9           crimination in curriculum construction.

10           (d) *CRISIS OF YOUNG AFRICAN-AMERICAN MALES RE-*  
11 *PORT.*—Not later than September 30, 1999, the Commission  
12 shall submit a report on the crisis of young African-Amer-  
13 ican males.

14           (e) *FAIR EMPLOYMENT LAW ENFORCEMENT RE-*  
15 *PORT.*—Not later than September 30, 1999, the Commission  
16 shall submit a report on fair employment law enforcement.

17           (f) *REGULATORY OBSTACLES CONFRONTING MINORITY*  
18 *ENTREPRENEURS.*—Not later than September 30, 1999, the  
19 Commission shall develop and carry out a study on the civil  
20 rights implications of regulatory obstacles confronting mi-  
21 nority entrepreneurs, and report the results of such study  
22 under section 3 of the Civil Rights Commission Act of 1983.

23 **SEC. 9. ADVISORY COMMITTEES.**

24           Section 3(d) of the Civil Rights Commission Act of  
25 1983 (42 U.S.C. 1975a(d)) is amended by adding at the

1 *end the following: “The purpose of each such advisory com-*  
2 *mittee shall be to conduct fact finding activities and develop*  
3 *findings or recommendations for the Commission. Any re-*  
4 *port by such an advisory committee to the Commission shall*  
5 *be fairly balanced as to the viewpoints represented.”.*

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