

**Union Calendar No. 423**

103D CONGRESS  
2D SESSION

**H. R. 4999**

**[Report No. 103-775]**

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**A BILL**

To amend the United States Commission on Civil  
Rights Act of 1983.

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OCTOBER 3, 1994

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 19, 1994

Mr. EDWARDS of California introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 3, 1994

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 italics]

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## A BILL

To amend the United States Commission on Civil Rights Act of 1983.

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 *Amendments Act of 1994".*

1 **SEC. 2. AMENDMENT OF 1983 ACT.**

2 *That the portion of the United States Commission on*  
3 *Civil Rights Act of 1983 which follows the enacting clause*  
4 *is amended to read as follows:*

5 **“SECTION 1. SHORT TITLE.**

6 *“This Act may be cited as the ‘Civil Rights Commis-*  
7 *sion Act of 1983’.*

8 **“SEC. 2. ESTABLISHMENT OF COMMISSION.**

9 *“(a) GENERALLY.—There is established the United*  
10 *States Commission on Civil Rights (hereinafter in this Act*  
11 *referred to as the ‘Commission’).*

12 *“(b) MEMBERSHIP.—The Commission shall be com-*  
13 *posed of 8 members. Not more than 4 of the members shall*  
14 *at any one time be of the same political party. The initial*  
15 *membership of the Commission shall be the members of the*  
16 *United States Commission on Civil Rights on September*  
17 *30, 1994. Thereafter vacancies in the membership of the*  
18 *Commission shall continue to be appointed as follows:*

19 *“(1) 4 members of the Commission shall be ap-*  
20 *pointed by the President.*

21 *“(2) 2 members of the Commission shall be ap-*  
22 *pointed by the President pro tempore of the Senate,*  
23 *upon the recommendations of the majority leader and*  
24 *the minority leader, and of the members appointed*  
25 *not more than one shall be appointed from the same*  
26 *political party.*

1           “(3) 2 members of the Commission shall be ap-  
2           pointed by the Speaker of the House of Representa-  
3           tives upon the recommendations of the majority leader  
4           and the minority leader, and of the members ap-  
5           pointed not more than one shall be appointed from  
6           the same political party.

7           “(c) *TERMS.*—The term of office of each member of the  
8           Commission shall be 6 years. The term of each member of  
9           the Commission in the initial membership of the Commis-  
10          sion shall expire on the date such term would have expired  
11          as of September 30, 1994.

12          “(d) *CHAIRPERSON.*—(1) Except as provided in para-  
13          graphs (2) and (3), the individuals serving as Chairperson  
14          and Vice Chairperson of the United States Commission on  
15          Civil Rights on September 30, 1994 shall initially fill those  
16          roles on the Commission.

17          “(2) Thereafter the President may, with the concur-  
18          rence of a majority of the Commission’s members, designate  
19          a Chairperson or Vice Chairperson, as the case may be,  
20          from among the Commission’s members.

21          “(3) The President shall, with the concurrence of a ma-  
22          jority of the Commission’s members, fill a vacancy by des-  
23          ignating a Chairperson or Vice Chairperson, as the case  
24          may be, from among the Commission’s members.

1       “(4) *The Vice Chairperson shall act in place of the*  
2 *Chairperson in the absence of the Chairperson.*

3       “(e) *REMOVAL OF MEMBERS.—The President may re-*  
4 *move a member of the Commission only for neglect of duty*  
5 *or malfeasance in office.*

6       “(f) *QUORUM.—5 members of the Commission con-*  
7 *stitute a quorum of the Commission.*

8       **“SEC. 3. DUTIES OF THE COMMISSION.**

9       “(a) *GENERALLY.—The Commission—*

10               “(1) *shall investigate allegations in writing*  
11 *under oath or affirmation relating to deprivations—*

12                       “(A) *because of color, race, religion, sex,*  
13 *age, disability, or national origin; or*

14                       “(B) *as a result of any pattern or practice*  
15 *of fraud;*

16 *of the right of citizens of the United States to vote*  
17 *and have votes counted; and*

18               “(2) *shall—*

19                       “(A) *study and collect information relating*  
20 *to;*

21                       “(B) *make appraisals of the laws and poli-*  
22 *cies of the Federal Government with respect to;*

23                       “(C) *serve as a national clearinghouse for*  
24 *information relating to; and*

1           “(D) prepare public service announcements  
2           and advertising campaigns to discourage;  
3           discrimination or denials of equal protection of the  
4           laws under the Constitution of the United States be-  
5           cause of color, race, religion, sex, age, disability, or  
6           national origin, or in the administration of justice.

7           “(b) LIMITATIONS ON INVESTIGATORY DUTIES.—Noth-  
8           ing in this or any other Act shall be construed as authoriz-  
9           ing the Commission, its advisory committees, or any person  
10          under its supervision or control, to inquire into or inves-  
11          tigate any membership practices or internal operations of  
12          any fraternal organization, any college or university frater-  
13          nity or sorority, any private club, or any religious organi-  
14          zation.

15          “(c) REPORTS.—

16                 “(1) ANNUAL REPORT.—The Commission shall  
17                 submit to the President and Congress at least one re-  
18                 port annually that monitors Federal civil rights en-  
19                 forcement efforts in the United States.

20                 “(2) OTHER REPORTS GENERALLY.—The Com-  
21                 mission shall submit such other reports to the Presi-  
22                 dent and the Congress as the Commission, the Con-  
23                 gress, or the President shall deem appropriate.

24                 “(d) ADVISORY COMMITTEES.—The Commission may  
25                 constitute such advisory committees as it deems advisable.

1 *The Commission shall establish at least one such committee*  
2 *in each State and the District of Columbia composed of citi-*  
3 *zens of that State or District.*

4 “(e) *HEARINGS AND ANCILLARY MATTERS.*—

5 “(1) *POWER TO HOLD HEARINGS.*—*The Commis-*  
6 *sion, or on the authorization of the Commission, any*  
7 *subcommittee of two or more members of the Commis-*  
8 *sion, at least one of whom shall be of each major po-*  
9 *litical party, may, for the purpose of carrying out*  
10 *this Act, hold such hearings and act at such times*  
11 *and places as the Commission or such authorized sub-*  
12 *committee deems advisable. Each member of the Com-*  
13 *mission shall have the power to administer oaths and*  
14 *affirmations in connection with the proceedings of the*  
15 *Commission. The holding of a hearing by the Com-*  
16 *mission or the appointment of a subcommittee to hold*  
17 *a hearing pursuant to this paragraph must be ap-*  
18 *proved by a majority of the Commission, or by a ma-*  
19 *jority of the members present at a meeting when a*  
20 *quorum is present.*

21 “(2) *POWER TO ISSUE SUBPOENAS.*—*The Com-*  
22 *mission may issue subpoenas for the attendance of*  
23 *witnesses and the production of written or other mat-*  
24 *ter. Such a subpoena may not require the presence of*  
25 *a witness more than 100 miles outside the place*

1        *wherein the witness is found or resides or is domiciled*  
2        *or transacts business, or has appointed an agent for*  
3        *receipt of service of process. In case of contumacy or*  
4        *refusal to obey a subpoena, the Attorney General may*  
5        *in a Federal court of appropriate jurisdiction obtain*  
6        *an appropriate order to enforce the subpoena.*

7            *“(3) WITNESS FEES.—A witness attending any*  
8        *proceeding of the Commission shall be paid the same*  
9        *fees and mileage that are paid witnesses in the courts*  
10       *of the United States.*

11           *“(4) DEPOSITIONS AND INTERROGATORIES.—The*  
12       *Commission may use depositions and written inter-*  
13       *rogatories to obtain information and testimony about*  
14       *matters that are the subject of a Commission hearing*  
15       *or report.*

16           *“(f) LIMITATION RELATING TO ABORTION.—Nothing*  
17       *in this or any other Act shall be construed as authorizing*  
18       *the Commission, its advisory committees, or any other per-*  
19       *son under its supervision or control to study and collect,*  
20       *make appraisals of, or serve as a clearinghouse for any in-*  
21       *formation about laws and policies of the Federal Govern-*  
22       *ment or any other governmental authority in the United*  
23       *States, with respect to abortion.*

24       **“SEC. 4. ADMINISTRATIVE PROVISIONS.**

25           *“(a) STAFF.—*



1           “(1) *DIRECTOR.*—*There shall be a full-time staff*  
2           *director for the Commission who shall—*

3                   “(A) *serve as the administrative head of the*  
4                   *Commission; and*

5                   “(B) *be appointed by the President with the*  
6                   *concurrence of a majority of the Commission.*

7           “(2) *OTHER PERSONNEL.*—*Within the limitation*  
8           *of its appropriations, the Commission may—*

9                   “(A) *appoint such other personnel as it*  
10                   *deems advisable, under the civil service and clas-*  
11                   *sification laws; and*

12                   “(B) *procure services, as authorized in sec-*  
13                   *tion 3109 of title 5, United States Code, but at*  
14                   *rates for individuals not in excess of the daily*  
15                   *equivalent paid for positions at the maximum*  
16                   *rate for GS-15 of the General Schedule under*  
17                   *section 5332 of title 5, United States Code.*

18           “(b) *COMPENSATION OF MEMBERS.*—

19                   “(1) *GENERALLY.*—*Each member of the Commis-*  
20                   *sion who is not otherwise in the service of the Govern-*  
21                   *ment of the United States shall receive a sum equiva-*  
22                   *lent to the compensation paid at level IV of the Exec-*  
23                   *utive Schedule under section 5315 of title 5, United*  
24                   *States Code, prorated on an daily basis for time spent*  
25                   *in the work of the Commission.*

1           “(2) *PERSONS OTHERWISE IN GOVERNMENT*  
2           *SERVICE.*—Each member of the Commission who is  
3           otherwise in the service of the Government of the  
4           United States shall serve without compensation in ad-  
5           dition to that received for such other service, but while  
6           engaged in the work of the Commission shall be paid  
7           actual travel expenses and per diem in lieu of subsist-  
8           ence expenses when away from such member’s usual  
9           place of residence, under subchapter I of chapter 57  
10          of title 5, United States Code.

11          “(c) *VOLUNTARY OR UNCOMPENSATED PERSONNEL.*—  
12          The Commission shall not accept or use the services of vol-  
13          untary or uncompensated persons. This limitation shall  
14          apply with respect to services of members of the Commission  
15          as it does with respect to services by other persons.

16          “(d) *RULES.*—

17                 “(1) *GENERALLY.*—The Commission may make  
18                 such rules as are necessary to carry out the purposes  
19                 of this Act.

20                 “(2) *CONTINUATION OF OLD RULES.*—Except as  
21                 inconsistent with this Act, and until modified by the  
22                 Commission, the rules of the Commission on Civil  
23                 Rights in effect on September 30, 1994 shall be the  
24                 initial rules of the Commission.

1       “(e) *COOPERATION.*—All Federal agencies shall cooper-  
2     ate fully with the Commission to the end that it may effec-  
3     tively carry out its functions and duties.

4     **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5       *“There are authorized to be appropriated, to carry out*  
6     *this Act \$9,500,000 for fiscal year 1995. None of the sums*  
7     *authorized to be appropriated for fiscal year 1995 may be*  
8     *used to create additional regional offices.*

9     **“SEC. 6. TERMINATION.**

10       *“This Act shall terminate on September 30, 1995.”*