

CIVIL RIGHTS COMMISSION AUTHORIZATION ACT
OF 1977

MAY 20 (legislative day, MAY 18), 1977.—Ordered to be printed

Mr. BAYH, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1231 as amended]

The Committee on the Judiciary, to which was referred the bill S. 1231 to amend section 106 of the Civil Rights Act of 1964 (42 U.S.C. 1975e) to raise the limitation on appropriations for the United States Commission on Civil Rights, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

The text of S. 1231 is as follows:

To raise the limitation on appropriations for the United States Commission on Civil Rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Civil Rights Commission Authorization Act of 1977.

SEC. 2. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e), as amended is further amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1978, the sum of \$10,420,023 and such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of the enactment of the Civil Rights Commission Authorization Act of 1977."



PURPOSE

This amendment to the Civil Rights Act of 1957 provides an authorization for appropriations for the United States Commission on Civil Rights to a level whereby the Commission can effectively carry out its statutory responsibilities in fiscal year 1978.

HISTORY OF THE LEGISLATION

S. 1231 was introduced by Senators Bayh and Mathias on April 5, 1977, and referred to the Committee on the Judiciary.

Chairman Eastland, mindful of the May 15 time limitation for reporting authorization bills imposed on the Committee by the Congressional Budget Act (Public Law 93-344) and mindful also of the late referral of the instant bill, retained jurisdiction with the Committee rather than referring it to the Subcommittee on the Constitution. Subsequently, on April 27, 1977, the Committee held hearings on S. 1231 at which time Dr. Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights, testified on the need for legislation increasing the limitation on the Commission's level of appropriations. Other interested persons submitted statements for the hearing record.

On May 12, 1977 the Committee met in executive session to consider S. 1231 and other matters, but was unable to do so because of a lack of a quorum. However, on May 19, 1977, S. 1231, being the pending business, was discussed by the members of the Judiciary Committee again meeting in executive session. Senator Scott offered an amendment, which eventually was adopted by unanimous consent, to prohibit the Commission from creating any new positions of employment by subtracting from the proposed increases in the authorization limit an amount equal to the total monetary compensation to be paid to employees to be hired to fill eight new positions requested by the Commission for fiscal year 1978. Thereafter, the committee agreed to favorably report the bill, S. 1231, to the Senate. Voting in the affirmative were Senators Kennedy, Bayh, Culver, Metzenbaum, DeConcini, Mathias, Scott, Laxalt, Hatch, and Wallop. Voting in the negative were Chairman Eastland and Senators Allen and Thurmond.

STATEMENT

The U.S. Commission on Civil Rights is an independent, bipartisan, fact-finding agency created by the Congress in 1957 to investigate deprivations of voting rights, study legal developments constituting a denial of equal protection of the laws under the Constitution, and to appraise the laws and policies of the Federal Government with respect to equal protection of the laws. With no enforcement powers, the Commission is merely authorized to report its findings and recommendations to Congress and the President. The Commission's life has been extended five times since it completed its first report in 1959. In 1972, the present legislative life of the Commission was extended through fiscal year 1978, and the Commission's jurisdiction was expanded to include sex discrimination.

In 1972, when the Commission appeared before the Senate and House Subcommittees responsible for the substantive oversight and

fiscal authorizations for the Agency, the Commission requested \$6,500,000 for fiscal year 1973 and \$8,500,000 for each year through fiscal year 1978. The House authorized those amounts; the Senate did not. In conference, the House conferees adopted the Senate figures of \$5,500,000 for fiscal year 1973 and \$7,000,000 for fiscal years 1974-78. In fiscal year 1975, the Commission's appropriation, including a supplemental request for increased pay costs, reached the \$7,000,000 authorization ceiling.

For fiscal year 1976 the Congress authorized and appropriated \$7,893,000, an amount which included the Agency's increased pay costs. For the transition quarter of fiscal years 1976-77, the Congress authorized spending \$1,993,000 by the Commission, and raised the authorization limit for the remaining fiscal years in the Commission's life to \$9,540,000 per annum. Public Law 94-135, the amendments to the Older Americans Act, authorized extra spending by the Commission for a study of age discrimination. The Congress appropriated \$9,450,000 for fiscal year 1977, and later added a supplemental appropriation of \$300,000 to cover the costs of the Federal pay increase. The 94th Congress also approved a supplemental appropriation in the amount of \$328,000 specifically for the age discrimination study. Therefore, the total funds appropriated for the Commission in fiscal year 1977 was \$10,078,000.

S. 1231 would raise the Commission's authorized spending by \$342,023 by setting the authorization limits in Sec. 106 of Public Law 85-315 at \$10,420,023—an amount slightly below that recommended by the President in his budget message for fiscal year 1978. However, this increase covers so-called "built-in changes" or cost increases over which the Commission has no control. The amounts spent on the substantive activities of the Commission, will remain substantially the same as those spent on the Commission's programs in fiscal year 1977. The increase in the Commission's authorization seems amply justified both by the Agency's record of accomplishments and the increased program expenditures experienced by the Commission over the years.

The accomplishments of the U.S. Commission on Civil Rights have been extraordinarily impressive. In fiscal year 1975, the Commission completed and published 12 statutory reports, 26 reports of its State Advisory Committees, and numerous clearinghouse reports. Each of these publications reflected intensive investigation and research, and embodied sound factual analysis.

Among the statutory reports, the Commission's *The Voting Rights Act: Ten Years After* proved to be an invaluable information resource to Congress during the legislative deliberations on Amendments to the Voting Rights Act, and many of the Commission's legislative recommendations were incorporated in the Voting Rights Act Amendments of 1975. Moreover, the information and materials gathered by the Commission staff and its State Advisory Committees on voting practices in uncovered jurisdictions provided Congress with vitally needed information.

The Commission's series of statutory reports entitled *The Federal Civil Rights Enforcement Effort—1974*, provided Congress and the American people with detailed evaluations of the manner in which various Executive departments and agencies were carrying out their duty to enforce nondiscrimination laws, regulations, and executive

orders in such important areas as housing, education, employment, and revenue sharing. The reports contained numerous practical recommendations to Congress and the President for improving the enforcement of laws designed to guarantee nondiscrimination and equal opportunity. To date, the Commission has published six volumes in this series and expects to publish Volume VII on the Civil Rights Enforcement Effort of the executive in June, 1977. The Commission also completed another series of statutory reports which analyzed the Nation's progress in securing equal educational, economic, and housing opportunities for minorities and women in the two decades since the Supreme Court's decision in *Brown v. Board of Education*.

The Commission's concern with desegregation resulted in several reports and consultations during the last fiscal year. The major result of this effort was a report issued in fiscal year 1977, entitled *Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools*. It pointed the way the Nation should move if it wants to complete its promise of equal, quality education for all its children. This was not the Commission's first work in this field, however. It was preceded by the much acclaimed in-depth study of desegregation in Prince Georges County, Maryland. Later in the last fiscal year, an analysis of "metropolitan-wide" desegregation plans was published. In all these reports the Commission has provided an independent, unbiased, and dispassionate look at desegregation and associated issues. With such a complicated matter to deal with, the Congress is fortunate to be able to rely on an agency whose sole purpose is to investigate and study these problems and provide information for their solution.

The research conducted by the Civil Rights Commission's staff has been effectively complemented by the efforts and activities of the Commission's State Advisory Committees. The Commission has chartered and established State Advisory Committees in each of the 50 States and the District of Columbia. The committees, made up of private citizens who serve without compensation, regularly report to the Commission on the civil rights issues and problems of their respective States.

Last fiscal year, the Commission's 51 State advisory committees were involved in a total of 325 meetings, conferences, and special work assignments. In addition to purely local projects, several advisory committees participated in the Commission's Administration of Justice in Prison project, undocumented aliens field investigation, and the Native American State Advisory Committee Project. State advisory committee reports, published by the Commission, covered such topics as equal employment opportunities, the problems of Spanish origin persons in education, employment, and police-community relations, and sex discrimination in textbooks, employment, and housing.

The Commission has undertaken and plans to complete in fiscal year 1978, a number of studies on a range of civil rights issues. They include a study of affirmative action programs; employment opportunities for women and minorities; the civil rights problems of Asian and Pacific peoples and labor unions and equal employment. The Commission also intends to hold hearings on Administration of Justice with respect to Native Americans, as well as hearings on the impact of foreign governments on Americans' civil rights.

Future Civil Rights Commission projects and reports promise to furnish Congress, the President, and the American people new information on vitally important civil rights issues and problems. The Commission plans studies on coerced sterilization (both overt coercion and uninformed consent), the reduction of inter-group conflict, Federal enforcement of title IX, discrimination in the military, the shortcomings of the Federal enforcement of title VI, and the ability of schools to effectively educate minority students. The Commission also plans several consultations on topics such as domestic violence, and alternatives to traditional civil rights programs. Finally, as directed by Congress in Public Law 94-135, the Commission will complete its study of age discrimination in Federally assisted programs by early fiscal year 1978.

ANALYSIS OF THE BILL

S. 1231 amends Sec. 106 of the Civil Rights Act of 1957 by raising the authorization limitation from the present annual maximum of \$9,540,000 to \$10,420,023 for fiscal year 1978. However, the Commission, being in the last year of its current life extension, cannot expand the size of its staff during the coming fiscal year. Therefore, no spending by the Commission is authorized for employee monetary compensation or other benefits for newly created staff positions in fiscal year 1978. Finally, the act allows the Civil Rights Commission to continue to give "cost of living" and other increases in employee benefits to its staff above the stated budget limitation in the same manner as other Federal executive agencies now do pursuant to law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending [June 30, 1976 the sum of \$7,893,000, and for the period beginning July 1, 1976 and ending September 30, 1976 the sum of \$1,993,000, and for the fiscal year ending] September 30, [1977] 1978, the sum of [\$9,540,000] \$10,420,023, and such additional amounts [for those fiscal years and period prior to October 1, 1977,] as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of the enactment of the Civil Rights Authorization Act of [1976] 1977."

COST OF LEGISLATION

Precise monetary amounts are specified above. The Act conforms with the appropriations requested by the President in his budget message to the Congress for fiscal year 1978.

