

116TH CONGRESS
2D SESSION

H. CON. RES. 112

Establishing the Commission on Addressing Racism and Ensuring Diversity in the United States Government to study and make recommendations on the elimination of systemic racism and the promotion of diversity in the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 2020

Mr. RUSH submitted the following concurrent resolution; which was referred to the Committee on Oversight and Reform

CONCURRENT RESOLUTION

Establishing the Commission on Addressing Racism and Ensuring Diversity in the United States Government to study and make recommendations on the elimination of systemic racism and the promotion of diversity in the Federal Government, and for other purposes.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION 1. SHORT TITLE.**

4 This concurrent resolution may be cited as the “Abol-
5 ish the Last Great Plantation in America Resolution”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established in the legislative branch the
3 Commission on Addressing Racism and Ensuring Diver-
4 sity in the United States Government (hereafter referred
5 to as the “Commission”).

6 **SEC. 3. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—The Commission
8 shall be composed of 20 members appointed as follows not
9 later than 90 days after the date of the adoption of this
10 resolution:

11 (1) Five members appointed by the Speaker of
12 the House of Representatives.

13 (2) Five members appointed by the minority
14 leader of the House of Representatives.

15 (3) Five members appointed by the majority
16 leader of the Senate.

17 (4) Five members appointed by the minority
18 leader of the Senate.

19 (b) QUALIFICATIONS.—Each member of the Commis-
20 sion shall have expertise in the areas of racial justice,
21 equal opportunity, and diversity and employment law.

22 (c) VACANCIES.—A vacancy in the Commission shall
23 be filled in the manner in which the original appointment
24 was made.

1 (d) CHAIR; VICE CHAIR.—The members of the Com-
 2 mission shall elect a Chair and Vice Chair from the mem-
 3 bership.

4 (e) COMPENSATION OF MEMBERS.—

5 (1) RATE OF PAY.—A member of the Commis-
 6 sion shall be compensated at a rate equal to the
 7 daily equivalent of the annual rate of basic pay pre-
 8 scribed for level IV of the Executive Schedule under
 9 section 5315 of title 5, United States Code, for each
 10 day (including travel time) during which the member
 11 is engaged in the performance of the duties of the
 12 Commission.

13 (2) TRAVEL EXPENSES.—A member of the
 14 Commission shall be allowed reasonable travel ex-
 15 penses, including per diem in lieu of subsistence, at
 16 rates for employees of agencies under subchapter I
 17 of chapter 57 of title 5, United States Code, while
 18 away from the member's home or regular place of
 19 business in the performance of services for the Com-
 20 mission.

21 **SEC. 4. PERSONNEL.**

22 (a) CHIEF OF STAFF.—

23 (1) APPOINTMENT.—Not later than 45 days
 24 after the initial meeting of the Commission, the
 25 Commission shall appoint one individual, without re-

1 gard to political affiliation, as Chief of Staff of the
2 Commission.

3 (2) REQUIREMENTS.—The individual appointed
4 as Chief of Staff—

5 (A) shall be a private citizen of the United
6 States of integrity and impartiality who is a
7 distinguished professional; and

8 (B) may not be a present employee of the
9 Federal Government.

10 (3) CANDIDATE TO HAVE CLEARANCES.—A
11 candidate for Chief of Staff shall be granted the nec-
12 essary security clearances in an accelerated manner
13 subject to the standard procedures for granting such
14 clearances.

15 (4) APPROVAL CONTINGENT ON PRIOR CLEAR-
16 ANCE.—A candidate for Chief of Staff shall qualify
17 for the necessary security clearance prior to appoint-
18 ment by the Commission.

19 (5) DUTIES.—The Chief of Staff shall—

20 (A) serve as principal liaison to Govern-
21 ment offices; and

22 (B) be responsible for the administration
23 of all official activities conducted by the Com-
24 mission.

1 (6) REMOVAL.—The Chief of Staff shall not be
2 removed for reasons other than by a majority vote
3 of the Commission for cause on the grounds of inefficiency,
4 neglect of duty, malfeasance in office, physical disability,
5 mental incapacity, or any other condition that substantially
6 impairs the performance of the responsibilities of the Chief of Staff or the staff
7 of the Commission.

8
9 (b) STAFF.—

10 (1) ADDITIONAL PERSONNEL.—In consultation
11 with the members of the Commission, the Chief of
12 Staff may appoint and fix the pay of such additional
13 personnel as are necessary to enable the Commission
14 to perform its duties. Such personnel may be appointed
15 without regard to the provisions of title 5,
16 United States Code, governing appointments in the
17 competitive service, and (subject to subsection (c))
18 may be paid without regard to the provisions of
19 chapter 51 and subchapter III of chapter 53 of that
20 title relating to classification and General Schedule
21 pay rates.

22 (2) REQUIREMENTS.—A person appointed to
23 the staff of the Commission—

24 (A) shall be a private citizen of integrity
25 and impartiality; and

1 (B) may not be an employee of the Federal
2 Government.

3 (3) SECURITY CLEARANCES.—A candidate for a
4 position on the staff of the Commission shall qualify
5 for the necessary security clearance prior to appoint-
6 ment.

7 (c) COMPENSATION.—The Commission shall fix the
8 compensation of the Chief of Staff and other personnel
9 in accordance with title 5, United States Code, except that
10 the rate of pay for the Chief of Staff and other personnel
11 may not exceed the rate payable for level V of the Execu-
12 tive Schedule under section 5316 of that title.

13 (d) ADVISORY COMMITTEES.—The Commission shall
14 have the authority to create advisory committees to assist
15 in fulfilling the responsibilities of the Commission under
16 this Act.

17 (e) APPLICATION OF CONGRESSIONAL ACCOUNT-
18 ABILITY ACT OF 1995.—For purposes of the Congres-
19 sional Accountability Act of 1995 (2 U.S.C. 1301 et
20 seq.)—

21 (1) the Commission shall be considered an em-
22 ploying office; and

23 (2) the employees of the Commission shall be
24 considered covered employees.

1 **SEC. 5. DUTIES.**

2 (a) STUDY.—The Commission shall conduct a study
3 on the presence of system racism and the lack of diversity
4 in the Federal Government, and on steps the Federal Gov-
5 ernment may take to eliminate racism and promote diver-
6 sity in the government.

7 (b) REPORTS.—

8 (1) FINAL REPORT.—Not later than 1 year
9 after the appointment of all of its members, the
10 Commission shall submit to Congress a final report
11 on the study conducted under subsection (a), and
12 shall include in the report such recommendations as
13 the Commission considers appropriate.

14 (2) INTERIM REPORTS.—In addition to the final
15 report under paragraph (1), the Commission may
16 submit to Congress such interim reports as it con-
17 siders appropriate.

18 (3) MINORITY REPORTS.—The Commission may
19 include in any report submitted under this sub-
20 section a report containing minority views.

21 **SEC. 6. POWERS.**

22 (a) HEARINGS AND SESSIONS.—The Commission
23 may, for the purpose of carrying out this Act, hold hear-
24 ings, sit and act at times and places, take testimony, and
25 receive evidence as the Commission considers appropriate.

1 The Commission may administer oaths or affirmations to
2 witnesses appearing before it.

3 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
4 ber or agent of the Commission may, if authorized by the
5 Commission, take any action which the Commission is au-
6 thorized to take by this section.

7 (c) OBTAINING OFFICIAL DATA.—The Commission
8 may secure directly from any department or agency of the
9 United States information necessary to enable it to carry
10 out this Act. Upon request of the Chairperson of the Com-
11 mission, the head of that department or agency shall fur-
12 nish that information to the Commission.

13 (d) MAILS.—The Commission may use the United
14 States mails in the same manner and under the same con-
15 ditions as other departments and agencies of the United
16 States.

17 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
18 the request of the Commission, the Architect of the Cap-
19 itol shall provide to the Commission, on a reimbursable
20 basis, the administrative support services necessary for the
21 Commission to carry out its responsibilities under this Act.

22 (f) SUBPOENA POWER.—

23 (1) IN GENERAL.—The Commission may issue
24 subpoenas requiring the attendance and testimony of
25 witnesses and the production of any evidence relat-

1 ing to any matter under investigation by the Com-
2 mission. The attendance of witnesses and the pro-
3 duction of evidence may be required from any place
4 within the United States at any designated place of
5 hearing within the United States.

6 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
7 son refuses to obey a subpoena issued under para-
8 graph (1), the Commission may apply to a United
9 States district court for an order requiring that per-
10 son to appear before the Commission to give testi-
11 mony, produce evidence, or both, relating to the
12 matter under investigation. The application may be
13 made within the judicial district where the hearing
14 is conducted or where that person is found, resides,
15 or transacts business. Any failure to obey the order
16 of the court may be punished by the court as civil
17 contempt.

18 (3) SERVICE OF SUBPOENAS.—The subpoenas
19 of the Commission shall be served in the manner
20 provided for subpoenas issued by a United States
21 district court under the Federal Rules of Civil Pro-
22 cedure for the United States district courts.

23 (4) SERVICE OF PROCESS.—All process of any
24 court to which application is made under paragraph
25 (2) may be served in the judicial district in which

1 the person required to be served resides or may be
2 found.

3 **SEC. 7. TERMINATION.**

4 The Commission shall terminate 90 days after sub-
5 mitting its final report under section 5(b)(1).

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out
8 this Act such sums as are necessary for fiscal year 2021,
9 of which—

10 (1) 50 percent shall be derived from the appli-
11 cable accounts of the House of Representatives; and

12 (2) 50 percent shall be derived from the contin-
13 gent fund of the Senate.

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