The Commission convened in Room 540 at 624 Ninth Street, Northwest, Washington, D.C. at 9:30 a.m., Gerald A. Reynolds, Chairman, presiding.

PRESENT:

GERALD A. REYNOLDS, CHAIRMAN
ABIGAIL THERNSTROM, VICE CHAIRMAN (via telephone)
TODD F. GAZIANO, COMMISSIONER
GAIL L. HERIOT, COMMISSIONER
PETER N. KIRSANOW, COMMISSIONER (via telephone)
ARLAN D. MELENDEZ, COMMISSIONER (via telephone)
ASHLEY L. TAYLOR, JR., COMMISSIONER

MARTIN DANNENFELSER, Staff Director
STAFF PRESENT:

HYGINUS AGUZIE
DAVID BLACKWOOD, General Counsel
CHRISTOPHER BYRNES, Director, RPCU
DEBRA CARR, ESQ., Associate Deputy Staff Director
DEMITRIA DEAS
ROBERT LERNER, Assistant Deputy Staff Director, OCRE
TINALOISE MARTIN, Director, Office of Management
EMMA MONROIG, Solicitor + Parliamentarian
LENORE OSTROWSKY, Attorney-Advisor, (OSD)
EILEEN RUDERT
KARA SILVERSTEIN, Attorney-Advisor (OSD)
KIMBERLY TOLHURST
VANESSA WILLIAMSON
AUDREY WRIGHT
MICHELLE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

TIM FAY
JACK KAMMER
DOMINIQUE LUDVIGSON
RICHARD SCHMELCHEL
KIMBERLY SCHULD
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PROCEEDINGS

(9:40:07 a.m.)

CHAIRMAN REYNOLDS: Okay. The meeting will come to order. This is a meeting of the U.S. Commission on Civil Rights taking place on August 19th, 2008. The meeting is being held at 624 Ninth Street, N.W., Room 540, Washington, D.C., with Commissioners Thernstrom and Kirsanow participating by phone. The remaining Commissioners present are Commissioners Heriot, Gaziano, Taylor and Reynolds.

The first item on the agenda is the approval of the agenda.

I. APPROVAL OF AGENDA

CHAIRMAN REYNOLDS: I move that we approve the Agenda. Is there a second?

COMMISSIONER TAYLOR: Second.

COMMISSIONER GAZIANO: Can we amend the agenda?

CHAIRMAN REYNOLDS: Yes, we can.

COMMISSIONER GAZIANO: I move to amend the agenda wherever the -- to place wherever the Chairman would like a discussion of the 2008 Statutory Report.

CHAIRMAN REYNOLDS: Is there a second?

COMMISSIONER HERIOT: Second.

CHAIRMAN REYNOLDS: Discussion? All in
favor, please say aye.

(Chorus of ayes.)

CHAIRMAN REYNOLDS: Abby, I didn't hear you.

VICE CHAIR THERNSTROM: Yes, Gerry. You're not going to be able to hear me very well. I guess it's -- I didn't -- I'm sorry, I sort of blanked out for a minute. I didn't really listen, but I'll go along with whatever people are deciding on.

CHAIRMAN REYNOLDS: It's just a motion to add a discussion of the Statutory Report.

VICE CHAIR THERNSTROM: Oh, that's fine. Okay.


CHAIRMAN REYNOLDS: And we also voted that you do all the work, and we're glad that you have agreed to do this.

VICE CHAIR THERNSTROM: Okay. I go along with that, too. You're going to be delighted with --

(Laughter.)

CHAIRMAN REYNOLDS: Okay. The motion passes unanimously.

Okay. Next up, approval of the --

COMMISSIONER HERIOT: Do we want the Chair
to decide where that's going to go?

CHAIRMAN REYNOLDS: Oh, it's going to go -- it will be the first item under Program Planning. So it will go 2008 Statutory Report and 2009 Briefing Topics, 2009 Statutory Report.

Has someone joined us? Pete?

COMMISSIONER KIRSANOW: I'm here.

CHAIRMAN REYNOLDS: Abby?

VICE CHAIR THERNSTROM: I'm still here.

CHAIRMAN REYNOLDS: Okay. Yaki, Melendez.

All right. The second item is the Approval of the Minutes of the July 11th, 2008 meeting, along with the -- I'm sorry, the July 28th, 2008 meeting.

II. APPROVAL OF MINUTES

JULY 11, 2008 MEETING

CHAIRMAN REYNOLDS: I make this motion.

Is there a second?

COMMISSIONER HERIOT: Second.

CHAIRMAN REYNOLDS: Discussion?

COMMISSIONER GAZIANO: Yes. We're on the first Minutes. Just clarification. Maybe the Minutes are fine as submitted, but under Program Planning, first paragraph --

CHAIRMAN REYNOLDS: I'm sorry. Which one
are you looking at?

COMMISSIONER GAZIANO: I'm sorry. Can we take them both separately. I have one comment for each. You want to take July 11th first?

CHAIRMAN REYNOLDS: Just let me know where you are.

COMMISSIONER GAZIANO: Okay. July 11th, page 2, Program Planning, first paragraph second sentence. The previous sentence says that "Commissioners approved the motion to compel list for the year of briefing topics, and then vote to select items from that list on a quarterly basis with the understanding that items can be added or subtracted from the list." That makes sense to me.

The next sentence I think needs a clarification. "In addition, the list will include all previously approved and unscheduled topics from 2008, 2009." I would like it clarified that the list will include them upon the request of a particular Commissioner or two, and not because they are automatically going to be continued from year to year for infinity. I, again, just don't want the -- and I think that reflects our discussion.

CHAIRMAN REYNOLDS: Okay. Is that --

COMMISSIONER MELENDEZ: Commissioner
Melendez on the line.

CHAIRMAN REYNOLDS: Oh, very good.

Commissioner Melendez has joined us.

COMMISSIONER GAZIANO: So I don't know that it needs to be corrected, but if you want me just to clarify, I can change the way it would read.

CHAIRMAN REYNOLDS: Has anyone reviewed the Minutes on this point to confirm that his clarification conforms to what was discussed, what was agreed to? I'll take that as a no.

COMMISSIONER HERIOT: There was definitely some sort of motion. It was 5-2.

COMMISSIONER GAZIANO: Well, the 5-2 was on the whole program, and then there was a back and forth on whether these would automatically be put in. And then, as I remember it, we just said well, since you've requested it, they'll be on the list. But I thought we did not take a vote, we did not have a majority that they would --

CHAIRMAN REYNOLDS: Automatically.

COMMISSIONER GAZIANO: -- automatically forever more be on these lists, that they were on the list because any Commissioner wants them to be. That might not make a difference, but given the way these things have operated in the past --
CHAIRMAN REYNOLDS: Staff Director?

STAFF DIRECTOR DANNENFELSER: I take that to mean that they're on the original list, but that it does say that items can be added or subtracted, so that I would agree with you that that means that they do not have to remain on the list forever.

COMMISSIONER GAZIANO: There was --

STAFF DIRECTOR DANNENFELSER: But it seemed like the Commissioners would have to make a decision to take certain items off the list.

CHAIRMAN REYNOLDS: But that's the issue.

COMMISSIONER GAZIANO: That's sort of the issue. And there was a debate about whether these should be privileged in some way, and they were automatically on, and that others would have to go on. And I think that we never, I think, took a formal vote on that, but there was never a majority that they were automatically on. It was just agreed that all those that any Commissioner wanted, including these, would be -- but if we need to clarify in the transcript, I'm sorry, I just noticed this last night. Maybe we could clarify it.

CHAIRMAN REYNOLDS: Well, Commissioner Yaki, I believe, argued that they should automatically go on the list.
COMMISSIONER GAZIANO: I don't think we had an agreement.

CHAIRMAN REYNOLDS: And I know that there was push-back. How about this; why don't we, essentially, table this, review the transcript. And if that's how it unfolded, then we can take this up at the next meeting.

COMMISSIONER GAZIANO: Sure.

CHAIRMAN REYNOLDS: And, also, it has the benefit of having -- well, Commissioner Yaki will be here to correct you, correct all of your mistakes.

COMMISSIONER GAZIANO: Sure. And one of my concerns that I hope expressed then and now is, I don't know that there's universal agreement on what was previously approved and unscheduled. So it's sort of dangerous to require that they automatically be put on, when we're not certain what those really were. And so it's incumbent upon Commissioners to take the responsibility, if they think ones were important to them, whether they're approved and unscheduled, or otherwise, to let the Staff Director know. But that's my reasoning.

CHAIRMAN REYNOLDS: Okay. So, Mr. Staff Director, will you have someone just review the transcripts and see what we said? I just want to get
confirmation that Todd's understanding is reflected in
the transcript.

STAFF DIRECTOR DANNENFELSER: Yes, I'll do
that.

COMMISSIONER GAZIANO: And, if not, then
maybe we should --

COMMISSIONER HERIOT: Table the Minutes?

CHAIRMAN REYNOLDS: Yes, for the -- we're
going to table which one, the 11th, the July 11th. So
we'll vote on that next month. But moving to the July
28th Minutes.

II. APPROVAL OF MINUTES

JULY 28, 2008 MEETING

COMMISSIONER GAZIANO: Yes. I have
another amendment to that, just to, I think, more
accurately reflect the letter under page 1, Program
Planning, the DOT Guidance Letter. I think that our
letter - it is less accurate to say we just requested
the Department of Transportation to take the Uniform
Standard. I prefer it to read as follows:
"Commissioners agreed to send a letter to the
President requesting why the Department of
Transportation was departing from the United States'
official position which prevailed in the 9th Circuit in
the Western States Paving decision, requiring states
implementing their DBE programs to make local findings of discrimination before using race conscious goals to achieve local DBE participation." So that someone reading the letter will understand, reading our Minutes, will better understand what our letter actually said.

CHAIRMAN REYNOLDS: Is there an objection?

COMMISSIONER TAYLOR: A question. Did that language come out of the letter, the language you just read?

COMMISSIONER GAZIANO: Not necessarily -- I didn't compare it word-to-word. This is just a description of the letter, but I think that's pretty accurate. Is that pretty accurate, as you remember it, everyone else?

COMMISSIONER HERIOT: It's accurate to my recollection.

CHAIRMAN REYNOLDS: Objections? Okay. I guess we vote.

COMMISSIONER MELENDEZ: Commissioner Melendez here.

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER MELENDEZ: I think that we need to either look at what we actually said in the Minutes. I don't think we should try to align what was
said in the Minutes to the letter. I think we have to say the gist of these Minutes, what was actually said, even if it doesn't line up with the letter. I would think that if we're not sure to take it verbatim, that that's what we need to do.

CHAIRMAN REYNOLDS: Well, I don't think that it needs to be verbatim, but I do believe it needs to be accurate.

COMMISSIONER GAZIANO: I'm even more certain it's accurate as to why we sent the letter, and what we were trying to do, since I led the discussion. So I think it's both consistent with the text of the letter and consistent with our discussion. I think that you were -- you voted against sending the letter, but I think that reflects what the majority's position was.

CHAIRMAN REYNOLDS: Okay. Additional discussion? All in favor please say aye.

COMMISSIONER HERIOT: And we're only voting for the second set of Minutes.

CHAIRMAN REYNOLDS: That is correct, as amended by -

COMMISSIONER GAZIANO: Are we voting on the amendment first, or all.

STAFF DIRECTOR DANNENFELSER: Vote on this
change of language.

CHAIRMAN REYNOLDS: Okay. I was just going to wrap it all -

COMMISSIONER GAZIANO: That's fine.

That's fine.

CHAIRMAN REYNOLDS: Okay. We're voting on the July 28th Minutes, as amended by Commissioner Gaziano.

COMMISSIONER HERIOT: Friendly amendment.

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER HERIOT: Which I believe doesn't require any -

CHAIRMAN REYNOLDS: Okay. All in favor, please say aye.

(Chorus of ayes.)

CHAIRMAN REYNOLDS: Objections?

COMMISSIONER MELENDEZ: Abstain.

CHAIRMAN REYNOLDS: I'm sorry?

COMMISSIONER MELENDEZ: I'm abstaining.

CHAIRMAN REYNOLDS: Okay. Commissioner Melendez abstains. The remaining Commissioners voted in favor of the motion.

Next up, the announcements for the month of August.

III. ANNOUNCEMENTS

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1323 RHODE ISLAND AVE., N.W.
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CHAIRMAN REYNOLDS: This month marks the 43rd anniversary of the signing of the Voting Rights Act. The Act was signed into law by President Lyndon Johnson on August 6, 1965. The Voting Rights Act suspended literacy, knowledge, and character tests designed to keep blacks from voting in the south. It also authorized the appointment of federal voting examiners and barred discriminatory poll taxes. Today we recognize the impact of this important law.

I also want to acknowledge that President George W. Bush issues a Proclamation declaring July 26th as the day in celebration of the 18th anniversary of the Americans With Disabilities Act, which ended discrimination against the disabled in employment, public services, accommodations, and telecommunications. On July 26, 1990, President George H.W. Bush signed this comprehensive Act into law. The ADA better enables citizens with disabilities to participate fully in all aspects of life. On this anniversary, we celebrate the vital contributions of individuals with disabilities, and the role the ADA has played in ensuring their full and equal participation in the workplace and elsewhere.

Next up we have the Staff Director's Report.
VICE CHAIR THERNSTROM: Wait a minute, Mr. Chairman. The description of the Voting Rights Act is incorrect. It does not include a ban on poll taxes. That was both a constitutional amendment and a Supreme Court case, but it is not the Voting Rights Act, which simply has a mention of doing a study about poll taxes.

CHAIRMAN REYNOLDS: Well, this is the benefits of having an expert on the Voting Rights Act as a member of the Commission. Thank you for the correction, Vice Chair Thernstrom.

VICE CHAIR THERNSTROM: You're most welcome, Mr. Chairman.

CHAIRMAN REYNOLDS: Next up we have the Staff Director's Report. Mr. Staff Director.

IV. STAFF DIRECTOR'S REPORT

STAFF DIRECTOR DANNENFELSER: Thank you, Mr. Chairman. I want to update the Commissioners on some of the projects Staff has been working on since the last Commission meeting.

In the area of appropriations, Staff has begun working on the FY 2010 budget process. Offices and divisions have submitted their completed budget call work sheets. These work sheets have been forwarded to GSA, who will help the Agency draft a
budget and operating plan.

After a temporary delay due to negotiations with OMB, we are preparing to send our FY 2009 budget proposal to Congress. All of the budget proposals approved by Commissioners at the July 11th meeting remain intact, although some language, and a couple of charts that were previously in there received an objection from OMB.

In the Office of General Counsel, the Commission received notice that the Agency was successful in its defense of a contract appeal action, and OGC has also continued to work on a Merit System Protection Board claim, including preparation of several motions and pleadings.

In the area of complaints processing, between June 23rd and July 18th, the Office of Civil Rights Evaluation received and processed 178 complaints. And in the area of technology, last month the Agency's email server crashed due to building power outages, and the Agency's limited backup capability. Therefore, I have authorized the purchase of a new backup system with surplus funds from the FY 2008 budget.

Regarding performance management, on August 8th managers and supervisors submitted
performance appraisals in order to close out the
performance period for the fiscal year.

In the area of the Statutory Report, some
of this will be subject, potentially, to change during
the discussion I imagine that comes up shortly, but
Commissioners received a revised draft of the FY 2008
Statutory Enforcement Report enforcing prohibitions of
religious discrimination in prisons on August 8th.
There was a request for comments on the draft to be
submitted by August 22nd, and that it would then be
sent back out to Commissioners on August 29th. The
draft has undergone the required reviews. And I've
also, due to the concerns about some legal and policy
issues in the report, I have asked Ken Marcus, our
former Staff Director, who's also an expert on
religious liberty to provide us with some assistance
on the legal and policy review of the document,
provide some feedback to us on how -- to make sure
we're saying things that are accurate. And, perhaps,
how that can be improved.

In the area of regional activities, our
regions have organized SAC meetings for the month of
August. The District of Columbia had a SAC meeting on
August 6th, Georgia has one scheduled for August 28th,
Kansas also August 28th, Kentucky held one on August
8th, Missouri has one scheduled for August 20th, and Utah also has one scheduled for August 20th.

There will be ten student interns working with the Southern Regional Office during the Fall 2008 semester, and the student interns will assist the regional office in research supporting SAC project activities.

And that's my report, Mr. Chairman.

CHAIRMAN REYNOLDS: Okay. Questions?

COMMISSIONER MELENDEZ: Yes. Commissioner Melendez. I have a question on two reports, the Voter Fraud and Intimidation and Racial Categorization in 2008. Have these been issued, or what's the status?

STAFF DIRECTOR DANNENFELSER: The Voter Fraud is about to be sent to the printer, and the Census Report has been finalized but not printed yet.

COMMISSIONER MELENDEZ: Okay. The other question I had, did you say Ken Marcus was hired as a consultant, or what did you say?

STAFF DIRECTOR DANNENFELSER: Yes. I've asked him on a very short-term consultant-basis to provide analysis of the report, and some feedback on making sure that it's accurate in terms of the legal section, in particular. But, also, general policy feedback in terms of how we're characterizing issues
relating to religious liberty, given his expertise in that area.

COMMISSIONER MELENDEZ: And the other question I had, did we submit the 2008 budget justification to Congress a month ago?

STAFF DIRECTOR DANNENFELSER: The 2009 I think you mean. We're about to do that. We had a delay with OMB objecting to some language, and objecting to a couple of the charts that were in there. And we went back and forth with them over that for a while, and are now ready to submit it.

COMMISSIONER MELENDEZ: Are there any changes to the budget since the last time we met on it?

STAFF DIRECTOR DANNENFELSER: There's no changes to the substantive part, in terms of the dollars and the hires and that sort of thing. There is some change to some language characterizing our budget history and that sort of thing.

COMMISSIONER MELENDEZ: The $500,000 surplus that we currently have, what's the status on that?

STAFF DIRECTOR DANNENFELSER: Well, from the items that I described at the meeting in July, we had been going through the procurement process on
moving forward on those. They're in varied stages of
approval going through the procurement process. And
the new thing that I mentioned a few minutes ago was
this backup system, so there'll be -- I believe the
marginal difference is about another $26,000 on having
this backup system for our email. So we still
probably have a little bit of a surplus, but we have
made commitments on a large part of it at this point.

COMMISSIONER MELENDEZ: Okay. Thank you.

COMMISSIONER TAYLOR: May I?

CHAIRMAN REYNOLDS: Oh, sure.

COMMISSIONER TAYLOR: Mr. Staff Director,
what is the status of the briefing report on the
educational effectiveness of HBCUs?

STAFF DIRECTOR DANNENFELSER: That has
been sent out to Commissioners, the final draft has
been sent out to Commissioners, and it's a matter of
scheduling it for consideration at a meeting.

COMMISSIONER TAYLOR: Okay. Do we have a
particular deadline? I don't have one in my mind
today, but do we have a -

STAFF DIRECTOR DANNENFELSER: Well, I
think we would -

COMMISSIONER HERIOT: It has a natural
affinity for the subject of the next briefing.
COMMISSIONER TAYLOR: Okay.

COMMISSIONER HERIOT: So I thought it would be nice to -

COMMISSIONER MELENDEZ: I have a question.

CHAIRMAN REYNOLDS: Okay. Commissioner Melendez, hold on. Commissioner Heriot, are you finished?

COMMISSIONER HERIOT: Yes.

CHAIRMAN REYNOLDS: Okay. Commissioner Melendez?

COMMISSIONER MELENDEZ: Yes. Were there any other consultants that we hired before Ken Marcus?

STAFF DIRECTOR DANNENFELSER: Well, we've hired so far three of the consultants that we discussed in terms of providing assistance to the Commissioners. But those are separate type of consultants. But all of them -

COMMISSIONER MELENDEZ: Is that at an extreme cost to us or is that coming out of the surplus? How are we paying for those?

STAFF DIRECTOR DANNENFELSER: The consultants to help the Commissioners?

COMMISSIONER MELENDEZ: Yes.

STAFF DIRECTOR DANNENFELSER: That's money from our surplus.
COMMISSIONER MELENDEZ: Okay. Any idea how much that is?

STAFF DIRECTOR DANNENFELSER: Well, the cap that we agreed to for those four consultants, potentially four consultants was $50,000 total.

COMMISSIONER MELENDEZ: Okay.

CHAIRMAN REYNOLDS: Any other questions?


V. PROGRAM PLANNING

2008 STATUTORY REPORT

CHAIRMAN REYNOLDS: The deadline for distributing this report is looming. I open up the floor for questions or comments.

COMMISSIONER GAZIANO: I maybe just begin that discussion. I thought the most recent draft was improvement on the earlier one, but I still thought it had some substantial problems, which I've communicated in part to the Staff Director. And I make mention a couple of them, but I'd be interested in hearing whether other Commissioners agree.

I think the legal section was much longer than necessary, and contains some errors, and controversial passages that still are not worth us trying to sort out. I made my thoughts on those known. And I think that several of the other sections
still need a fair amount of work, so I was just wondering whether other Commissioners are interested in commenting at this time.

CHAIRMAN REYNOLDS: Commissioner Heriot.

COMMISSIONER HERIOT: I agree with Commissioner Gaziano that the legal background section needs quite a bit of work. And I think the direction we ought to go in is to make it very, very short, simply state what statutes, like RIFRA and RLUIPA, require. I also would put in a very brief description, mainly a quote from the Prison Litigation Reform Act, because I think that that bears a lot, in my opinion, on why RIFRA and RLUIPA are working reasonably well, why we don't see the floodgates of litigation opening thus far. So that's what I would do, I would leave out the constitutional treatment entirely, very controversial from what I know of this area of law.

I would say it's pretty much as subtle and difficult as any area of constitutional law you are ever going to run across. If you were to take the top ten experts in this area, they wouldn't agree with each other, and we don't have to weigh in on issues like that. There's no particular reason, nothing from our standpoint turns on this, so I would very much
like to see the section on the law tamped down to a minimum.

As for the rest of it, I think that there is information in here that would be useful to Congress, useful to policy makers. I wish there were more such information. There's still a fair amount of sloppiness in these sections. For example, let me see, one of the tables in here that was identified as "Comparison of Religious Affiliations of United States Adult Population to Inmates in Federal Prisons."

If you look down further on the page, you find that it's not inmates in federal prisons, but rather federal inmates engaged in faith-based activities in prison, which is a subset of the federal prisoners. And there's a big difference there. The federal prisoners themselves, collectively, may have a very different religious demography here. So I think that we need a lot of work here.

I think that the current findings and recommendations don't comport with what I would find and recommend. And I did send in my comments, and so I was actually, frankly, surprised to find recommendations that didn't seem to comport with any of the Commissioners I had spoken to.

CHAIRMAN REYNOLDS: Okay. Any other
comments?

All right. Next, 2009 Statutory Report Topics.

V. PROGRAM PLANNING

2009 STATUTORY REPORT TOPICS

CHAIRMAN REYNOLDS: During the July 11th meeting, we approved a process for selecting briefing topics. Starting with fiscal year 2009, we'll compile a list of topics, including a description of the subject matter, and then vote on a quarterly basis to select topics from the list that will be the subject of public briefings.

Topics can be added and subtracted throughout the year, and all previously approved and unscheduled topics from 2008 and 2009 will be included on the list, provided a Commissioner makes that request.

For fiscal year 2008, we approved, but did not schedule five briefing topics. They are the Patriot Act and Anti-Arab/Anti-Muslim Discrimination, Religious Discrimination in the Workplace, Racial Profiling, the U.S. Department of Justice Remedies, review of the Community Reinvestment Act, the Faith-based and Community Initiative.

For fiscal year 2009, we were scheduled to
take up the issue of Voting Rights in the U.S. territories as our first -- in November of 2008 as our first topic for the new fiscal year, but agreed at our last meeting to reconsider the subject for this briefing under the new process.

We had also previously agreed to consider six additional briefing topics for 2009, including School Choice as a Civil Right, Racial Disparities in Health Care Access and Outcomes, Misuse of the Disparate Impact Theory, Disparate Treatment of Native American Victims in Criminal Investigations and Prosecutions, Application of State and Local Marriage and Family Law to Gay and Lesbian Americans, and Single Sex Education.

On August 7th, the Staff Director sent an email to Commissioners seeking ideas for additional briefing topics. This is the last call for Commissioners to submit new topic ideas for the list under consideration. Please submit the briefing topic with a brief description of what the briefing proposes to study. A final list of topics will be circulated by the Staff Director in advance of our next business meeting, so Commissioners can write their preferred topics to pare down the list. We will select from the pared down list of topics at our next business
At this time, I'd like to open the floor for discussion and suggestions from Commissioners.

COMMISSIONER MELENDEZ: This is Commissioner Melendez here.

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER MELENDEZ: Since the first quarter of 2009, in trying to determine three months in advance, which will be sometime in I believe either October or November, and it sounds like we were scheduled to have a business meeting in October therefore it follows that in November, the 7th of November, we were looking at both the Voting Rights and U.S. Territories. Is that where we kind of stand now?

CHAIRMAN REYNOLDS: Is that our current posture?

COMMISSIONER GAZIANO: I thought we eliminated all previous commitments, that those topics are up for a vote, are up for reconsideration, but that officially we have nothing approved for the November hearing. That's my understanding -

COMMISSIONER MELENDEZ: My point is that I thought we had scheduled this though already.

COMMISSIONER GAZIANO: My understanding is
COMMISSIONER MELENDEZ: For November 7th on Voting Rights and the U.S. territories. I recommend that we keep that there since we don't have a lot of time.

COMMISSIONER GAZIANO: My understanding of our vote at the last meeting was that we took it off the schedule. What goes back there is subject to the process that the Chairman described.

CHAIRMAN REYNOLDS: And so that's why it's important for all of us to give this a fair amount of thought, so that we can come up with our list, and eventually settle on a topic for at a minimum, the November --

COMMISSIONER GAZIANO: Sure. May I ask a question just about how -- if they're going to be circulated beforehand, maybe -- I don't know if you have an idea of the best way to proceed. Maybe we should vote, and narrow it down to the top two or three, and then just vote at the next meeting. So instead of just necessarily our individual choices without conversation resulting in the topic prior to the next meeting, that we use that process to narrow it down to the top two or three, or something like that.
COMMISSIONER MELENDEZ: This is Commissioner Melendez. My understanding that when we clean the slate of all of the topics that the Commissioners had agreed to the November 7th 2009 Voting Rights and U.S. Territories. I think we need to clarify if we said that or not.

VICE CHAIR THERNSTROM: No, there's no question that we didn't say that - I'm sorry, Mr. Chairman, to bust in like this. There was quite a low level of interest in that topic, and the last--if somebody can go back to the transcript, but we left that November slot open as a "to be decided". But that was the one topic on which we were clear that it was not a real decision to support for, in order to keep it.

CHAIRMAN REYNOLDS: Vice Chair Thernstrom, just to add to the complication, if we're going to vote on the briefing topic in September, the question has been raised whether we should push it back, the actual briefing, push it back to December to allow the staff adequate time to prepare.

VICE CHAIR THERNSTROM: Well, I think that that's a good idea. And I also think it would be an excellent idea to tie the topic in some way to the November vote, because there are bound to be issues
involving-- and there are bound to be allegations of disfranchisement, and so forth, that would fall under the rubric of our authority to investigate. So I think we -- I think both, we should push it to November, and we should try to think of formulating the topics that comes out of the November results.

CHAIRMAN REYNOLDS: Well, I think that we will add that topic to the pot.

VICE CHAIR THERNSTROM: Yes, we can add it to the pot. That's fine. I'm just throwing it out for consideration.

COMMISSIONER HERIOT: I'm just wondering if we should -- I'm disinclined to want to push back the time for it at this meeting. In September when we select a topic, then we can decide whether or not it needs to be pushed back to December, or whether November would be better. If we select a topic that the Staff can put together easily, then we might want to go forward in November. If we select a voting issue, we might want to do it in December, or if we aren't sure, we might want to do it in December, or we pick something that needs more preparation. But why decide to push it back at this meeting?

CHAIRMAN REYNOLDS: Okay. Mr. Staff Director, what are your concerns about Commissioner
Heriot's proposal? What are the logistical challenges?

STAFF DIRECTOR DANNENFELSER: I think one of the main logistical challenges is lining up the panelists, scheduling the panelists. And if we have only less than two months to schedule the panelists, that will be one of the problems.

COMMISSIONER HERIOT: My point is, we don't know the topic yet, so we don't know how hard it's going to be to schedule the panelists. They may be very obvious ones that can be done very quickly.

CHAIRMAN REYNOLDS: So your proposal, essentially, is that we remain flexible, and make that decision once we have more information.

COMMISSIONER HERIOT: Yes, just in case, there may be a topic, like there may be something hot before Congress to where we want to get it in more quickly.

COMMISSIONER GAZIANO: There may be a lame duck session that we want to have some -

COMMISSIONER HERIOT: Yes, don't commit ourselves to pushing something back at this point.

CHAIRMAN REYNOLDS: Other comments?

COMMISSIONER MELENDEZ: Commissioner Melendez. The reason for the two topics is that we
should stay with the Voting Rights and U.S. Territories is that it is right after the Presidential election, so I still think we should do something on Voting Rights so it's a small enough size topic that I think our staff should have ahead of time, and still be interested in the election rather than focusing on something else. So that's my reason on focusing on this election, it would be important I think that the Commission should be looking at something along those lines as far the Voting Rights.

CHAIRMAN REYNOLDS: Okay. Well, we will circulate all the topics, and I trust that you would re-circulate that particular briefing topic. And then in September, we would have a discussion and make our selection.

COMMISSIONER GAZIANO: Yes. I don't know that it needs to be decided today, but is my suggestion on how the process would work reasonable, or do you want any discussion of that right now from other Commissioners?

CHAIRMAN REYNOLDS: Well, if anyone has any additional comments -

COMMISSIONER GAZIANO: We should vote and narrow down the range, and then have a discussion among the range, whatever that -
CHAIRMAN REYNOLDS: Now, describe the mechanics. Do you envision -

COMMISSIONER GAZIANO: I imagine the first step, obviously, is we're all going to get our topics to the Staff Director. The Staff Director is going to circulate the list to us, and then instead of just - we voted in the past, I understand, rank order, do you want us to send votes back to the Staff Director? If we do that, he can tell us what the review, what the top three are, the top two are.

CHAIRMAN REYNOLDS: Right.

COMMISSIONER GAZIANO: Or we could just discuss them all, and decide. But I think it's best that whatever that vote is not be an automatic vote, because I might vote -- my second best might be something -- anyway, you understand that.

CHAIRMAN REYNOLDS: Mr. Staff Director?

STAFF DIRECTOR DANNEFELSER: I think what we could do is once all of the recommendations come in, I could then, with some explanation, a brief explanation of the topic, that I could then turn around and send that list back out to the Commissioners and ask them to rank their top five choices in order, and then give a point system to those top choices, that the top choice would be worth
five points, the second choice four points, and so on.

COMMISSIONER GAZIANO: Right. And maybe
we could then still have them all, and anyone can
still advocate, but we'll know something about other
people's preferences at the time we have that
discussion. Does that make sense?

CHAIRMAN REYNOLDS: Yes. In fact, we did
something similar in the past in terms of the scoring
system.

COMMISSIONER GAZIANO: Yes. I may have
misunderstood -

COMMISSIONER HERIOT: Yes. It's important
to make sure that the top voters have automatic -

COMMISSIONER GAZIANO: Yes. I just
misunderstood maybe the way it happened in the past,
but I understood it was more automatic in the past.

CHAIRMAN REYNOLDS: It was. It was.

STAFF DIRECTOR DANNENFELSER: We would
just have to make -- we could make a decision on the
top three, or four, or five to consider among those.
That might be one way of doing it.

COMMISSIONER HERIOT: Yes. The point is
just to make sure that it's not the top vote getter is
automatically the winner.

COMMISSIONER GAZIANO: I actually think it
may be informative to see that certain ones don't get any votes time and time again, so I think it's fine just to give us a list of all of them, and we can just consider it.

COMMISSIONER TAYLOR: Mr. Chair, is there a date certain by which suggestions should be in?

CHAIRMAN REYNOLDS: Mr. Staff Director?

COMMISSIONER TAYLOR: So you could have time to turn it around, we can make sure the process is orderly.

STAFF DIRECTOR DANNENFELSER: I would say by Friday of next week.

CHAIRMAN REYNOLDS: Does that work for everyone?

STAFF DIRECTOR DANNENFELSER: The 29th.

COMMISSIONER HERIOT: Yes. Although I've given proposals before that just seem to get lost.

COMMISSIONER GAZIANO: They won't this time.

COMMISSIONER HERIOT: I'll have it delivered by an eagle or something.

CHAIRMAN REYNOLDS: Okay. Additional conversation, additional discussion?

COMMISSIONER HERIOT: Could you just repeat the day this is due, Friday?
STAFF DIRECTOR DANNENFELSER: Friday, August 29th.

CHAIRMAN REYNOLDS: All right. Next up is a discussion of the 2010 Budget Submission.

V. PROGRAM PLANNING

DISCUSSION OF FY 2010 BUDGET SUBMISSION

CHAIRMAN REYNOLDS: Mr. Staff Director, please provide an update.

STAFF DIRECTOR DANNENFELSER: The 2010 budget, again, as I said, Staff has gotten what's called a budget call, and they've submitted their proposals. And we are then going to roll that up and get that to the -- the plan is to get the detailed information to the Commissioners by Friday, August 29th. And what I would like to propose, what has happened in this regard is that OMB normally requires that this budget be submitted by September 15th. This year they've moved the deadline up a few days to September 10th because of the impending change in administration. So what I would like to propose is that we have a telephone vote on or about September 5th so that we can consider the 2010 budget.

CHAIRMAN REYNOLDS: Is that enough time for everyone?

COMMISSIONER MELENDEZ: Commissioner
Melendez here. We haven't received anything having to do with the 2010 budget, as far as I know, and it's already August. And if you're talking about doing something before the September briefing, I don't think that's going to be enough time, unless you try to do a business meeting along the list of briefing. And I don't really like to do budgets over the phone. I hope that we can do it face to face, have the documents in front of us.

CHAIRMAN REYNOLDS: That's a good point. Commissioner Melendez makes a good point. If we're going to receive this by the 29th, and have a vote by the 5th, that assumes that this group of Commissioners, that there's a high probability that this group of Commissioners will come together, reach a consensus, not have many questions, and looking at our past track record, I suspect that that's not likely to happen.

STAFF DIRECTOR DANNENFELSER: I think historically, though, this particular budget proposal has been less contentious, the one to go to OMB has been less contentious than the idea of going to Congress, because, for instance, I would anticipate that we would request eight Commissioner's assistants -

CHAIRMAN REYNOLDS: Right.
STAFF DIRECTOR DANNENFELSER: -- in the budget we would submit to OMB. And that has been a big topic of concern for Commissioners in terms of the budget.

Now, if we come back with getting less than we asked for, then we get into some tougher decisions in that regard. And, of course, the Commissioner's Assistants were pared down to four, as an example. We could get some summary information earlier than August 29th. August 29th is in terms of what GSA is helping us prepare, the kind of documents that they are preparing, we can put together perhaps a two-page background, and that would describe the highlights of the proposed budget that could be sent to Commissioners prior to that date.

CHAIRMAN REYNOLDS: That would be helpful. It's nice to have the draft document, I guess the final draft we'll call it. But that works for me.

Commissioner Melendez, is that satisfactory, that approach?

COMMISSIONER MELENDEZ: What was that again?

CHAIRMAN REYNOLDS: That prior to the 29th, the Staff Director will provide some information. And he also made a good point, that this is just our
submission to OMB. This is not our final submission. And in this particular submission, for example, some of the contentious issues, like special assistants for each of the Commissioners - well, this budget submission would request funds for special assistants so that we can all have a special assistant.

COMMISSIONER MELENDEZ: Okay. I still need to see some material at some point, then I'll kind of weigh in after that.

CHAIRMAN REYNOLDS: Okay.

COMMISSIONER MELENDEZ: I don't know or have any idea where we're going to have an obligation as far as meeting our statutory duties of the Commission that have to do with money going to the back to the different regions so that's why it's important to me to see the big picture, when we're going to be appropriating money for the 2010 budget. So if you can give me that stuff, I'll look at it at that point and see what my comments will be, whether we can meet face to face, or try to do it by phone.

CHAIRMAN REYNOLDS: Okay. Next up is the Evaluation of the AI on Order of Precedence.

VI. MANAGEMENT AND OPERATIONS

EVALUATION OF AI ON ORDER OF PRECEDENT

CHAIRMAN REYNOLDS: During the July 11th
business meeting, Commissioner Melendez raised a question about the current chain of command at the Commission, AI 1-18B states that, "When the Staff Director and Deputy Staff Director are both absent, the Assistant Staff Director for the Office of Civil Rights Evaluation shall assume the duties and authority of the Acting Deputy Staff Director."

At this point, I open up the floor - well, actually, Mr. Staff Director, would you like to speak to this issue?

STAFF DIRECTOR DANNENFELSER: Thank you, Mr. Chairman. This is an AI that was developed in February 2002, and it has been in place under Commissions that have been majority Democratic appointees and majority Republic appointees, so I believe that it is clear how it works. It is something that we can operate, if need be. There is a mechanism in place for the Assistant Staff Director for the Office of Civil Rights Evaluation to assume the duties.

And beyond that, I am still able, barring some more serious situation, I'm still able, even when I'm away, to be in communication with the staff through email, and telephone, and so on. I was away, actually out of the office all last week, but staff is
well aware, I was in frequent contact with them. And there was one situation where we needed to have a signature for moving forward on these consultants, and I was able to delegate the authority for signing of the paperwork that was needed. So we do have a mechanism for doing that, so I think this is ultimately a judgment call for the Commissioners. But I do believe that this is a mechanism that is in place, and it has existed on a bipartisan basis for about six years now.

COMMISSIONER MELENDEZ: This is Commissioner Melendez. It's my understanding that the 2002 AI is kind of outdated, based on the fact that the order of precedence one of the positions has entirely been eliminated, and that was the position of Deputy Staff Director who has been in that kind of chain of command, and that the position of Assistant Staff Director for the Office of Civil Rights Evaluation and has basically been changed or downgraded, I'm not sure from an SES or a GS position, which doesn't change the position and you're referring to the 2002 chain of command to do things like--it kind of creates a problem, whether or not that AI has to be changed, or what are you actually saying here.

CHAIRMAN REYNOLDS: Well, Commissioner
Melendez, has anything happened that has caused you to be concerned? I guess I'm suggesting an approach of if it ain't broke, don't fix it.

The system that -- the AI that's been in place for I guess six years, it appears to me that it's worked. And, in fact, I -- I'm just trying to get a better understanding of what's driving you on this issue.

COMMISSIONER MELENDEZ: Well, I -

COMMISSIONER GAZIANO: May I ask a question, too?

COMMISSIONER MELENDEZ: Well I know that in the past, I believe that Marty has done a great job by having the cell phone and all of those different things so that he can be reached, but I still think that somebody has to be in charge, and I also believe they have to have the authority based on the AI's that should be in charge, should he be gone for vacation, or whatever it may be. I just think that we should follow the regulations, whatever they are. People have, for example, Debra Carr’s different position I wonder why she isn’t being put into the order of precedence on this whole issue. I'm not talking about individual personalities or you know partisanship or anything like this, I'm just saying following the AI,
as who should be in the chain of command, whatever the regulations say.

CHAIRMAN REYNOLDS: Well, it appears as if you're objecting to the current chain of command.

COMMISSIONER MELENDEZ: Well, who is that?

COMMISSIONER GAZIANO: If I can take minor exception with one thing that you said, Commissioner Melendez, we -- as I understand it, we certainly didn't eliminate the position as Deputy Staff Director. Since we're going to request funds, and we're going to get millions and millions of extra dollars, at some point, hopefully, the Commission will be able to fill that position. But I think that we ought not to change an AI succession that makes perfect sense for the positions just because you think in any given moment the person who sits in it isn't -- who you would prefer to take over under some hypothetical situation. So I think it makes logical sense to have the people in the chain of succession that we have right now.

COMMISSIONER MELENDEZ: And the other concern I have is that it also has to do with who can supervise who as far as the SES person is being able to supervise a GS-8 person, does that create a problem whether they're SES or General Administration.
CHAIRMAN REYNOLDS: Well, it could.

COMMISSIONER MELENDEZ: or General Schedule.

CHAIRMAN REYNOLDS: It could create a problem, depending on the length of time. It's my understanding that a GS-15 can supervise an SES for a limited period of time. I believe that period is 240 days.

Now, I suspect that if Marty were to find a better opportunity, although I don't believe that one exists. But, in any event, if Marty gets hit by a bus, or if Marty leaves, we have 240 days to locate — the President would have to locate and recommend a replacement. And I believe that we can get that done in 240 days. And, if necessary, we can do what we've done in the past, which is to get a temporary SES slot. So these concerns that you bring up, some of them are hypothetical, but some of them are not, some of them have actually happened, and the system has worked as planned.

COMMISSIONER MELENDEZ: Okay. I've skirted away from the issue, so--

CHAIRMAN REYNOLDS: Okay. Next up is a discussion of the SAC re-chartering process.

VII. STATE ADVISORY COMMITTEE ISSUES
DISCUSSION OF SAC RE-CHARTER PROCESS

CHAIRMAN REYNOLDS: At the July 28th -- during the July 28th teleconference, some concerns were raised about staff implementation of the Lean Six Sigma re-chartering process that the Commission voted to adopt, that the Commission adopted, rather, in January of 2008.

On August 14th, the Staff Director sent a memorandum to Commissioners detailing how the Lean Six Sigma process has been applied to the re-chartering of State Advisory Committees. Mr. Staff Director, do you have any additional information for us?

STAFF DIRECTOR DANNENFELSER: Thank you again, Mr. Chairman.

Yes, as you noted in the memorandum that I did send to the Commissioners, many of the SACs that were re-chartered were well in process by the point that we adopted the Lean Six Sigma process. And the other cases, the regional offices have kept to the critical to quality parameters that Booz Allen identified. And we are sending out directives to the regional directors; in fact, I mentioned in there that I sent a memorandum to them on August 8th to formalize this process, so to make sure that they are following the various checklists that were developed. And we
are going to institute with myself and the regional programs coordinating unit chief, we're going to institute monthly meetings with each one of the regional directors to go through where they are with every state, and also to reinforce the point of Lean Six Sigma. So I don't suggest that the process has been followed perfectly in the past, but I think in most cases, that regional directors have applied the process, and we are going to, based on these concerns of the Commissioners, to more vigorously oversee this process with the regional directors to make sure that it's applied in the future.

CHAIRMAN REYNOLDS: Does this involve the use of checklists? And do we have checklists they're to use to make sure that we have jumped through the proper hoops? And is that submitted to the Office of the Staff Director by regions? I mean, how do we -- what's our quality control like? How do we ensure that since we're rolling out this process, and since with any new process there are going to be bumps along the way, how are we checking up to make sure that people are implementing Lean Six Sigma properly?

STAFF DIRECTOR DANNENFELSER: Well, we're going to require that whenever any new package comes in to us, that it will contain the three checklists
that were developed. And we are going to, again, meet with them, well, by telephone on a monthly basis to go through each one of their situations, and using the checklists at that time, ask them where they are in the process of developing their packages for re-chartering.

CHAIRMAN REYNOLDS: Any other questions? Commissioner Melendez?

COMMISSIONER MELENDEZ: Yes. On this, are you doing that -- for example, the Arkansas SAC, do you think that that would adequately reapply to the Lean Six Sigma, or do you think that our effort was pretty lean on -

(Laughter.)

COMMISSIONER MELENDEZ: -- all the different people we were trying to broaden? As I mentioned before, I thought we just went to the Governor, and the Federalist Society and there was only about four or five. And I think my concern was if you look back at at least Arkansas do you think that can improve that quite a bit and the other thing is that does the Commission get to see the checklist and some of the things that we look at, so that we can kind of compare each line item in the checklist to see if - that enough people have contacted?
STAFF DIRECTOR DANNENFELSER: We can supply the information that the checklists call for to the Commissioners when we send those packages out to them for consideration. And I believe Arkansas did abide by the critical to quality parameters of Lean Six Sigma. I believe they could have done better in terms of more systematically following the checklists, and I think that's something that we are going to be more meticulous about in future efforts with the various regional offices.

VICE CHAIR THERNSTROM: Mr. Chairman?

CHAIRMAN REYNOLDS: Vice Chair Thernstrom?

VICE CHAIR THERNSTROM: Didn't we just talk about this, or did we agree that we were going to have a uniform checklist with the list of organizations that may or may not be relevant in a particular state; that is, a particular state may not have a chapter of a national organization of one sort or another, but that we were going to create uniformity here.

CHAIRMAN REYNOLDS: Well, my recollection differs. I believe what we agreed to was that the Staff Director, whenever we voted on a SAC package, one of the things that would be provided to the Commissioners is a list of the organizations that were
reached out to, as opposed to saying that -- and, in fact, it was Commissioner Yaki who wanted certain groups to be consulted, or that we would ask certain groups automatically. And I believe that there was no consensus to do that.

COMMISSIONER TAYLOR: Mr. Chair, if I may?

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER TAYLOR: That is my recommendation, as well, Commissioner Thernstrom, that we did not agree that there should be uniformity for the nation, given the diversity among the states. That would be more appropriate, and more informative, I think, for individual Commissioners to receive in our re-chartering package for that particular state simply a list of organizations that the Staff has contacted as part of the process. Commissioner Melendez, I think that would go a long way toward asking or answering your very appropriate question which you asked with respect to every re-chartering package; that is, what organizations have been contacted.

It would then, however, shift the burden to the Commissioners once that re-chartering package is received before the meeting to, hopefully, raise questions once they review that list, if they have
questions before the meeting so the Staff Director can
be in a position to address whatever particular
questions about that specific state may arise.

   I would urge each individual Commissioner,
if they have a state of particular interest, to
contact groups in that state, and to send a copy of
that letter, or written correspondence to the Staff
Director, if it's - I won't name a group, whatever
group you want to contact. But we certainly have that
right as individual Commissioners. I don't think we
should shift that right to the Staff. I think the
Staff's job should be to provide us with a list of
contacts for each state, as part of the regular
package. And I think it's information they have
already, and it's just a matter of adding it to the
re-chartering package as a matter of routine.

   VICE CHAIR THERNSTROM: That's fine with
me. I just wanted clarification on what we had already
decided, so that we were sticking to whatever the
record shows.

   COMMISSIONER TAYLOR: Commissioner
Melendez, hope that addresses your question and
concern, which, frankly you raised, and I had the same
ones.

   COMMISSIONER MELENDEZ: Yes. The other
concern is, I am a strong believer that the regions
should be submitting the names, not the Commissioners.
I think that we're kind of overdoing it and the
Commissioners submitting the names from our respective
regions, and I hope that we can kind of make sure
that those names are coming up to us. Unless they
have the final say in terms of the vote, I just kind
of am a little wary that the Commissioners are the
ones that are pushing certain people forward on these
SACs.

VICE CHAIR THERNSTROM: Wait a minute. I
don't understand why we can't make suggestions, if we
have contacts in states. I mean, it's hard enough to
find people to do this with no compensation at all.
What is your objection?

COMMISSIONER MELENDEZ: I'm just saying
that our goal, we could move in that direction and
delegate down to the SACs, and also rather than us
trying to hand-pick people ourselves.

VICE CHAIR THERNSTROM: I don't think it's
Hand-picking, just a question of making suggestions if
we have contacts in particular states.

CHAIRMAN REYNOLDS: I think that members
of SACs, folks in the regions should all be a part of
the process, and that would include Commissioners in
that group.

Commissioner Heriot?

COMMISSIONER HERIOT: For that matter, there's nothing to prevent anybody in the United States of America from making a suggestion.

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER HERIOT: So there certainly is no reason why Commissioners, in particular, should be discouraged from making suggestions. In fact, anybody in the country can do it.

COMMISSIONER GAZIANO: We have a special responsibility to help, so -

COMMISSIONER HERIOT: Not help. All the power of the Commission is held by the actual Commission, the eight members of the Commission collectively, so there's certainly no reason that we shouldn't be making proposals like this.

CHAIRMAN REYNOLDS: Any other comments? I understand that Commissioner Heriot was going to raise two environmental justices -

COMMISSIONER HERIOT: Oh, this is for the next agenda item.

CHAIRMAN REYNOLDS: Yes.

COMMISSIONER HERIOT: Future agenda items?

CHAIRMAN REYNOLDS: Yes.
COMMISSIONER HERIOT: Are we there?

CHAIRMAN REYNOLDS: Yes.

VIII. FUTURE AGENDA ITEMS

COMMISSIONER HERIOT: Okay. I just recently became aware of a couple of environmental justice bills that are pending in Congress right now. I have not had a chance to look closely at them yet, but given that the Commission issued a report on this issue a few years ago, and the Commission's views may have changed somewhat during the period between then and now, I think this may be an area where the Commission would want to weigh in with a letter.

I don't have any proposal at this time. I just wanted to flag this as an issue that might come up.

CHAIRMAN REYNOLDS: Okay. Mr. Staff Director, would you get a hold of these two bills and distribute them to all the Commissioners, and we'll take a look at them, and move from there?

STAFF DIRECTOR DANNENFELSER: Sure. Yes, I'll do that.

CHAIRMAN REYNOLDS: Unless there are additional items, this meeting is adjourned.

IX. ADJOURN

(Whereupon, the proceedings went off the
record at 10:43 a.m.)