The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 10:00 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
PATRICIA TIMMONS-GOODSON, Vice Chair*
ROBERTA ACHTENBERG, Commissioner*
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID KладNEY, Commissioner*
KAREN K. NARASAKI, Commissioner
MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD
JENNIFER CRON-HEPLER, Parliamentarian
ANGELA FRENCH-BELL
DARREN FERNANDEZ
LATRICE FOSHEE
SEAN GOLIDAY
GERSON GOMEZ
ALFREDA GREENE
MARCLE NEAL
JUANDA SMITH
LENORE OSTROWSKY, Acting Chief, PAU

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
AMY GRANT
JASON LAGRIA
CARISSA MULDER
ALISON SOMIN
KIMBERLY TOLHURST
IRENA VIDULOVIC
I. APPROVAL OF AGENDA.................................5

II. BUSINESS MEETING

A. Program Planning
   Discussion on Commissioner Concept
   and Statutory Enforcement Report for 2017
   Initiative........................................13

   Discussion and Vote on Commission
   Statement Concerning North Carolina law on
   LGBT rights........................................24

B. State Advisory Committee
   Presentation by Nebraska SAC Chair on
   report about the impact of state law
   denying state services to individuals who
   cannot present documentation of legal
   status...............................................37

III. STATE ADVISORY COMMITTEE (SAC) APPOINTMENTS
    Georgia.........................................53
    Maine............................................53

VI. ADJOURN MEETING.................................62
CHAIRMAN CASTRO: I'm calling this meeting to order.

This is a meeting of the U.S. Commission on Civil Rights. This is our monthly business meeting.

Today is April 15, 2016. It's 10:00 a.m. Eastern Time. The meeting is taking place at our Headquarters in D.C. at 1331 Pennsylvania Avenue, NW.

This is Chairman Marty Castro. With me here at the Headquarters are Commissioners Kirsanow, Heriot and Narasaki. Joining us by phone are Vice Chair Timmons-Goodson and Commissioners Kladney, Achtenberg and Commissioner Yaki will be joining us by phone as well.

Currently a quorum of the Commission is present.

Is the court reporter present?

COURT REPORTER: Yes, sir.

CHAIRMAN CASTRO: Yes. And we have our Staff Director present?

STAFF DIRECTOR MORALES: Yes.

CHAIRMAN CASTRO: Okay. So the meeting will now come to order.

I. APPROVAL OF AGENDA
CHAIRMAN CASTRO: The first item is the approval of the agenda.

I move we approve the agenda.

Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay. Now I know we have one amendment. I'm going to move that we amend to defer consideration of the parallel construction and the countering violent extremism letters.

I did get input from Commissioners -- written revisions or thoughts about the letters that we're going to consider today. Those two are going to need some additional work. So I will defer them to another meeting.

So do I have a second on that?

COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay.

Any other amendments to the agenda for anybody?

(No audible response.)

CHAIRMAN CASTRO: Hearing none, all in favor of the agenda as amended, signify by saying aye.

(A chorus of ayes.)

CHAIRMAN CASTRO: Pete and Gail?

COMMISSIONER KIRSANOW: We were just
discussing something.

I'd also make a motion to defer consideration of the North Carolina, et cetera letter into the next month's meeting.

COMMISSIONER HERIOT: I'll second that.

CHAIRMAN CASTRO: Okay. Why don't we vote on the amendment separately then?

COMMISSIONER KIRSANOW: Okay.

CHAIRMAN CASTRO: So the first amendment we'll vote on is the removal or the deferral of the parallel construction and CVE letter.

So as to that amendment, all those in favor signify by saying aye.

(A chorus of ayes.)

CHAIRMAN CASTRO: Those opposed?

(No audible response.)

CHAIRMAN CASTRO: Any abstentions?

(No audible response.)

CHAIRMAN CASTRO: Did I hear an opposed?

(No audible response.)

CHAIRMAN CASTRO: Okay. So that passed unanimously.

Now as to your motion to defer the North Carolina letter that is regarding the LGBT and religious liberty issues, is there any discussion on
COMMISSIONER KIRSANOW: Yes. I'll just note that there are aspects of the letter that I think merit a little bit further consideration.

For example, Commissioner Heriot and I have certain disagreements about certain aspects of it. And I think we might need a little bit more time -- all of us -- to think about some of the components of the North Carolina bill.

It was mentioned about either Tennessee, Kansas and Mississippi bills. I do think we would benefit from a little bit more deliberation on this.

I don't know that we're going to come to an agreement on it. But there's a possibility that maybe we can strike some type of a compromise on it later.

VICE CHAIR TIMMONS-GOODSON: This is Commissioner Timmons-Goodson.

I understand that the Governor issued an Executive Order but did not address the "bathroom" portion of the bill as such.

Are you aware of anything else, Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No, I'm not.

I do not, Vice Chair.
CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER KLADNEY: This is Kladney.

Is that what you're talking about, Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes. The North Carolina bill in some respects -- in most respects -- overthrows what the City of Charlotte did in terms of amending an ordinance related to discrimination on the basis of a variety of things including gender and gender expression in the use of restroom facilities and showers.

There are a couple of components to that ordinance that I think would be useful to drill down a little bit further on those things. And I'm sure you've read them, but it is at least arguable that what the City of Charlotte did -- and I think it merits further exploration -- is did they actually seek to include private associations not open to the public because they deleted that provision and also religiously-affiliated institutions because they deleted a reference to the YMCA, YWCA and other institutions -- other similar institutions.

And there's some other working parts that I think we may want to take a look at. The Kansas bill, for example. North Carolina does permit a change in
birth certificates for sex. Kansas doesn't. And there are some other things with respect to Mississippi, too.

I think before we issue a sweeping letter, we may want to take a closer look at it.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: Commissioner Kirsanow, you had referred to that Commissioner Heriot may had maybe other thoughts. And so, it would be helpful for me to understand sort of what Commissioner Heriot is thinking.

COMMISSIONER HERIOT: There are a lot of moving parts of this North Carolina statute. And one way if you wanted to get something out earlier, we could deal with everything except the North Carolina statute. The North Carolina statute has some minimum wage issues. It has all sorts of stuff in it. And Commissioner Kirsanow and I actually disagree on what's significant in the Charlotte ordinance.

To me what's significant in the Charlotte ordinance is that it pretty clearly -- in my view -- outlaws any kind of restroom privacy facilities. Even ordinary sort of men's and women's rooms seem to have been forbidden by the Charlotte ordinance. And that's something that needs to be sorted out.
And while he's focusing on the public private, I'm focusing on just the basic ability to have separate restrooms, regardless of how one allocates transgender.

And I think the minimum wage stuff is quite significant and shows that this is a little different. There are a lot of things going on in this bill that are a lot different from what people think.

COMMISSIONER KIRSANOW: And if I could raise one other thing, we had a hearing a year ago where the definition of transgendered we were informed -- at least in the minds of many of the advocates in the community -- includes those who have anatomically altered their sex, but also those with respect to gender expression who've remained their biological birth sex but seek to express themselves in a fashion different than their sex at birth.

And when you look at the North Carolina statute, it is -- well, I'm not sure it's unclear -- but I think it merits further examination as to what they mean. As Gail indicated, it seems to completely eradicate any distinctions based on male and female bathrooms at all. And did they mean to do that? Is that what it really means? I don't know.

CHAIRMAN CASTRO: Commissioner
Achtenberg, I value your thoughts on the requested delay.

COMMISSIONER ACHTENBERG: I think the letter speaks for itself, Mr. Chairman. And I would be inclined to have the Commission issue the letter as drafted. If people want to propose amendments, certainly obviously any work can be inclusive. But I --

CHAIRMAN CASTRO: Okay. So what I'm going to do then, I'm always happy to look for efforts to find bipartisanship. My hope was to try to get some comments and proposals before the meeting so that we could discuss them today.

I would maybe still like to see if we could do some wordsmithing during the meeting on this proposal because I, too am, like Commissioner Achtenberg inclined to move forward on the letter today, particularly given that it is a very timely issue right now. There are things that are happening at the moment. And I think people want to hear from the Civil Rights Commission as to where we stand on this emerging issue at the moment.

So I'm going to vote on this amendment.

As we normally do, I do it by voice vote. So I'm going to ask for this voice vote. If it's
unclear, I'll ask for a roll call vote.

So all those in favor of the amendment proposed by Commissioner Kirsanow, that is to delay the letter, signify by saying aye.

(A chorus of ayes.)

CHAIRMAN CASTRO: I said in favor of.

Okay, in favor?

COMMISSIONER NARASAKI: No. I'm sorry.

CHAIRMAN CASTRO: Okay. Again.

All those in favor of the amendment --

COMMISSIONER NARASAKI: Too late.

CHAIRMAN CASTRO: Not that I know how you're going to vote.

Let me say that again.

All those in favor of putting the letter off -- Pete's motion -- signify by saying aye.

(A chorus of ayes.)

CHAIRMAN CASTRO: Those opposed say nay.

(A chorus of nays.)

CHAIRMAN CASTRO: Okay. A little delayed.

Any abstentions?

(No audible response.)

CHAIRMAN CASTRO: In the opinion of the Chair, the nays have it. So we will continue to have
that on the agenda, and when we get to that perhaps we'll see if we can do some wordsmithing. And if not, we'll vote on the proposal anyway.

All right. So now that we've got our agenda straightened out, let me move on the actual agenda.

So we had for today a listing of a discussion on concept papers and statutory enforcement report for 2017. And just to kind of begin to think about that, I think in particular -- well, I'll turn the floor over to the Staff Director. Then I'll let you know what my thoughts are.

Mr. Staff Director?

II. BUSINESS MEETING PROGRAM PLANNING

Discussion on Commissioner Concept Papers and Statutory Enforcement Report for 2017

STAFF DIRECTOR MORALES: Thank you, Mr. Chairman.

I just wanted to put this on the Commissioners' radar because the interim director of OCRE, Maureen Rudolph and I wanted to remind Commissioners essentially that we're facing some tight deadlines this year. As you know, there's a potential that four Commissioners will not return after our meeting in December. And while it's a little too early...
to know what the final makeup of the Commission will
look like after December 2016, we thought it would be
prudent to accelerate a discussion about the
presentation and consideration of a topic for the 2017
statutory report as well as selection of topics for the

And 2017 may seem like a long way off, if
there's any chance to begin some work on the 2017
statutory report, we believe that if we're going to do
that, we probably have to have it done in October or
November of this year -- 2016.

So we just wanted to propose a couple of
discussion points for the Commissioners to consider,
one being a date for the potential circulation of
concept papers; two, a selection of date -- a meeting
date for the Commission to discuss these concept papers
and vote on the selection of a topic for the 2017
statutory report and the selection of 2017 Commission
Report topics; and then finally, perhaps a selection
date for potentially the 2017 statutory report
briefing.

So just three topics we wanted to kind of
put forward to you. I'm not saying that we need to make
any decisions right now. But we thought it would be
prudent because if we wait until July or August, it'll
be too late. So I just wanted to put that on your journal.

CHAIRMAN CASTRO: My thoughts are -- and I've chatted with a few Commissioners about this well, and they can all chime in their views as well -- but I think that we definitely need to start thinking about a timetable to put forward the statutory report because that is obviously something that is mandated by Congress that we do.

As to other concept papers, it seems to me that we have a lot in the pipeline right now on existing reports that are still being done that are going to be sent to us in draft form -- and yes, Gail, I'll get to you in a second -- that putting on additional or voting on additional concept papers right now may be a little premature, especially since we don't know yet what our 2017 budget is going to be. And that's going to be a big driver as to what we can do and what we can't do and how much we can do.

So in my mind, it's almost -- and half of us are going to be gone, so I think what we're going to be looking at in 2017 may be -- other than the statutory report -- ought to be put off a little bit until maybe there's new commissioners. Maybe not that late, but nonetheless, the first we've got to do is the
statutory report. The others seem to me to be a little premature.

Gail?

COMMISSIONER HERIOT: I agree that other kinds of briefings are premature. And that's what we don't want to be doing.

But I do think we need to look ahead to 2017 because we're going to have a number of Commissioners rotating off. There's always the possibility that the incoming President or whoever the appointing authority happens to be will be delayed in making that appointment. And in January, we may not have a quorum of Commissioners.

The last time we had this happening, we scheduled briefings for those months knowing that if we couldn't hold a business meeting because we didn't have a quorum, we could still hold a briefing. And so, putting off briefings for this year and instead scheduling them for January, February, figuring that we might not have a quorum otherwise, if the new Commissioners come in and they want a different topic, that would be fine. They could have a different topic. But we would at least be able to keep the trains moving by having some events in January and February, even if the incoming President doesn't think appointing
someone to this Commission is their first priority. They may have other priorities -- perish the thought.

And so, I think it's a good idea to figure that we will keep the calendar pretty clean in 2016 and have the briefings then in early 2017, subject to new Commissioners saying hey, that's not my topic. I want a different topic. They could certainly do that if they get appointed. But we don't want to just have nothing going on during those months.

CHAIRMAN CASTRO: Any other comments from Commissioners?

COMMISSIONER KLADNEY: Well, if you're talking about having the statutory report then, you should be talking about doing the hearing in 2016.

CHAIRMAN CASTRO: That's Commissioner Kladney.

COMMISSIONER KLADNEY: I'm disappointed with the fact that the number of hearings that we've done this year and the product that's been produced -- right -- I understand the backlog. And I'm sure that it's my understanding we'll be getting an estimation of when that backlog is going to be knocked down.

However, with the budget, if we assume that we're going to get about the same amount of money -- which I hope we get more -- but if you get the same amount
of money, how many briefings can we do next year? Does anybody have that number in mind?

CHAIRMAN CASTRO: No.

COMMISSIONER KLANDNEY: No?

COMMISSIONER HERIOT: And we'll have different Commissioners.

CHAIRMAN CASTRO: And as to the --

COMMISSIONER KLANDNEY: Well, I --

CHAIRMAN CASTRO: Go ahead, Commissioner Kladney.

COMMISSIONER KLANDNEY: I'm not worried about the new Commissioners coming on. They can do what they want to do.

But I think we have an obligation to set an agenda and speculate as to what we're going to be able to do and what the Commission is going to be able to do. Because the Commission continues regardless of who's on it. And they can make their own decisions. But we should be making plans and living up to our obligations.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: I was going to say that I think that the statutory hearing if we could do it in 2016, it would be better in the new fiscal year though because regardless of how the election turns
out, there's a transition going on which means all the agencies will also be going through transition. And so the earlier we can get it done -- it'll be hard to do a statutory hearing if we can't get government people here to talk about their agency.

CHAIRMAN CASTRO: So do you suggest doing the hearing in the 2016 fiscal year --

COMMISSIONER NARASAKI: No, I'm saying --

CHAIRMAN CASTRO: -- or calendar year?

COMMISSIONER NARASAKI: -- calendar year.

CHAIRMAN CASTRO: Calendar Year '16.

COMMISSIONER NARASAKI: In other words, November or December while we still have people in place who could actually help us out.

CHAIRMAN CASTRO: I see what you're saying.

And also, Commissioner Kladney and other Commissioners, I have talked to the interim head of OCRE who is putting together a more specific timeline as to the draft reports. And so she's going to make herself available -- not today but sometime in the near future to Commissioners that actually would be able to give them a more specific timeline as to where these are in the pipeline.

COMMISSIONER KLADNEY: Mr. Chairman?
CHAIRMAN CASTRO: Yes, Commissioner Kladney?

COMMISSIONER KLANDNEY: I would also like to add to my comment that I think that if we lay out an agenda for fiscal year 2017, Congress can see that we're moving forward rather than sitting still.

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson.

I agree that we should proceed with a statutory hearing during calendar year 2016. And if it were up to me, we'd also get the report out because it's my understanding --

(Laughter.)

VICE CHAIR TIMMONS-GOODSON: I understand. I do. I understand the laughter. But my understanding is if we don't have a quorum, we're not going any time during 2017 or the first half of 2017, then we're not going to be able to get the statutory report anyway. And then how does that look?

CHAIRMAN CASTRO: Well, we wouldn't need an approval quorum until closer to the end of fiscal year 2017 on the statutory report. So I would hope that by August of 2017 that whoever the President is would have made some appointments.

I guess it's possible, not likely. So I
think as it relates to the statutory report, we'll end up being find on a quorum to approve it. But I think Commissioner Narasaki is right about trying to get it done in calendar year 2016 -- right -- get the briefing done in calendar 2016 for the issue of quorum.

COMMISSIONER HERIOT: Particularly since we have to pick the topic.

CHAIRMAN CASTRO: Right.

COMMISSIONER HERIOT: There's no way around that.

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: And future commissioners can't say that's not fair.

CHAIRMAN CASTRO: Yes. That's one of the things they can't change because it's got to be done.

COMMISSIONER HERIOT: So we might as well hold it in November or December.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: So, Gail has confirmed for me that we could have briefings even though we don't have a quorum. So my suggestion is maybe we try to pick the statutory report and one or two briefing reports because I assume we'll have resources to do at least two. So we can line them up.

And then I suggest that all the
Commissioners work because two of the four terming off are Congressional, so not affected who wins the Presidency although may be affected by what the majorities are in the House and Senate.

But anyway, that we work on that. Because then we could keep a quorum even if the President doesn't --

COMMISSIONER HERIOT: Correct. A January and February that we've scheduled.

COMMISSIONER NARASAKI: Right, right.

But I'm saying also work with the Congress to make sure that the two Congressional appointees are filled so that we don't lose quorum.

CHAIRMAN CASTRO: And just remember that of the four that are terming off, it's all four Democrats. So you will have a parody of two conservatives and two progressive independents.

So in any event, you won't have a dispute over the briefing or an issue. You'll be tied. Or you'd have to convince one another which may work. For four of the last five years, we were like that and we worked things out. But you all weren't here. So it's a unique challenge and a great opportunity for team building.

Okay. So I think the sense we're getting
here, Mr. Staff Director, is we definitely want to pick a statutory enforcement topic and get that briefing done in this calendar year. And we may want to pick a topic or two for a concept paper -- a concept paper topic for 2017. In the event that we don't have a quorum, they can still do a briefing and at least move things forward.

Am I capturing the sense of the Commission? Is everyone on the phone okay with that?

(No audible response.)

CHAIRMAN CASTRO: So now we need to put some dates around that.

STAFF DIRECTOR MORALES: Yes. If it would be all right with the Chair and with the Commissioners if I could work with the special assistants -- if the interim director and I can work with the special assistants -- maybe have a meeting next week or the next week or two to kind of start putting together --

CHAIRMAN CASTRO: A calendar?

STAFF DIRECTOR MORALES: -- yes, a calendar and planning for it. And then that way we can all be on the same page.

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR MORALES: If that would be
all right with you?

CHAIRMAN CASTRO: It's fine with me.

Other Commissioners?

(No audible response.)

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR MORALES: Thank you.

CHAIRMAN CASTRO: All right. You're welcome.

Now we get to the proposed statement on North Carolina and the various states regarding the recent laws that many of us believe are negatively impacting the LGBT community.

II. BUSINESS MEETING, PROGRAM PLANNING

Discussion and Vote on Commission Statement Concerning North Carolina Law on LGBT Rights

CHAIRMAN CASTRO: There were a couple of changes I think that were made to the original version that I circulated. And that new version has been circulated since.

So I will entertain a motion on this. And then we could open it up for discussion and possible wordsmithing.

So is there a motion on this statement?

COMMISSIONER ACHTENBERG: So moved.

CHAIRMAN CASTRO: Commissioner
Achtenberg, was that you?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg moves.

Commissioner Narasaki, were you seconding?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Okay. Now let's have some discussion.

I know, Commissioners, I think what you're indicating is a little more substantive. But is there anything we could do here in terms of wordsmithing that might garner some of your support today?

COMMISSIONER KIRSANOW: Thank you, Mr. Chair.

I think that would be difficult on the fly right now. There are a number of issues.

I mentioned the private establishment issue. If you look at, for example, the ordinance that had stricken the previous ordinance at Section 1259. It strikes the Sections 2 and 3 dealing with YMCA, YWCA and similar types of dormitory lodging facilities.

I'm not sure what that means. It's at least arguable that that could include religiously-affiliated dorms since we're talking about
the Young Men's Christian Association. I have no idea.

In addition, number 3 says that it strikes "establishment not in fact open to the public," -- "a private club or other establishment not in fact open to the public," strikes me as it's at least arguable that someone could say that the purpose for which this was stricken was to include those establishments in the coverage of the ordinance.

And then what is the effect of the North Carolina bill on this, et cetera? I think there are a lot of moving parts as Gail -- or Commissioner Heriot had indicated that I think need to be addressed in a deliberate fashion. I don't think we can do that on the fly.

In addition, it's a sweeping statement. Commissioner Heriot and I, for example, have different degrees of concern related to Kansas, for example. With respect to Tennessee, there are a couple of accommodations. There's an amendment to the Tennessee bill, for example, that requires counseling services to be provided unless the referral could be made or there's an imminent danger of harm which seems to me to be reasonable accommodations that is their counseling services would be provided. And frankly, I don't know why someone would want to be counseled by
somebody who frankly doesn't want to counsel them based on religious objections or sees their lifestyle as being somehow objectionable. But nonetheless, those types of accommodations are afforded.

So there are lot of things going on here. And I don't know the implications of North Carolina. Mississippi is one I have not really looked at in depth. But this is something I think that requires a greater review.

CHAIRMAN CASTRO: Thank you.

Again, I understand what you're saying in terms of not being able to provide some wordsmithing here because your concerns seem to go much more deeply than editing here. And quite frankly, some of the issues you raise are at the very heart of this.

So why is it even necessary for there to be an accommodation on any of this because of someone's sexual orientation? They shouldn't have to be accommodated. The services should just be provided. And I guess that's probably where we differ in terms of coming to this issue.

And that's why I put this forward because these are the same sorts of arguments that were used by some back during the early days of the civil rights movement to keep from segregating schools or to keep
from serving people at the lunch counter or to keep from
being in the same waiting area because of religious
beliefs and religious concerns. And so, this is an
exception that would swallow the rule in my view.

So those are just my thoughts initially on
this.

Any other Commissioner? Commissioner
Narasaki?

COMMISSIONER NARASAKI: Well, I'm a
little concern also about the states not allowing
cities and other smaller jurisdictions to make some of
these choices.

CHAIRMAN CASTRO: Any other Commissioners
want to comment?

VICE CHAIR TIMMONS-GOODSON: Yes. This
is Vice Chair Timmons-Goodson.

There are a lot of questions with regard
to the North Carolina measure. And that is due as many
would offer you to a great degree because of the speed
with which the bill was fashioned without public
comment and just rushed through at night. And so,
there are some that argue that it could have been
cleaner, neater, better written, more understandable
if more time had been devoted and other ideas or
individuals were able to express their opinion.
So I just wanted to put that out there. There's a lot of concern about the measure and the fact that not only did it address the Mecklenburg Study issue, but it also made it impossible for other localities to address the issue themselves.

CHAIRMAN CASTRO: Thank you, Madam Vice Chair.

Now the Commissioners on the phone, when you're not speaking, if you could mute your phone. We're getting some kind of a weird feedback. We'll see if that has something to do with it.

COMMISSIONER HERIOT: I just wanted to agree with the Vice Chair that it would be a lot better in this world if state legislatures, Congress and everybody else took a lot more time with bills of that sort. I think that some of the problems with the North Carolina bill could easily have been dealt with had things moved a little slower.

In fairness however, this is a response to the Charlotte ordinance which was itself I think very poorly done. And as I've said, if you take that ordinance literally, it prohibits separate bathrooms for anybody, not just a transgender issue, but basically mandates unisex bathrooms which I don't think
would be a very popular idea in Charlotte.

CHAIRMAN CASTRO: Any other Commissioner comments?

COMMISSIONER KIRSANOW: Mr. Chair?

CHAIRMAN CASTRO: Yes, Commissioner Kirsanow.

COMMISSIONER YAKI: Commissioner Yaki --

CHAIRMAN CASTRO: Kirsanow and then who was that?

Hold on a second.

COMMISSIONER YAKI: Commissioner Yaki.

CHAIRMAN CASTRO: Okay. Commissioner Yaki --

COMMISSIONER KIRSANOW: Let Commissioner Yaki.

CHAIRMAN CASTRO: Commissioner Yaki, and then Commissioner Kirsanow.

COMMISSIONER YAKI: Commissioner Kirsanow went first. So I'll wait.

COMMISSIONER KIRSANOW: Okay. Thank you, Commissioner Yaki. And thank you, Mr. Chair.

For the reasons just mentioned, the Vice Chair and Commissioner Heriot, Charlotte moved quickly, North Carolina moved quickly and that's one of the reasons why we're here today. I think it's
better to get something right than fast.

    I'm not sure that we can reach a consensus. Given our track record, it's probably not going to be the case. I'm always hopeful that we can. But even if we can't, I would submit that we shouldn't follow the lead of Charlotte or North Carolina or others who have done things in a summary, non-deliberative fashion. I think we should be deliberative because we are the U.S. Commission on Civil Rights. We should try to get it right, articulate a position that can stand the test of time and isn't second guessed the way everyone's second guessing all these other provisions.

    CHAIRMAN CASTRO: Commissioner Yaki?

    COMMISSIONER YAKI: Yes. I want to actually directly address in some ways what Commissioner Kirsanow just said and others.

    It may be true that the hastily enacted bills and these other states, a lot of it is driven by the fact that there has been a very short legislative calendar that requires them to move quickly, that part of the problem with these statutes may be their haste.

    On the other hand, what we're doing is we're enacting a statute. We are stating a set of principles that go toward the foundation of what it is that we do. And that is the protection of civil rights.
And if these states are acting in haste in a way that jeopardizes and threatens and creates infringements on civil rights, we have a responsibility to speak out as quickly as we can, as forcefully as we can so that people will pause and put the brakes on it.

We're not here to deliberate on the nature of and wordsmithing of the statutes. What is clear though is the intent behind these steps. An intent can be anything from the statements made by public officials, inciting these bills, in offering these bills in the words that surround these bills. And that intent is, in my opinion, one that goes against the protection of the Constitution for civil rights of people in this country.

And we have an obligation to act now. We have an obligation to act fast because we need to say to other states considering this that they need to put the brakes on it, that they need to understand what it is that they're doing and that people in this country understand and are watching what they're doing.

CHAIRMAN CASTRO: Thank you, Commissioner Yaki.

Any other Commissioner before I call this vote?

Commissioner Narasaki?
COMMISSIONER NARASAKI: So I just wanted to ask a question of Commissioner Kirsanow.

So you've made the statement that you think the bill was too sweeping. Can you tell me where because I don't have the --

COMMISSIONER KIRSANOW: Sure. The Tennessee bill, for example, again, the Tennessee bill requires that counseling services be provided unless there can be a referral made. Or actually, it's worded in reverse.

If there can be a referral made, then the counseling services that were to be otherwise rendered by someone who has a religiously-based objection to it, or in the other case where you've got an imminent danger of harm to the person seeking counseling. Those are two exemptions that to me seem to be -- and there be disagreement here -- but the person is not going to be denied counseling. It's that clear. You cannot deny someone counseling if there's an imminent danger of harm or there's no ability for referral. And that's why I'm not sure why we include Tennessee in that.

Again, we had a peaceful co-existence briefing with a question mark at the end of it. And it seems to me that the question mark is superfluous if we can't seek to reach an accommodation that
satisfies the balanced concerns of each.

Gail has an issue with respect to Kansas, also. And I'm not sure that we have an agreement on this with respect to that. But Kansas, for example, has a provision that says that you may not amend your birth certificate to change your sex. There are other states that do. North Carolina, for example, allows that.

That's something that I think reasonable people can disagree about, and I happen to disagree at least in terms of degree with Commissioner Heriot on it.

And the other thing is I think maybe the Civil Rights Commission should look inward also before we go about condemning folks with respect to restroom issues. I know for example we've got two separate restrooms that are designated way. And they're locked -- separate-locked restrooms. And my key says Commissioner Kirsanow, men's room. Well, I'm not sure who made that designation on my behalf. But maybe we should get our own house in order first, in addition to which we have an unequal bathroom. I have it on good authority that there aren't urinals -- I'm presuming this -- in the ladies bathroom, but we have them in the men's bathroom.
So maybe we should get our whole house in order first. But that's an aside. The fact is there are certain issues with respect to private associations, accommodations that I think is not legitimately addressed in this particular statement.

COMMISSIONER NARASAKI: So I should clarify.

So what I was interested in is in the language whether there's something that could be tinkered with if it's inaccurate, or --

CHAIRMAN CASTRO: No, I think they make clear there's nothing they could tinker with.

COMMISSIONER NARASAKI: It sounds like you just want to delete Tennessee and Kansas from the statement. So I just wanted to understand that.

CHAIRMAN CASTRO: Yes.

COMMISSIONER KIRSANOW: No, I don't know that there can be any tinkering.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: Okay.

CHAIRMAN CASTRO: And by the way, maybe it was someone that wrote on your key because my key for the bathroom is blank.

COMMISSIONER KIRSANOW: Really?

CHAIRMAN CASTRO: If you never know what
works. Ask your personal staff about that.

But I'm going to call the question at this point. So I'm going to take a roll call vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: For reasons I mentioned, I'll vote no.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote no.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote? Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes. The delay was because I was on mute.
CHAIRMAN CASTRO: Right. I figured.
And I vote yes. So the motion passes with one, two, three, four, five, six yeses and there's two nos.
So thank you. We'll get this published in the press as soon as possible.

COMMISSIONER HERIOT: What's our timeline on that?

CHAIRMAN CASTRO: We can get this this afternoon, perhaps? Or Monday at the latest?

COMMISSIONER HERIOT: You don't want to send out a press release --

CHAIRMAN CASTRO: Monday?

COMMISSIONER HERIOT: -- on Friday afternoon.

CHAIRMAN CASTRO: Monday. Monday.

Thank you.

B. STATE ADVISORY COMMITTEE

Presentation by Nebraska SAC Chair on Report About the Impact of State Law Denying State Services to Individuals Who Cannot Present Documentation of Legal Status

CHAIRMAN CASTRO: Next as we've been having from time to time, we have a report from one of our state advisory committees. The gentleman has been
on the phone since the beginning, so he's been able to hear our meeting so far.

He's a good friend. Chairman Jonathan Benjamin-Alvarado who chairs the Nebraska State Advisory Committee. And he is here to talk to us about some of the work that the Nebraska SAC has been doing, in particular, their recent work on issues related to the impact of a state law that is denying state services to individuals who cannot present documentation of legal status.

So with that, I'd like to welcome Chairman Benjamin-Alvarado to our Commission meeting.

And Mr. Chairman, you have the floor.

CHAIRMAN BENJAMIN-ALVARADO: Good morning, ladies and gentlemen. How's everyone doing today?

CHAIRMAN CASTRO: Great. Thank you.

CHAIRMAN BENJAMIN-ALVARADO: Beautiful day here in Nebraska.

Well, let me just go very briefly. I'm going to run over the findings and then the recommendations from our work and just as a kind of brief overview.

We've conducted a study here in Nebraska on the state-level immigration enforcement efforts.
And what we focused on was a law that passed in 2009 known as LB403. And what the study was seeking to do was to elicit testimony from advocate service providers, immigration attorneys, federal official and national experts in both local and state immigration policy. And we specifically reached out to Nebraska agencies -- state agencies -- that are charged with verifying and validating access to rights by residents here in the State of Nebraska. And in particular, we were looking at the work that had been done through the Nebraska Department of Health and Human Services.

The findings are basically that despite the efforts to improve the accuracy of e-Verify and safeguard against abuses, there's a lot of discrepancies that may have a disparate effect based purely on race, color and national origin. We do note that there are errors in the system that are difficult to correct. And so the burden lies fully on the individuals that are impacted by this. And it's unfortunate too that those individuals in many cases are not knowledgeable about their rights and responsibilities and being able to report abuses that they indeed do occur.

What we were also able to ascertain through the hearings was that there's similar problems with the
state database, specifically as it relates to race, color and national origin. And there was a lot of difficulties in trying to ascertain the validity of the data in many instances.

But what is unfortunate is that it also poses challenges to the staff in the state that is charged with interpreting the results if they're not properly trained in both immigration and public benefits law. And that seems to be the case, although we were not absolutely clear on that.

What we did find out was that the data regarding the state verification is inconsistent and insufficient to fully assess its impact. And only one state agency in Nebraska reported on the number of initial non-confirmation as compared to the ultimate number of individuals who were denied services. And in the State of Nebraska, no agency reports on the time frames for secondary verification. And there were no reports on the costs associated with utilizing the system.

What we also found is in many cases that there was incomplete, missing and inaccurate data. So it was really very difficult for us to ascertain civil rights deprivations that may have resulted from the implementation of this law here in Nebraska.
Part of the problem is that there's a very expansive definition on the books of public benefits that are adopted under this legislation that excludes many individuals, including those with deferred action or children who are eligible for a special immigrant juvenile status from being able to assess access the benefits to which they're entitled.

There also seemed to be from our perspective a lack of clarity regarding the distinction between lawful presence and qualified aliens which in many instances contribute to the confusion and unnecessary restriction of benefits to those eligible populations.

Under the Civil Rights Act, neutral procedures and practices which demonstrate a disparate impact on the basis of race, color and national origin must have substantial legitimate justification. The purported justification of LB403 is to ensure that state taxpayers are not sending public money on individuals who are not eligible for those services.

What we're concerned with is that there was no evidence to suggest --

CHAIRMAN CASTRO: Mr. Chairman, we had a little bit of a glitch there. Could you repeat your last sentence or two?
CHAIRMAN BENJAMIN-ALVARADO: Yes.

The panelists were concerned that there was no evidence that suggests that abuse of the public benefits was problematic before LB403's introduction, and second, that the State does not collect the data on the cost of implementation and cannot accurately assess whether or not the program is achieving a cost-effective benefit for taxpayers and that some of the panelists concurred that it might be suggested that LB403 may have been drafted with a biased intent raising concerns regarding equal protection under the 14th Amendment of the Constitution of the United States.

So from that, we came up with a set of recommendations. And we were first concerned with the matters related to discrimination or denial of equal protection of laws, and secondarily upon matters of mutual concern in the preparation of reports of the Commission to the President and to the Congress.

In keeping with those responsibilities, we advanced the following recommendations.

We strongly suggest that the Commission should investigate civil rights impact of state and local immigration-related enforcement efforts across the country, including those in the areas of employment, education and health services.
Secondarily, that the Commission should issue a formal request of the Department of Justice Civil Rights Division, Office of Special Counsel Immigration-Related Unfair Employment Practices to investigate the impact of Nebraska's LB403 on equal employment opportunities in the State of Nebraska.

The Commission should also issue a formal request of the U.S. Department of Health and Human Services Office of Civil Rights to investigate the impact of the access to federally-supported healthcare services and the potential disparate impact on the basis of color, race and national origin.

Then we also suggested such an investigation should focus primarily on programs and services exempted from immigration status verification under federal law.

We also recommend that the Commission should issue a formal request of the U.S. Department of Education Office of Civil Rights to investigate the impact of this legislation on access to federally-supported education programs such as financial aid and federal student loans and the potential disparate impact that it may have as well.

And finally, we recommend that the Commission should issue a formal recommendation to
USCIS urging the Agency to prohibit the use of the same database to verify immigration status of applicants for public programs which are exempt from such verification under federal law.

So that's really the formal part of what I have to present. And I'm open for questions, ladies and gentlemen.

CHAIRMAN CASTRO: Thank you, Mr. Chairman.

Are there any questions for the Chair?

Commissioner Narasaki?

COMMISSIONER KLADEY: I'd just like to--

oh.

CHAIRMAN CASTRO: Commissioner Narasaki.

Then Commissioner Kladney.

COMMISSIONER NARASAKI: Thank you, Mr. Chair.

I just wanted to commend the Nebraska SAC for its excellent work. I have been working on immigration issues for 20 years, and this is one of the best versions of this kind of report that I've seen. So really excellent job to the SAC and the staff who worked on it.

I was particularly struck by the data that at 2014 just 276 of the 5,484 individuals who initially
failed the e-verification remained in failed status after secondary verification. So there's a 95 percent error rate. And that's just in one year in that state -- that many individuals who potentially had their employment or other benefits held up.

And I want to point out because I had a former staff member who went to work for the then Chair of the House Immigration Subcommittee. And she got held up. She had immigrated as a child. She got held up in the system. And it took her a month to clear her status even though she was working for the Chair of the House Immigration Subcommittee.

So this is not an easy thing to clear up for people. And so I commend the SAC for taking this issue up.

CHAIRMAN CASTRO: Thank you.

Commissioner Kladney?

COMMISSIONER KLADNEY: I just wanted to ask did you find what the error rate was in the e-Verify?

CHAIRMAN BENJAMIN-ALVARADO: We were not able -- nobody was able to provide us with that information. It was rather frustrating as we went through our deliberations and trying to actually get hard data -- quantitative data -- error rates other than anecdotes are on that. I don't have anything concrete
COMMISSIONER KLADNEY: Well, I was just wondering and your conclusions about error rates in that regard, how did you arrive at them?

CHAIRMAN BENJAMIN-ALVARADO: Well, when we did ask -- when we were able to talk with the federal officials, like I said, they only offered us broad suggestions that there was indeed a very high error rate that they were taking measures to address those particular issues.

But like I said -- not that they were evasive. They just didn't provide us with any confidence that database in and of itself could be reliable for making the types of verifications needed or sought under any scenario.

And so, that's why we came out as strongly as we did against it.

COMMISSIONER KLADNEY: So do you think that at the national level they would be able to provide those kinds of statistics of --

CHAIRMAN BENJAMIN-ALVARADO: I do believe so. I know that there has been some work that's been done on it. And I would hope that if they were conducting a regular analysis of the use of data that they would be able to provide that because I think it's
important, not only in terms of ensuring that individuals might have used the system but also to ensure that no one's rights are being violated as a consequence of utilizing that data to make those types of assessments on verification.

COMMISSIONER KLADNEY: So if you would pick the top five areas where you would like to know the error rate, and the Departments that you'd like to know them from, could you list them and perhaps you can send them some correspondence to see if they could reply and we can get a better handle on that?

CHAIRMAN BENJAMIN-ALVARADO: What I would ask if we could be very direct about it is is there any type of instruction that goes out from the federal government that maintains these databases to the states and local agencies that utilize them to make these types of assessments, whether or not an individual is qualified to receive state or federal benefits at any level. That's always a tough nut to crack.

And I'm sensitive to the amount of work that people in these agencies have to do. But I also do believe that if someone is qualified for these benefits that they should be able to receive them with little or no kind of interference from the government so long as they provided the adequate and requisite
information to be eligible.

And for us, that was the issue in Nebraska. Anecdotally, what had gone on here is that there were some reports that individuals who were fully eligible to receive benefits were not because of inherent problems in the Nebraska Department of Health and Human Services. And so, if there could be some sort of a directive from the federal government to state and local agencies on the proper utilization and usage of these data sets, I think it would be the thing that would make us probably feel best about all of this moving forward.

COMMISSIONER Kladney: Thank you very much.

CHAIRMAN CASTRO: Thanks.

COMMISSIONER Kladney: Good work.

CHAIRMAN CASTRO: Thank you.

Mr. Chairman, I think what we're going to try to do here -- and I'll hand it over to you, Commissioner Narasaki for your questions -- you make I think it's a number of specific requests that the Commission issue formal requests to various of the departments. I'm going to ask my staff to prepare letters to that effect for the Commission to review for our consideration to follow up on these requests.
And in terms of looking into the broader issue of the impact of state and local immigration laws, we actually did a hearing on that in 2012 on some of the state laws there. We initially determined not to issue a report and just post the transcript. But indeed, we determined last year that we want to issue a report. So staff, among the many drafts they’re working on right now, there is a draft that is going to be prepared as to the state and local immigration laws. And perhaps what we could do is refer this report to our interim OCRE office to see how they might be able to incorporate the work of the Nebraska SAC already done into the work that the Commission has already been doing on that issue.

So I'm going to propose that that we're going to do on this front.

Commissioner Narasaki, you had some additional questions?

COMMISSIONER NARASAKI: Yes. Thank you. Just one more somewhat related to that request.

So we did get appended to the report the response from the Department of Health and Human Services in Nebraska responding to some of the issues that were raised by the report. And I'm wondering
whether there are any of the responses that you take issue with still in terms of what you thought was a satisfactory response or whether it left some issues still of concern to the SAC.

CHAIRMAN BENJAMIN-ALVARADO: Well, it did leave some issues of concern to the SAC that it has much more to do, not so much with the response but I guess there's a context that I need to kind of make you aware of.

The State Department of Health and Human Services has been under fire from the federal government for a number of discrepancies, both in the manner in which it has implemented federal funding for various programs in the State, so much so that the State was compelled to return some of the funds from the federal government back to Washington because of a lack of oversight and appropriate accountability on issues, especially as they relate to issues of child welfare.

That is still an issue that's being worked through here in the State of Nebraska. And to be honest with you, I was surprised that we even got a response from them given the amount of fire that they've been having to deal with on an ongoing basis. Like I said, not just that branch alone. And public mental health issues have also been a significant kind of scar on the
reputation of Health and Human Services here.

And so, a lot of things have gone wrong and we've gone through a revolving door of directors and attempts on the part of the State to address many of these issues. And this is yet another one.

And so, I think we did feel satisfied with the response from HHS here in Nebraska. And so, we were hoping that we could maybe come to it from another angle so that there would be the kind of attention they paid to the federal requirements. And then like I said, being compelled to return funds because of the lack of accountability, I think it would be clear to them that this is yet another area where they have to respond to both federal requirements, regulations, but also to civil rights concerns.

CHAIRMAN CASTRO: All right.

Any other questions from Commissioners?

(No audible response.)

CHAIRMAN CASTRO: Hearing none, Mr. Chairman, I want to thank you again --

COMMISSIONER YAKI: Sorry.

CHAIRMAN CASTRO: Go ahead.

Commissioner Yaki?

COMMISSIONER YAKI: I thank you very much.

I just wanted to thank the Chair for this
report. And I also on a personal note make him know that I have had the fortune of visiting Nebraska lately but the last two months and two months I've been in Lincoln a few times and Omaha. It's a beautiful state. And just wanted to say thanks for the work that you're doing and for the comprehensiveness of, as Commissioner Narasaki said, of this report to the Commission.

CHAIRMAN BENJAMIN-ALVARADO: Well, thank you very much. I appreciate it.

CHAIRMAN CASTRO: Mr. Chairman, again I want to thank you again for accepting our invitation to be the Chair of the committee and the work that you've been doing and the leadership you're providing, not only to us here at the SAC and at the Commission but I know of all the other work that you're doing in the community.

So please also give our regards and thanks to the other SAC members for their service and for their support.

CHAIRMAN BENJAMIN-ALVARADO: Thank you very much. I appreciate that.

CHAIRMAN CASTRO: Thank you.

You're free to stay on and listen to the last part of our meeting, if you want. Otherwise, we will release you from your obligation to be on.
Thanks.

CHAIRMAN BENJAMIN-ALVARADO: Very well.

Thank you, sir.

CHAIRMAN CASTRO: You're welcome.

Next and continuing on the state advisory committee theme, we have a couple of SACs up for appointment or re-appointment. So I am going to proceed with those.

III. STATE ADVISORY COMMITTEE (SAC) APPOINTMENTS

Maine and Georgia

CHAIRMAN CASTRO: The first one is on Georgia. So let me make a motion that the Commission appoint the following individuals to the Georgia State Advisory Committee based upon the recommendation of our Staff Director: Gerardo Gonzales, Julius W. Dudley, Joseph M. Knippenberg, Peter A. Lawler, John W. Mayes, Jamala S. McFadden, Stephanie Woods Miller, Khafre Abif, Laverne Gaskin, Chanel Haley, James McCrary, Jeremy Kidd, Anne Lewis and John Park.

Pursuant to this motion, the Commission reappoints Gerardo Gonzales as Chair of the Georgia State Advisory Committee.

These members will serve as uncompensated government employees.

Under this motion, the Commission
authorizes the Staff Director to executive the appropriate paperwork for the appointments.

Do I have a second? Is there a second?

COMMISSIONER KLADNEY: Second.

CHAIRMAN CASTRO: Okay. Thank you, Commissioner Kladney.

Any discussion?

Commissioner Narasaki?

COMMISSIONER NARASAKI: So because we really need to move on filling these vacancies, I will support this. But I am concerned about the fact that there is not an Asian American representative on this SAC.

It's a four-year appointment. And this is a state which has one of the fastest growing Asian American communities, and in fact it has a fairly significant Asian American community in the Atlanta Metro Area.

So I'm concerned about that. I hope that the staff will with the SAC to make sure that there's adequate outreach to Asian American organizations. And my staff and I will be happy to help them with that.

CHAIRMAN CASTRO: Thank you, Commissioner Narasaki.

Anybody else?
(No audible response.)

CHAIRMAN CASTRO: Anybody else?

(No audible response.)

CHAIRMAN CASTRO: Okay. Then I'm going
to call this for a vote.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote yes.

CHAIRMAN CASTRO: Commissioner Kirsanow,
how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki,
how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney,
how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg,
how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how
do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do
you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIRMAN CASTRO: And I vote yes, so unanimously, this slate passes.

I now move on to Maine.

I make a motion that the Commission appoint the following individuals to the Maine State Advisory Committee based upon the recommendation of our Staff Director: Jennifer A. Bailey, William D. Baker, Maurice R. Gilbert, Diane A. Khiel, Judith D. Jones, Stephen J. Meardon, Eric M. Mehnert, Michael R. Montgomery, Phillipe J. Nadeau, Joseph R. Reisart, Paul S. Robinson, Rachel Talbot-Ross, Carl M. Toney, Akintoye Akinjiola, Muidin Liebah and Ian Yaffe.

Pursuant to this motion, the Commission appoints Diane A. Khiel as Chair of the Maine State Advisory Committee.

These members will serve as uncompensated government employees.

Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments.

Is there a second? Second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Thank you, Commissioner Achtenberg.

Any discussion?
(No audible response.)

CHAIRMAN CASTRO: Hearing none, I'll call for a vote.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm going to vote for the slate, but I think I may have something I'd like to mention to you at a later date --

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: -- about this.

CHAIRMAN CASTRO: All right.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLANDNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do
you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. We have another unanimous passage. The slate is now confirmed. Thank you.

We now move on to Management and Operations. And I give the floor to the Staff Director for his report which will be the -- well, go ahead -- I believe the next item on the agenda.

MANAGEMENT AND OPERATIONS

Staff Director's Report

STAFF DIRECTOR MORALES: Thank you, Mr. Chairman. I appreciate it.

In addition to the report which you have, of course, I have two things I'd like to mention and bring to your attention.

One is that we are currently interviewing in the last part of interviewing process for a public engagement staff member that we were hoping to select here fairly quickly in the next few weeks, make an offer. And so I wanted to update the Commissioners on that.

And second, I know there's been some interest from Commissioners and their Special Assistants about the proposed changes to the SAC
appointments and SAC process. And so, I just wanted
to let folks know that we received several comments and
suggestions from staff, from Commissioners and from
Special Assistants.

In addition, we've received a couple of
requests from Commissioners to meet with us to express
their ideas in person.

David Mussatt who is the regional
coordinator for the State Advisory Committees is away
on vacation next week until the 25th. Once he returns,
we'll finish our conversations with the Commissioners
and then we're hoping create a memo that we can lay out
the recommended changes or some of the proposed ideas.
And at that point, we can share that information with
Commissioners and Special Assistants and then find a
way to prepare a package or finalize the idea for
approving the SAC selection process, the SAC movement
utilizing SACs as well.

So that's what I have, Mr. Chairman.

CHAIRMAN CASTRO: Okay.

Any questions?

Commissioner Narasaki?

COMMISSIONER NARASAKI: I just actually
want to commend the staff. The Chair, Vice Chair and
I had the opportunity to go down to the North Carolina
State Advisory Committee hearing on environmental justice. And it was really a very productive, very moving hearing. I'm only said that the rest of the Commissioners weren't able to participate.

I particularly wanted to comment both David Mussatt but also Jeffrey Hinton who's the regional coordinator as well as Corrine Saunders who is wanted from another region in order to provide administrative support.

It was extremely well done, and I think very fruitful input into our Maine report. So just really want to thank staff and commend them.

CHAIRMAN CASTRO: Thank you, Commissioner Narasaki. I agree with you completely on that.

Any other questions or comments on the report from the Staff Director?

COMMISSIONER NARASAKI: Oh, I should also commend the Chair -- sorry --

CHAIRMAN CASTRO: That's okay.

COMMISSIONER NARASAKI: -- of the State Advisory Committee.

CHAIRMAN CASTRO: Maddie's great.

COMMISSIONER NARASAKI: She did an amazing job because they did have almost two hours of open mic which is always difficult to facilitate
particularly on something so emotionally charged. And she did a really incredible job.

    STAFF DIRECTOR MORALES: Thank you, Commissioner Narasaki. I think it's a good example of when the Headquarters office can collaborate with the State Advisory Committees and utilize their expertise in local communities and providing us with information. So thank you.

    CHAIRMAN CASTRO: Any other Commissioners wish to say anything?

    (No audible response.)

    CHAIRMAN CASTRO: Okay. I want to before I adjourn the meeting let some Commissioners know and others remind them because I've let some folks know in advance already that I will be out of the country at our next meeting on May 20th where we're going to have a hearing. So in my absence, the Vice Chair will be chairing the briefing. I know you'll all be nice to her. But she doesn't need that. She'll run a good meeting.

    So I just wanted to let you know so no one's surprised when I don't show up at the next meeting. Our Vice Chair will be running that briefing.

    And that is all the business we have. So I hereby adjourn the meeting at 11:06 Eastern Time.
Thank you.

(Whereupon, at 11:06 a.m., the above-entitled matter was concluded.)