

February 15, 2006

The Honorable Sam Brownback
Chairman
Subcommittee on the Constitution, Civil Rights and Property Rights
Committee on the Judiciary
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Russell D. Feingold
Ranking Minority Member
Subcommittee on the Constitution, Civil Rights and Property Rights
Committee on the Judiciary
U.S. Senate
506 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Brownback and Senator Feingold:

The U.S. Commission on Civil Rights recommends that Congress extend the terms of the State Advisory Committees (“SACs”) and their members to four years when it considers reauthorization legislation for the Commission.

Although two years is the maximum term generally allowable under the Federal Advisory Committee Act (FACA), the situation at the Commission warrants an exception. The Commission’s SACs are different from the usual advisory committees addressed in the FACA statute. The number of SAC members (some 600 to 700) is much greater than the 13 regional office employees which provide them direct support. Additionally, the SACs have been such a longstanding part of the organization. Finally, they play a role that is vital to the ongoing mission of the agency.

The Commission’s regulations currently apply the Federal Advisory Committee Act (FACA) to “the management, membership and operations of” State Advisory Committees and their subcommittees. FACA limits the term of such committees to two years, with various exceptions. *See, e.g.*, 41 C.F.R. § 102-3.55 (a)(1) (“An advisory committee automatically terminates two years after its date of establishment unless [t]he statutory authority used to establish the advisory committee provides a different duration”). Congress can provide a different term in the Commission’s authorizing statute.

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Two years is an insufficient period of time for SAC membership, given the time and resources necessary for rechartering. The effort necessary for rechartering 51 SACs consumes a substantial amount of regional resources and reduces the resources available for SAC activities. Additionally, the constant expiration of SACs has led to a situation in which we frequently have a large number of unchartered SACs. Expanding the term of SACs and their members would enable the Regional Office staff members to focus their activities on important state and local civil rights activities, rather than diverting resources to the rechartering process.

We urge Congress to help the Commission support the SACs in a manner consistent with all applicable federal statutes and regulations and with the aspirations of this agency.

Very truly yours,

GERALD A. REYNOLDS
Chairman