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UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC 20425
www.usccr.gov

October 22, 2013

Re: Freedom of Information Act Request Dated October 2, 2013, File No. 2014-3

We received your request under the Freedom of Information Act (“FOIA”) seeking an electronic copy of the Request for Congressional Appropriations for the USCCR for each of the last ten years.

A review of our records revealed electronic copies of Requests from FY2006 to FY2012. We have enclosed these copies in full to respond to your request.

To the extent that you consider this response to be a denial of your request, you may appeal within 90 days of this letter by filing a written request for review addressed to the Staff Director of the U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, NW, Ste 1150, Washington, D.C. 20425, by certified mail, including a copy of the written denial. You may include a statement of the circumstances, reasons or arguments advanced in support of disclosure. *See 45 C.F.R. § 704.1(g).* Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,

A handwritten signature in black ink, appearing to read "Yasmin Elhady".

Yasmin Elhady
Attorney Advisor
Office of the General Counsel
U.S. Commission on Civil Rights

U. S. COMMISSION ON CIVIL RIGHTS



**APPROPRIATIONS REQUEST TO
THE UNITED STATES CONGRESS
FOR FISCAL YEAR 2006**



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

April 29, 2005

The Honorable Frank R. Wolf
Chairman
Subcommittee on Science, State, Justice, and Commerce, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
H-309 The Capitol
Washington, D.C. 20515

Dear Chairman Wolf:

The U.S. Commission on Civil Rights requests an appropriation of \$9,096,000 for FY 2004. Please note that the tables and schedules in this submission are based on the President's budget of \$9,096,000. Hailed as the "conscience of the Nation" on civil rights matters, the Commission is now meeting severe financial and management challenges that have accumulated over several years. As such, the Commission has voted to take significant corrective measures that will enable us to carry out our mission while maintaining expenditure levels within this requested budget authority.

Created in 1957, the U.S. Commission on Civil Rights is a bipartisan, fact-finding agency charged with investigating and making recommendations to the executive and legislative branches on how to end discrimination in the Nation. The Commission's mandate encompasses the full spectrum of civil rights issues, including oversight of the civil rights programs of 14 executive departments and 27 other federal agencies. Among its responsibilities, the Commission conducts investigations, educates the public on civil rights matters, and operates programs that address both local and national civil rights concerns. To meet these responsibilities, the Commission maintains five key programs:

- a program to evaluate and identify ways of improving the effectiveness and efficiency of federal civil rights enforcement;
- a program to investigate allegations of discrimination and denials of equal protection of the laws based on race, color, religion, gender, age, disability, or national origin, or in the administration of justice;
- a program to promote greater public awareness of civil rights protection and responsibilities;
- a program to assist members of the public who seek information and advice about protecting their civil rights; and
- a network of State Advisory Committees that gives the Commission a vital local presence in communities across the country.

Chairman Wolf

Page 2

The Commission also strives to improve management, accountability, and productivity across these program areas.

While the cost of carrying out our mandate has continued to increase as annual funding has remained constant, the Commission has taken significant steps to maintain expenditure levels consistent with our request.

Coordination with Other Agencies

We have reviewed the appropriate sections of the OMB Circular No. A-11 concerning coordination with other agencies for compliance with stated policies, and the Commission is in compliance with Circular A No. A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations furnished to OMB in connection with the U.S. Commission on Civil Rights' FY 2006 request consist of valid obligations as defined in section 1501(a) of that title.

Very truly yours,



KENNETH L. MARCUS
Staff Director



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

April 29, 2005

The Honorable Richard Shelby
Chairman
Subcommittee on Commerce, Justice, and Science
Committee on Appropriations
U.S. Senate
The Capitol S-146A
Washington, D.C. 20515

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KENNETH L. MARCUS

Staff Director

THE CONSCIENCE OF A NATION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights has been called the “conscience of the Nation” with respect to civil rights matters. Created in 1957, it was envisioned by President Eisenhower as a bipartisan, fact-finding panel charged with investigating and making recommendations to the executive and legislative branches on how to end discrimination in the Nation. Its efforts in that regard bore fruit quickly. For example, its third report, issued in 1961, formed the intellectual and factual basis for the provisions of the landmark Civil Rights Act of 1964. The Commission’s work in uncovering the disenfranchisement of African Americans in the South formed the basis of the Voting Rights Act of 1965. Throughout its history, the Commission continued to inform the President, Congress, and the public of serious civil rights challenges before and as they develop. For example, Congress relied on a 1983 Commission report in enacting the Americans with Disabilities Act of 1990.

More recently, the Government Accountability Office (GAO) and the Office of Personnel Management (OPM) have brought to light the Commission’s serious fiscal, internal control, and project planning problems. The reports issued by these entities have cited the Commission’s lack of internal accounting controls, insufficient oversight of project planning, and inadequate documentation of authorized expenditures, among other concerns. Adding to these problems is a significant structural budget deficit.

Today, under new management, the Commission continues to carry out its mission in the midst of serious fiscal and organizational challenges. The Commission is now engaged in a period of significant management reform, strengthening its internal, financial, and project planning controls, while simultaneously focusing on advancing its civil rights mission.

Authorizing Framework

The U.S. Commission on Civil Rights is an independent, bipartisan agency, originally established by the Civil Rights Act of 1957 (P.L. 85-315). Public Law 95-444 extended the life of the Commission through FY 1983 and extended the Commission’s jurisdiction to include discrimination because of age and handicap. The Commission was reestablished for a six-year term by the U.S. Commission on Civil Rights Act of 1983 (P.L. 98-183). The Commission was reauthorized and extended for 22 months through FY 1991 (P.L. 101-180). The U.S. Commission on Civil Rights Reauthorization Act of 1991 (P.L. 102-167) reauthorized and extended the Commission through the end of FY 1994. On October 25, 1994, the Civil Rights Commission Amendments Act of 1994 (P.L. 103-419) extended the Commission until September 30, 1996.

The duties of the Commission, as enumerated in Sections 3(a) and 3(c) of P.L. 103-419, are as follows:

Section 3 (a) The Commission—

- (1) shall investigate allegations in writing under oath or affirmation relating to deprivations—
 - (A) because of color, race, religion, sex, age, disability, or national origin; or
 - (B) as a result of any pattern or practice of fraud; of the right of citizens of the United States to vote and have votes counted; and
- (2) shall—
 - (A) study and collect information relating to;
 - (B) make appraisals of the laws and policies of the Federal with respect to;
 - (C) serve as a national clearinghouse for information relating to; and
 - (D) prepare public service announcements and advertising campaigns to discourage;

discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.

Section 3 (c) Reports—

- (1) Annual Report—The Commission shall submit to the President and Congress at least one report annually that monitors Federal civil rights enforcement efforts in the United States.
- (2) Other reports generally—The Commission shall submit such other reports to the President and the Congress as the Commission, the Congress, or the President shall deem appropriate.

Structure

The United States Commission on Civil Rights is composed of eight Commissioners: four appointed by the President and four by Congress. Not more than four members are at any one time of the same political party. The President also designates the Chairperson and Vice Chairperson from among the Commission's members with the concurrence of a majority of the Commission's members. The Commissioners serve six-year terms. Except in August, the Commissioners hold monthly meetings and convene several other times a year to conduct hearings, conferences, consultations, and briefings.

A full-time Staff Director, appointed by the President with the concurrence of a majority of the Commission, serves as the agency's administrative head and chief executive

officer, responsible for providing leadership and direction to the agency's staff. The work of the Commission is supported and enhanced by the 51 State Advisory Committees (SACs) including the District of Columbia, which serve as the eyes and ears of the national Commission at the state and local levels.

CURRENT CHALLENGES

Under new leadership, the Commission on Civil Rights is now resolving profound management and financial challenges, which have developed over a period of many years. The agency is currently in the process of obtaining its first independent audit in many years to shed further light on these challenges. These challenges have been well documented over several years by the Government Accountability Office (GAO), the Office of Personnel Management, and other public and private entities, include internal and financial control weaknesses and project planning processes which remain in need of improvement. The agency is also experiencing severe budgetary constraints. The Commission has made addressing these challenges through a series of reform measures its highest priority.

The GAO has issued four reports on the Commission since 1997 that bring a number of problem areas into focus—most notably management and financial accountability. For example, the July 1997 GAO report, *U.S. Commission on Civil Rights: Agency Lacks Basis Management Controls*, found broad management problems at the Commission, describing the Commission as an agency “in disarray with limited awareness of how its resources are used.” For example, the GAO reported that the Commission could not provide key cost information for its regional offices, complaints referral process, clearinghouse, public service announcements, and at least one project. It also reported that the Commission had not established accountability for resources and did not maintain appropriate documentation of agency operations.

Similarly, an October 2003 GAO report, *U.S. Commission on Civil Rights: More Operational and Financial Oversight Needed*, found that the Commission lacked good project management and transparency in its contracting procedures. However, this report did acknowledge that the Commission had made a number of management improvements, including establishing policies that clarify the roles of senior management, preparing more detailed budget information for better fiscal administration, and instituting various project management procedures to meet target deadlines, since the GAO’s last report in 1997.

The October 2004 GAO report, *U.S. Commission on Civil Rights: Management Could Benefit From Improved Strategic Planning and Increased Oversight*, found that the Commission failed to fully comply with the requirements of the Government Performance and Results Act (GPRA). For example, the report had found that the Commission had not updated or revised its strategic plan since 1997. This report recommended improved strategic planning and increased oversight, which would assist with project planning.

Finally, an April 2005 GAO report, *U.S. Commission on Civil Rights: Deficiencies Found in Financial Management and Internal Controls*, identified substantial deficiencies in the Commission’s underlying support for a significant level of its expenditures, particularly with respect to nonpayroll-related transactions such as travel and procurement. The report cited the absence of a formal comprehensive set of policies and procedures governing financial and management practices as one of many reasons for the decision of

the Bureau of the Public Debt to discontinue providing accounting services to the Commission after FY 2003. The report contained 39 recommendations to strengthen the Commission's overall financial and management controls.

The Commissioners have made implementing substantial structural changes and reforms a paramount priority in order to meet the agency's fiscal responsibilities and to restore public trust and confidence in this agency. For example, the Commissioner unanimously voted to implement all of the GAO's pending recommendations by mid-January 2006 and to establish significantly stronger internal controls and project planning procedures.

The Commission has already begun to implement many reforms to strengthen accountability and transparency at the Commission. Recent management actions have implemented over 20 GAO recommendations with respect to financial accounting and expense tracking.

The new Staff Director's Administrative Instruction (AI) 3-15 established guidelines to ensure that the Commission recognizes payroll expenses in the proper period for accounting purposes. Specifically, AI 3-15 provided for timely submission of timesheets to the Office of the Staff Director so that expenses are matched with the appropriate pay period.

Similarly, AI 3-16 embraced a wide variety of reforms to ensure that non-salary expenditures have proper authorization, approval, and supporting documentation. Among other things, these reforms directed the Chief of the Budget and Finance Division to maintain appropriate documentation for financial transactions, prepare purchase authorizations in advance of expenditures, and provide travel vouchers. This particular administrative instruction implemented approximately 21 of the GAO's recommendations.

Likewise, AI 4-21 directed the Chief of the Administrative Services and Clearinghouse Division to prepare and maintain complete contract files to document the basis for Commission decisions in acquiring goods and services and to ensure Commission compliance with Federal Acquisition Rules.

These are the initial steps in what will be a lengthy series of reforms that the Commission is now adopting in order to ensure that it complies with all legal and financial requirements and that its management is sound.

Complicating these already significant internal challenges are the structural problems underlying the Commission's budget. The Commission's budget for fiscal year 2005 is \$9,023,232—essentially unchanged from the prior fiscal year. While the Commission's budget has remained flat for a decade, primary expenses, specifically salaries and benefits, have continued to rise. Without serious fiscal corrective measures, the Commission was recently on course to overspend its FY 2005 appropriation by approximately \$265,000. The Commission has recently developed cost-cutting measures to close this structural deficit and provide us with a sufficient cushion against unexpected costs so that we can assure that we are living within our means. These cost-cutting

measures will ensure that the Commission does not exceed its budget authority for FY 2005 and FY 2006. They will not, however, resolve the Commission's structural deficit.

In April 2005, the Commission took the following steps to ensure that it remains firmly within its budget authority for FY 2005:

- *A freeze on hiring of new career and non-career employees:* Several Commissioners, including the Chairman, have refrained from hiring full-time special assistants as permitted by statute. This freeze also extends to filling vacancies in critical positions such as Deputy Staff Director, Congressional Affairs Chief, Public Affairs Director, Regional Programs Officer, and General Counsel.
- *Freeze on expenditures:* The Commission suspended expenditures such as employee travel, training requests, purchasing of supplies, overtime, and the use of Federal Express in April 2005, and encouraged the use of e-mail, telephone, and facsimile to offset the use of postal services and other carriers.
- *Voluntary Early Retirement Authority:* The Commission has recently offered Voluntary Early Retirement to eligible employees. Under VERA, eligible employees may retire early under the Civil Service Retirement System or the Federal Employees Retirement System from an agency undergoing organizational change. Although this approach will yield only limited relief, it is a worthwhile option if only to offset a small part of the deficit.

Recently, the Commissioners unanimously authorized the Staff Director to take further fiscal corrective measures to meet five major goals: (1) closing the projected FY 2005 deficit; (2) closing an expected FY 2006 deficit that, depending on increases in Federal salaries and benefits, could exceed the current shortfall by more than \$200,000; (3) providing an additional cushion to protect the agency against potential Antideficiency Act violations in FY 2006 and to provide additional funds to support financial integrity and legal compliance reform efforts in FY 2006; (4) to protect the ability of the agency to accomplish its mission; and (5) to protect the welfare of the agency's employees.

These following measures are projected to save the Commission over \$700,000, in order to close substantial deficits projected for this fiscal year and FY 2006. These measures are predicated on budget expectations of continued level funding. If the Commission were to receive appropriated funds at a significantly different level than requested, some of these measures may be reconsidered. Nevertheless, given the appropriations history of this Commission, it is prudent to base all budget projections and forecasts on prior history. Therefore, all of these measures should address the shortfall for fiscal years 2005 and 2006, and provide a financial cushion for FY 2006:

- *Reduction in Force:* The Commission authorized the Staff Director to implement a reduction in force (RIF) of up to four employees in FY 2005.

- *Closure of Regional Offices:* The Commission authorized the Staff Director to close two regional offices early in FY 2006. Specifically, the agency plans to close the Kansas City and Denver offices during the first fiscal quarter of FY 2006. In closing these two offices, up to three employees in each of these two regional offices will be affected by a RIF. The Staff Director identified these closures as those best meeting the five goals described above. These closures will enable the Commission to appreciate substantial savings over time.
- *Furlough:* The Commission will impose a certain number of days of leave without pay on all Commission employees in FY 2005. The duration of the furlough will be such time as is required to fill the remaining shortfall during FY 2005.

The following narrative provides greater financial detail as provided in the 2006 budget submission of the Office for Management and Budget (OMB). Our ability to forecast expenditures with precision and accuracy is constrained by the absence of accounting controls alluded to in GAO reports. Anticipated expenditures are subject to change as the Commission strives to minimize costs to meet its fiscal challenges and conduct mission-critical activities.

11.1 Personnel Compensation

12.1 Civilian Personnel Benefits

Amount Requested: \$6,162,000

Resources in this category provide funding for salaries and benefits of federal employees. These object classes combine funding for personnel costs, including the expected increases of within-grade increases, planned promotions, and performance awards for qualified staff, and includes attrition. This request supports the proposed 2.3 percent pay raise to be effective in January 2006, and is consistent with administration policy.

Estimates are provided for benefits including the agency's share of contributions for health insurance, life insurance, FERS, CSRS, and FICA, Thrift Savings Plan matches, unemployment benefits, and injuries sustained in the workplace. In recent years, federal health insurance premiums, including agency contributions, have increased nearly 13 percent annually. Support for the federal transit subsidy benefits is also reflected in this object class.

While the Commission previously relied on attrition to rein in personnel costs, such attrition will not suffice to address its current fiscal challenges. Consequently, the Commission took corrective measures in FY 2005 that will reduce personnel costs in FY 2005 and FY 2006. First, the Commission imposed a freeze on new hiring. Over half of the Commissioners have refrained from hiring permanent, full-time special assistants. This freeze also extends to filling vacancies in critical positions such as Deputy Staff Director, Congressional Affairs Chief, Public Affairs Director, Regional Programs Officer, and General Counsel. Second, the Commission authorized the Staff Director to implement a reduction in force of up to four employees in FY 2005. Third, the Commission plans to close the Kansas City and Denver offices during the first fiscal quarter of FY 2006. In closing these two offices, up to three employees in each of these two regional offices will be affected by a RIF.

With these corrective measures, the Commission estimates that expenditures on salaries and benefits will be \$6,162,000 for FY 2006.

23.1 Rental Payments to General Services Administration

Amount Requested: \$1,265,000

This class funds rental costs for Commission offices. In early FY 2006, the Commission plans to close regional offices in Kansas City and Denver to effectuate cost-savings necessary to remain within our budget authority. With these corrective measures, it is estimated that rental payments to GSA will be \$1,265,000 for FY 2006.

25.2 Other Services

Amount Requested: \$1,669,000

This class funds the acquisition of all goods and services not previously covered. This class includes: accounting services, communications; authorized travel expenses for Commission and staff; the composition and printing of Commission publications; mailing and shipping services; expendable supplies such as routine office products, paper, and copier supplies needed to carry out the daily business of the Commission; IT supplies, including disks and toner cartridges for printers; the cost of maintaining the agency's subscriptions to periodicals, magazines, and newspapers; and all equipment, furniture, and office machines having a useful life in excess of one year, such as chairs, desks, file cabinets, IT equipment, software licenses, leased copy and fax machines, and printers.

The Commission imposed a freeze on certain expenditures to minimize costs for FY 2005. These expenditures will be revisited in FY 2006 in light of our budget authority. The Commission estimates that expenditures on other services will amount to \$1,669,000 for FY 2006.

The following tables summarize FY 2006 anticipated expenditures for the Commission.

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2006.....	\$9,096,000
Program increase.....	\$0

APPROPRIATION LANGUAGE

FEDERAL FUNDS

General and Special Funds:

Salaries and Expenses

For expenses necessary of the Commission on Civil Rights, including hire of passenger motor vehicles [\$9,096,000] \$9,096,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner; *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days (*Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005*)

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

OBJECT CLASSIFICATION
(in thousands of dollars)

Identification Code		FY 2004 ACTUAL	FY 2005 ESTIMATE	FY 2006 ESTIMATE
11.1	Full time Permanent	4,578	4,199	4,699
11.3	Other than full time permanent	322	322	330
11.5	Other personnel compensation	50	121	
11.9	<u>Total Compensation</u>			
12.1	Personnel benefits: Civilian	1,327	1,013	1,133
13.0	Benefits for former personnel	0	0	0
21.0	Travel and transportation of persons	187	114	100
22.0	Transportation of Things	35	30	30
23.1	Rental Payments to GSA	1,536	1,452	1,265
23.2	Rental Payments to Others	15	2	3
23.3	Communications, utilities, and Miscellaneous charges	105	175	150
24.0	Printing and reproduction	13	56	50
25.0	Other Services	748	1,417	1,200
26.0	Supplies and materials	77	116	118
31.0	Equipment	31	6	18
99.0	Subtotal, direct obligations	9,024	9,023	9,096
99.9	Total obligations	9,024	9,023	9,096

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

PROGRAM FINANCING
(in thousands of dollars)

Identification Code 95-1900-0-1-751		FY 2004 ACTUAL	FY 2005 ESTIMATE	FY 2006 ESTIMATE
<u>Program by Activity</u>				
00.01	Direct Program	9,024	9,023	9,096
01.01	Reimbursement Program			
10.00	Total Obligations	9,042	9,023	9,096
<u>Financing</u>				
25.00	Unobligated balance lapsing	18	0	0
39.00	Budget Authority	9,042	9,023	9,096
<u>Budget Authority</u>				
40.00	Appropriation	9,042	9,023	9,096
<u>Relation of obligations to outlay</u>				
71.00	Obligations incurred net	9,024	9,023	9,096
72.40	Obligated balance, start of year	0	0	0
74.40	Obligated balance, end of year	0	0	0
77.00	Adjustments in expired accounts	0	0	
89.00	Outlays	9,024	9,023	9,096

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

PERSONNEL SUMMARY

Identification Code 95-1900-0-1-751	FY 2004 ACTUALS	FY 2005 ESTIMATE	FY 2006 ESTIMATE
Total number of permanent positions	65	57	58
<u>Total compensable workyears:</u>			
Full time equivalent employment	75.00	75.00	75.00
Full time equivalent of overtime and holiday hours	0	0	0
Average ES salary	135,660.00	142,226.00	142,226.00
Average GS Grade	11.83	12.59	12.96
Average GS Salary	70,296.83	73,666.66	81,017.24

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

Identification Code 95-1900-0-1-751	FY 2004 ACTUAL	FY 2005 ESTIMATE	FY 2006 ESTIMATE
ES 6	0	0	0
ES 5			
ES 4			
ES 1	2	3	3
EXL	8	8	8
ES Subtotal	10	11	11
GS 15	6	7	7
GS 14	5	4	4
GS 13	20	17	20
GS 12	5	2	2
GS 11	2	1	1
GS 10	0	0	0
GS 9	2	2	3
GS 8	1	1	1
GS 7	7	7	5
GS 6	1	1	1
GS 5	6	4	3
GS 4	0	0	0
GS Subtotal	55	46	47
Total permanent employment, end of year	65	57	58

NARRATIVE JUSTIFICATIONS

Currently, project planning is tied to the performance goals described below. Internally generated cost estimates for FY 2006 are provided only where available. Costs consist of the object classifications listed in the previous section. These cost estimates may differ from the actual expenditure as many of the project proposals await final Commission vote on their merits and scope.

GOAL ONE: Evaluate and identify ways of improving the effectiveness and efficiency of federal enforcement of civil rights laws and policies.

Objective: The goal of the Commission's enforcement studies and related efforts is to provide information and make recommendations to the President and to Congress as to the efforts on the part of the federal government to prevent the denials of civil rights because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Strategy: To accomplish this, the Commission's Office of Civil Rights Evaluation (OCRE) monitors and analyzes the civil rights activities of federal agencies. The work enables the Commission to participate proactively in formulating federal civil rights policies, to promote effective coordination of interagency and intergovernmental enforcement activities, and to ensure that civil rights laws are aggressively and efficiently enforced. The FY 2006 direct program funding for federal civil rights evaluation again recognizes the critical role of this program in fulfilling the agency's mission.

Accomplishments: In FY 2004, the Commission issued several reports that evaluated and identified ways of improving the effectiveness and efficiency of federal enforcement of civil rights laws and policies:

- *Ten-Year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations? Volume IV—An Evaluation of the Departments of Education, Health and Human Services, and Housing and Urban Development, and the Equal Employment Opportunity Commission:* The fourth and final volume in a series of reports that examined whether federal agencies have responded to Commission recommendations for improved civil rights enforcement in nondiscrimination and equality of opportunity in employment, education, housing, health care, and transportation in federally assisted programs; among state and local government agencies; and in the private sector, offered between 1992 and 2002. This report focused specifically on the responsiveness of the Departments of Education, Health and Human Services, and Housing and Urban Development, and the Equal Employment Opportunity Commission (EEOC). Among the report's findings were that the EEOC adopted its own measures for

improvement, other agencies adopted some of the Commission's recommendations, and that some showed improvement in civil rights enforcement processes.

- *Funding Federal Civil Rights Enforcement: 2005:* The Commission released this annual report, which examined funding, staffing, and workload levels for the six principal federal agencies charged with enforcing the nation's civil rights laws: the U.S. Department of Education, the U.S. Department of Justice, the U.S. Department of Health and Human Services, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Labor, and the U.S. Department of Housing and Urban Development.

The Commission released two additional reports in FY 2004 that were not approved by a majority of Commissioners and thus may not be considered Commission reports: *Redefining Rights in America: The Civil Rights Record of the George W. Bush Administration: 2001-2004* and *Toward Equal Access: Eliminating Language Barriers from Federal Programs*. In accordance with Commission policy, these reports remain available to the public through the Commission's library, although they are no longer posted on our Web site:

Aside from these reports, the Commission monitored Federal civil rights enforcement and related legal, legislative, and other developments on a range of topics. Through monitoring news accounts, the Internet, and occasional interviews with federal agency staff, the Commission: (1) assessed enforcement efforts; (2) responded readily and knowledgeably to requests for comments and advice from Executive agencies, Congress and the public; (3) increased the quality of information available for Commission program and policy planning; and (4) identified opportunities for the Commission to take action that affected national policy in a timely manner. Monitoring topics for the FY 2004 included: child labor, housing, criminal justice, hate crimes, voting rights, election reform, sentencing and death penalty, prisoner rights, access to health care, bioterrorism and public health, access to capital, transportation, black farmer issues, and the 2000 Census.

Plans: As the Commission strives to meet serious fiscal challenges, several projects previously for FY 2005 have been postponed or placed on the future agenda of the Commission. Three projects that remain pending current fiscal constraints for FY 2005 are the following:

- *Ten Years After Adarand:* This report, with an anticipated publication of September 2005, would review federal agencies' use of race-neutral contracting vehicles; show the amount of federal procurement funds going to small, disadvantaged, and HUBZone businesses; analyze barriers facing socially and economically disadvantaged firms; and examine the role of federal agencies in implementing procurement programs in compliance with *Adarand*.

- *Minority Employment and Economic Development: The Wealth Gap:* This project would attempt to determine what factors contribute to closing the employment, income and wealth gaps between minorities and non-minorities, and how these can be encouraged. The report would also address to what extent are regionally-focused strategies effective in narrowing income and wealth disparities and their relationship to macroeconomic policies, including tax and monetary policy, and income maintenance policies.
- *Funding Federal Civil Rights Enforcement: The President's 2006 Budget:* This study would review agency budgets to assess the effect of funding on civil rights enforcement, specifically whether or not inadequate funding hinders agencies from adequately fulfilling their goals. **Initial Estimated Cost: \$238,395**

The following previously approved projects are under consideration by the current Commission and may be conducted in 2006. Additional or alternative projects may be proposed and approved for FY 2006.

- *A Review of Section 5 and Section 203 of the Voting Rights Act:* This project proposes to evaluate the impact of Section 5 and Section 203 of the Voting Rights Act (VRA), scheduled for reauthorization in 2007, through an in-depth examination of how DOJ has administered the pre-clearance provision of Section 5, as well as the language rights provision of Section 203. **Initial Estimated Cost: \$557,739**
- *Religious Discrimination in the Workplace:* The purpose of this report would be to gather information to support an evaluation of the problem of religious discrimination and to determine its extent and how employers are responding. Title VII of the Civil Rights Act of 1964 prohibits religious discrimination and harassment in the workplace and requires employers to provide reasonable accommodations for religious practices unless doing so would result in an undue hardship to the employer. The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for the enforcement of the law. **Initial Estimated Cost: \$646,313**
- *Funding Federal Civil Rights Enforcement: The President's 2007 Budget:* This study would review agency budgets to assess the effect of funding on civil rights enforcement. **Initial Estimated Cost: \$69,173**

GOAL TWO: Study allegations of denials of civil rights and equal protection of the laws, and illuminate the causes, the consequences, and the possible remedies related to discrimination based on race, color, religion, gender, age, disability, national origin, or in the administration of justice.

Objective: The goal of the Commission's investigations, studies, and related efforts is to provide information and recommendations to the President, Congress, and the public regarding denials of civil rights and equal protection of the laws, and to illuminate the causes, the consequences, and possible remedies relating to discrimination based on race, color, religion, national origin, age, disability, or sex, or in the administration of justice.

Strategy: This goal is accomplished through reports and statements based on studies and fact-finding investigations, which include hearings and briefings. The Commission also monitors legislative, regulatory, judicial, and other developments in the area of civil rights. This systematic monitoring allows the Commission to make informed, in-depth analyses in the select areas of civil rights concerns.

Additionally, the Commission's Office of General Counsel (OGC) provides legal services to the Commissioners and staff on these issues and other matters pertaining to the ongoing operations of the Commission and ensures that these operations remain within the scope of the Commission's statutory jurisdiction and applicable federal law. All reports are reviewed for legal sufficiency prior to publication.

Accomplishments: In FY 2004, the Commission issued several reports that studied allegations of denials of civil rights and equal protection of the laws, and illuminated the causes, the consequences, and the possible remedies related to discrimination based on race, color, religion, gender, age, disability, national origin, or in the administration of justice:

- *Broken Promises: Evaluating the Native American Health Care System:* The Commission released a comprehensive report, *Broken Promises: Evaluating the Native American Health Care System*, which evaluated the Indian Health Service's (IHS) and the Centers for Medicare and Medicaid Services' (CMS) delivery and management of Native American health care.
- *Not in My Backyard: Executive Order 12,898 and Title VI as Tools for Achieving Environmental Justice:* This project examined the use of Executive Order 12,898 and Title VI as tools for addressing the impact of polluting industries and activities in economically disadvantaged communities—particularly communities of racial and ethnic minorities—and the resulting adverse health and environmental impact. The project specifically focused on the actions and policies of four government agencies and departments—the Environmental Protection Agency, and the Departments of Transportation, Housing and Urban Development, and the Interior.

The Commission released one additional report in FY 2004 that was not approved by a majority of Commissioners and thus may not be considered a Commission report: *Closing the Achievement Gap: The Impact of Standards Based Education Reform* In accordance with Commission policy, this report remains available to the public through the Commission's library, although it is no longer posted on our Web site.

Plans: As the Commission strives to meet serious fiscal challenges, several Commission-approved projects for FY 2005 have been postponed and placed under reconsideration. It is possible that these projects may be revisited and completed in FY 2006. Among those projects are the following:

- *Financial Aid in Higher Education:* This project, originally approved for FY 2004 but postponed because of competing priorities during that fiscal year, proposes to examine the funding of higher education for minority students in order to assess the adequacy of federal programs in promoting equal access of minority students to higher educational opportunities. It would be national in focus and cover all minorities, including Hispanics, African Americans, Native Americans, Asian Americans and immigrants.
- *Community Reinvestment Act:* This study would examine the performance of financial institutions under the revised regulations for the Community Reinvestment Act (CRA), federal agency enforcement efforts under CRA, and the expansion of institutions covered by CRA. Regulations thereunder are intended to encourage depository institutions to help meet the credit needs of low-and moderate-income neighborhoods. To support this study, staff would conduct background research and interviews, prepare subpoenas for relevant documents and witness testimony, prepare a hearing book, and conduct a one-day Commission hearing that will include experts from the banking oversight agencies, including Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Financial Institutions Examination Council.
- *Minority Representation in the Census:* This proposed project would research the accuracy of the decennial U.S. census and determine the scope of any systemic undercount and its effect on racial and ethnic minorities for funding allocations and political representation. Under this project, staff would conduct background research and interviews, and possibly a hearing involving experts, advocates, and others. Commission findings and recommendations will be codified in a report. The research would focus on the consequences of the undercount for congressional districts. If the problems are significant, recommendations would be made to improve the accuracy of adjustment allocations to accommodate the undercount. Federal formula allocations that use census figures, including variables (e.g., racial, or ethnic composition) affected by the undercount, and their

impact on the civil rights of individuals in the undercounted populations affected, would also be explored.

In addition, there are several previously approved projects for FY 2006 subject to reconsideration:

- *Access to Social Services and Economic Benefits: Discrimination Issues Facing Southeast Asian Americans in the 2000s:* This project proposes to examine equal economic opportunity challenges faced by Southeast Asian Americans. Specifically, the civil rights implications of current public welfare and economic policies that appear to prevent many from being able to fully access social and economic services designed to alleviate poverty would be explored. The final product of the project would be a report, based on several hearings, that examines the possible existence of discriminatory barriers to the economic progress of Southeast Asian Americans. *Initial Estimated Cost: \$330,431*
- *The Disproportionate Placement of Minority Children in State Foster Care Systems:* This report would examine possible disparities in the treatment of minority children in state child protection programs. Evidence suggests that minority children are more likely to be in foster care than to receive in home services, remain in foster care longer, are moved more often, receive fewer services, and are less likely to be returned home or adopted. This project will involve background research and data review including, but not limited to, academic reports, scholarly publications, and data and reports from federal and state agencies. Interviews with academic experts, government officials, local case managers, system users and child welfare advocates are contemplated. Sufficient statistical data and analysis is expected to be available that it will not be necessary to enlist outside analysis support. This report will raise national issues, but will draw examples of the treatment of minority children in particular states such as Illinois. Illinois, for example, has a record of poor performance in six National Child Welfare Outcome Measures. *Initial Estimated Cost: \$320,093*

As the Commissioners have not revisited these projects, additional or alternate projects for FY 2006 may be proposed and/or approved in the future.

The Commission will remain vigilant with respect to evaluation of performance, regulations, policies, activities, and new and emerging developments in civil rights. Status memoranda and briefing papers will continue to be produced on civil rights topics including voting rights, election reform, racial profiling, charitable choice, school vouchers, charter schools, and other unforeseeable topics having heightened or crisis civil rights implications.

Commission's role. Most host programs are directed to government officials, foreign policy analysts and decision-makers, NGO officials, scholars, and journalists from countries interested in strengthening their understanding of human rights issues and U.S. foreign policy.

Accomplishments: All Commission offices are engaged in the task of promoting public awareness of civil rights, and they balance this task with their other responsibilities. The Public Affairs Unit has suffered from dwindling resources and the elimination of staff. Currently, the Director of our Office for Civil Rights Evaluation serves as Acting Director (and sole member) of Public Affairs. Despite these constraints in FY 2004, the Commission was able to:

- *Maintain the Commission's Web site:* During FY 2004, the information on the Commission's web site was updated with copies of new research reports, briefing papers and statements, press releases, meeting schedules, State Advisory Committee reports, Freedom of Information Act reports, No Fear Act reports, briefing transcripts, and executive summaries. To date, six of the Commission's public service announcements have been posted to the Commission's website. The Commission has also translated select Web pages into Spanish, including information for individuals seeking assistance with filing a civil rights complaint. The site has experienced exponential increases in the number of hits (number of times the website was viewed by the public and other third parties) over the most recent four-year period. Website hits went from approximately 23,000 in January 2000 to several million per month by the end of FY 2004.
- *Publish Periodicals and Directories:* A revised version of *Getting Uncle Sam to Enforce Your Civil Rights* was published in FY 2004. Unfortunately, the Commission lacked the resources to publish the *Civil Rights Journal* and the *Civil Rights Update* in FY 2004.
- *Prepare Public Service Announcements:* Since the Commission was first authorized to conduct public service advertising (PSA) campaigns and issue public service announcements to discourage discrimination or denials of equal protection of the laws, the resources of the agency have only been sufficient to prepare and air a national radio PSA campaign.
- *Hold Commission Briefings:* The Commission's Offices of Civil Rights Evaluation and General Counsel held several briefings in FY 2004 which, among other things, formed the basis for several Commission reports:
 - The Commission held a briefing in Albuquerque, NM, on Native American health care disparities on October 17, 2003.
 - Dr. John Logan, Professor of Sociology and Director of the Lewis Mumford Center at the University of Albany, briefed the Commission and

the public on the findings of a recent Mumford Center report, *How Race Counts for Hispanic Americans* on November 14, 2003.

- The Commission heard from a panel of scholars and advocates on discerning potential patterns of employment discrimination through examination and analysis of Federal Equal Employment Opportunity Data on December 12, 2003.
- The Commission heard from individuals and organizational representatives on civil rights issues facing the Pacific Northwest on February 20, 2004.
- The Commission held a briefing on the balance of homeland security and the preservation of civil rights in the context of the USA Patriot Act on March 19, 2004.
- The Commission held a series of briefings on voting rights and election reform in April, July, September, and October 2004, in anticipation of the November 2004 general election.
- *Attend Conferences:* Commission staff attended several conferences, seminars, and briefings sponsored by government institutions, think tanks, policy groups, and civil rights organizations throughout FY 2004, including, but not limited to:
 - The Democracy Collaborative and the University of Maryland's observation of the 50th Anniversary of the landmark of the *Brown v. Board of Education* decision;
 - The Department of Housing and Urban Development's National Fair Housing and Training Conference and Policy Summit;
 - An American Constitution Society briefing on wealth inequities;
 - A Brookings Institution press briefing on 2003 poverty and income statistics;
 - An American Youth Policy Forum seminar on improving secondary education and transitional services for students with disabilities;
 - The Interagency Disability Educational Awareness Showcase on federal requirements to ensure that technology is accessible to individuals with disabilities; and
 - A press conference on the intersection between Native American housing, health, and education.

- *Host International Visitors:* In FY 2004, the Commission hosted visitors participating in programs including the U.S. State Department's Multi-Regional International Visitor Program. Commission staff hosted Palestinian and Indonesian scholars, and visitors from multiple regions in Africa.

Plans: The Commission will leverage existing resources to carry out the Public Affairs Unit's functions, including:

- *National Clearinghouse Library:* Expansion of the library's holdings and continued automation of library functions will continue to the extent possible in FY 2005 and FY 2006.
- *Web site:* In FY 2005 and FY 2006, the Commission will continue to post on its Web site copies of new reports, highlights of Commission events and activities, information about briefings, copies of press releases issued, and information on how to file a civil rights complaint. Resources permitting, the Web site would incorporate updates to the *Civil Rights Directory*, *Getting Uncle Sam to Enforce Your Civil Rights*, and the *Commission Brochure*. The Commission will continue to make use of its existing limited resources to the extent possible to ensure that the Web site provides accurate and current information on the Commission's work to the public.
- *Periodicals and Directories:* The Commission will be unable to publish *The Civil Rights Journal*, *The Civil Rights Update*, and an update of *Getting Uncle Sam to Enforce Your Civil Rights* and the *Commission Brochure* in FY 2005 due to fiscal constraints. The Commission will revisit the possibility of issuing these publications in FY 2006, but it is unlikely that they will go forward for that fiscal year.
- *Commission Briefing:* Pending sufficient resources, the Public Affairs Unit will resume responsibility for conducting briefings in conjunction with the monthly Commission meetings. This unit will also inform the media, constituency groups, and policymakers about briefings.

Initial Estimated Cost: \$161,178

- *Public Service Announcements:* Previous spending plans provided that the Commission would prepare a Spanish-language PSA in FY 2005. However, insufficient resources prevented the Commission from doing so. Likewise, it is unlikely that this or other PSAs will be issued in FY 2006. However, the Commission will revisit issuance of PSAs thereafter.

Initial Estimated Cost: \$392,837

- *Conferences:* Pending sufficient resources, the Commission will attempt to provide civil rights displays at meetings, exhibits, or conferences to the extent possible within our budget appropriation.

Initial Estimated Cost: \$191,938

GOAL FOUR: Assist members of the public who seek information and advice about protecting their civil rights.

Objective: The Commission's efforts in this area are directed to providing information and advice to the public on how to obtain protection of their civil rights from federal enforcement agencies.

Strategy: The Commission, through its national complaint referral and tracking unit, receives and refers thousands of complaints of civil rights violations to appropriate enforcement agencies each year.

Accomplishments: The Commission continued to streamline and improve its Internet-based complaint submission as well as its traditional means of complaint submission, such as U.S. mail, facsimile, and telephone. The Commission's national complaint referral and tracking unit processed, analyzed, and referred 2,988 complaints of discrimination in FY 2004, including 2,136 written complaints, nine congressionally referred constituent complaints, and 809 telephone complaints. All complaints were cleared at the end of each month.

For the last three years, the Commission has effectively responded to and processed almost 15,000 civil rights complaints, 3,675 annually, on the average (3,100, 3,286, 4,602, and 3,714 for FYs 2000-2003, respectively.) Despite fluctuating numbers of complaints, the Commission has responded effectively and maintained no monthly or annual backlog of pending cases.

Plans: The Commission will continue to incorporate new developments in technology that seek to improve its complaints submission, receipt, review, referral, and tracking process. The Commission's national complaint referral and tracking unit anticipates it will process, analyze, refer, and track more than 4,000 civil rights complaints each in FY 2005 and FY 2006. *Initial Estimated Cost: \$111,654*

GOAL FIVE: Enhance the unique network of 51 State Advisory Committees (SACs), which serve as the Commission's "eyes and ears," in addressing regional, state, and local civil rights issues.

Objective: The purpose of the SACs is to provide information and recommendations to the Commission and to the public on civil rights issues at the state and local levels. As directed by statute, the Commission has established SACs in every state and the District of Columbia. The SACs range in size from 11 to 27 members. Membership on the committees is reflective of the different ethnic, racial, and religious communities within each state and representative with respect to sex, political affiliation, age, and disability status. Each member is composed of citizens familiar with local and state civil rights issues. Each serves two years and can be reappointed.

Strategy: The 51 SACs conduct public meetings and review a wide variety of civil rights issues, report to the Commission on the results of their reviews, and assist the Commission in its clearinghouse function. Together, the close to 700 committee members who volunteer to participate in the SACs various fact-finding and outreach activities bring an impressive range of knowledge and views on civil rights, local and national affairs, and related issues. The SACs are supported in their activities by the staff in the Commission's six regional offices.

The SACs meet for the purposes of program planning, deliberating on their findings and advising the Commission, and receiving information from representatives of government and private agencies and organizations, elected officials, and individual citizens. The SACs also monitor the civil rights compliance of federal, state, and local government agencies and receive complaints from individuals and groups in their states.

Accomplishments: The Commission's SACs held 130 meetings in FY 2004. Four SACs held seven meetings; one SAC held six meetings; seven SACs held five meetings; three SACs held four meetings; seven SACs held three meetings; nine SACs held two meetings; and 10 SACs held one meeting.

The accomplishments of the SACs are reflected in the reports and projects listed below:

- The Maryland SAC published *City Services and the Justice System: Do Korean American Storeowners in Baltimore, Maryland, Get Equal Treatment?* in July 2004, which dealt with the provision of equal access to city services, including police protection and emergency services, to Korean Americans.
- The New York SAC issued *Civil Rights Implications of Post-September 11 Law Enforcement Practices in New York* in March 2004. The report brought to light the impact of law enforcement policies and practices on New York's Muslim, Arab, and South Asian communities.
- The West Virginia SAC published *Coping with Police Misconduct in West Virginia* in January 2004. The report, examining citizen involvement in the disciplinary process of law enforcement officers in West Virginia, was prepared

as a response to request to a member of the West Virginia legislature's Joint Select Committee on Minority Issues.

- The Minnesota SAC released *Minneapolis-St. Paul News Coverage of Minority Communities* in December 2003 as a follow-up to its 1993 report, *Stereotyping of Minorities by the News Media in Minnesota*. The report concluded that, based on fact-finding meetings held April 2002, overt stereotyping had dissipated. However, the report also concluded that coverage of minority communities could be improved.
- The Illinois SAC held a briefing in February 2004 on the status of Latino student matriculation and health concerns of minority communities in the area.
- The Rhode Island SAC heard a briefing in October 2003 from representatives of Northeastern University's Institute on Race and Justice, the ACLU, and the Select Committee on Police Community Relations to help prepare for a SAC activity on developments in Rhode Island since the enactment of the Traffic Stops Statistic Act
- Virginia SAC Chairperson Richard Patrick and former Chairperson Curtis Harris led a five-member delegation to discuss with Virginia Governor Mark R. Warner the restoration of voting rights for ex-felons, indigent defense, and racial profiling in Virginia. Governor Warner acknowledged the Committee's contribution to the pursuit of vigorous civil rights enforcement and commended the body for its work.
- Eastern Region SACs agreed to draft a statement of concern criticizing the use of Native American imagery for sports mascots.
- The New Jersey SAC issued over 100 copies of its statement of concern regarding the representation of Asian Americans in the New Jersey state government work force to elected and agency officials, civil rights organizations, and representatives in the Asian American community. In response, former New Jersey Governor James McGreevy's Asian American liaison officer phoned the ERO to convey the Governor's favorable response to the New Jersey SAC statement.
- The Pennsylvania SAC worked with Governor Edward G. Rendell's office to help determine his minority and women business enterprise initiatives and planned improvements to state contracting procedures. This discussion was based on the SAC's 2002 report, *Barriers Facing Minority- and Women-Owned Business in Pennsylvania*.

The Commission incurred costs of \$2,790,998 in FY 2004 in supporting the Regional Offices and the SACs.

Plans: The Commission will continue to encourage SAC meetings in a manner consistent with our authorized appropriation level. The Commission will also reallocate resources to support SACs in light of the planned closure of two regional offices—Kansas City and Denver—early in FY 2006.

In FY 2005 and FY 2006, the SACs will continue the practice begun in FY 2003 of conference call meetings. The Commission will explore the feasibility of using technology to increase the number and effectiveness of SAC meetings within our budget authority.

GOAL SIX: Improve the management, accountability, and productivity of the Commission.

Objective: The Commission seeks to improve management, accountability, and productivity so that it carries out its mission in an efficient and cost-effective manner. Reforms should be implemented to address concerns in these areas raised by the Government Accountability Office (GAO), the Office of Personnel Management (OPM), and other entities.

Strategy: The Commission will implement reforms to improve management, accountability, and productivity so that it performs to the standards of quality expected of other government agencies. Recommendations of the GAO and OPM will form the basis of these reforms.

Accomplishments: The Commissioners have voted to implement many reforms to strengthen accountability and transparency at the Commission, as well as address GAO recommendations in those areas.

Three administrative instructions (AIs)—AIs 1-20, 1-21, and 1-22—were issued in February 2005 to enhance the quality and integrity of the Commission’s reports. AI 1-20 ensured that only those formal reports, staff reports, state advisory committee reports, and legal or policy analyses that receive a majority vote of the Commissioners shall be posted on the Commission’s website. AI 1-21 required that those reports that did not receive a majority move of the Commissioners be removed from the Commission’s website. Reports that did not receive a majority vote, but that were previously in the public domain, remain available to the public through our library. AI 1-22 established guidelines to ensure that Commission proceedings and meetings are conducted in the most effective and financially responsible manner.

Three additional AIs—AIs 3-15, 3-16, and 4-22—were issued in March 2005 to improve accountability. AI 3-15 established guidelines to ensure that the Commission recognizes payroll expenses in the proper period for accounting purposes. Specifically, AI 3-15:

- Asked Commissioners to submit timesheets to the Commission tracking their billable hours, either on a once-per-pay-period or monthly basis;
- Provided for submission of the timesheets to the Office of the Staff Director for signature in a timely fashion and eventual submission of the signed timesheet to the Human Resources Division; and
- Required the Executive Secretary for the Staff Director to follow up on Commissioners’ timesheets that have not yet been received by the second Thursday of a pay period.

AI 3-16 embraced a wide variety of reforms to ensure that non-salary expenditures have proper authorization, approval, and supporting documentation. Among other things, these reforms directed the Chief of the Budget and Finance Division to:

- Periodically review accounts to identify unusual balances;
- Keep appropriate documentation in transaction files to support accounting entries made to adjust or write off assets and liabilities;
- Retain sufficient evidence in transaction files to show that all transactions have been properly approved for payment;
- Prepare purchase authorizations in advance of the expenditure to be approved;
- Have evidence of receipt of goods and services prior to approving transactions of payment;
- Provide travel vouchers and ensure that travelers provide documentation to indicate the trip was taken; and
- Require that all financial transactions be properly approved and supported before being processed.

This particular administrative instruction implements approximately 21 of the GAO's recommendations.

AI 4-21 directed the Chief of the Administrative Services and Clearinghouse Division to:

- Prepare and maintain contract files to document the basis for Commission decisions in acquiring good and services;
- Ensure that all statements of work contain a provision on organizational conflict of interest;
- Provide training to appropriate employees on federal procurement rules, regulations, procedures, and issues;
- Require that all aspects of the Commission's procurement be documented in accordance with Federal Acquisition Regulations; and
- Report fiscal year procurement data for fiscal years 2003 through 2005 into the Federal Procurement Data Center and, going forward, to report such data annually into the Center.

Plans: The Commission adopted the policy recommendations of the GAO reports of 1995, 2003, 2004, and 2005 and the OPM report of 1997. As such, the Commissioners authorized the Staff Director to implement these recommendations in a nine-month time frame, consistent with the strictures of the Anti-Deficiency Act and to the extent funds are available.

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



CONGRESSIONAL REQUEST FOR APPROPRIATION

FISCAL YEAR 2007

UNITED STATES
COMMISSION ON CIVIL RIGHTS

CONGRESSIONAL REQUEST FOR APPROPRIATION
FISCAL YEAR 2007



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

February 7, 2006

The Honorable Frank R. Wolf
Chairman
Subcommittee on Science, State, Justice, and Commerce, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
H-309, The Capitol
Washington, D.C. 20515

Dear Chairman Wolf:

The U.S. Commission on Civil Rights requests an appropriation of \$9,308,923 for FY 2007. Please note that the tables and schedules in this submission are based on the President's budget of \$9,308,923. Once hailed as the "conscience of the Nation" on civil rights matters, the Commission has recently demonstrated concerted efforts to regain the confidence of the American public after years of widely reported mismanagement. With new leadership at the helm, the Commission began to implement significant financial and operational reforms in FY 2005 and early FY 2006. While these reforms have not yet had their full impact, we are confident that they will bring much-needed changes to the agency's operations in future fiscal years. We also hope that these reforms will enable us to carry out our mission while maintaining expenditure levels within this requested budget authority.

Created in 1957, the U.S. Commission on Civil Rights is a bipartisan, fact-finding agency charged with investigating and making recommendations to the executive and legislative branches on how to end discrimination in the Nation. The Commission's mandate encompasses the full spectrum of civil rights issues, including oversight of the civil rights programs of 14 executive departments and 27 other federal agencies. Among its responsibilities, the Commission must conduct other investigations, educate the public on civil rights matters, and operate programs that address both local and national civil rights concerns. To meet these responsibilities, the Commission maintains five key programs:

- a program to evaluate and identify ways of improving the effectiveness and efficiency of federal civil rights enforcement;
- a program to investigate allegations of discrimination and denials of equal protection of the laws based on race, color, religion, gender, age, disability, or national origin, or in the administration of justice;
- a program to promote greater public awareness of civil rights protection and responsibilities;

The Honorable Frank R. Wolf
Page 2

- a program to assist members of the public who seek information and advice about protecting their civil rights; and
- a network of State Advisory Committees that gives the Commission a vital local presence in communities across the country.

The Commission also strives to improve management, accountability, and productivity across these program areas.

While the cost of carrying out our mandate has continued to increase as annual funding has remained constant, the Commission has taken significant steps to maintain expenditure levels consistent with our request.

Coordination with Other Agencies

We have reviewed the appropriate sections of the OMB Circular No. A-11 concerning coordination with other agencies for compliance with stated policies, and the Commission is in compliance with Circular A No. A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations furnished to OMB in connection with the U.S. Commission on Civil Rights' FY 2007 request consist of valid obligations as defined in section 1501(a) of that title.

Very truly yours,



KENNETH L. MARCUS
Staff Director

Enclosures



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

February 7, 2006

The Honorable Richard Shelby
Chairman
Subcommittee on Commerce, Justice, and Science
Committee on Appropriations
U.S. Senate
The Capitol S-146A
Washington, DC 20515

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- a program to evaluate and identify ways of improving the effectiveness and efficiency of federal civil rights enforcement;
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- a program to promote greater public awareness of civil rights protection and responsibilities;

- a program to assist members of the public who seek information and advice about protecting their civil rights; and
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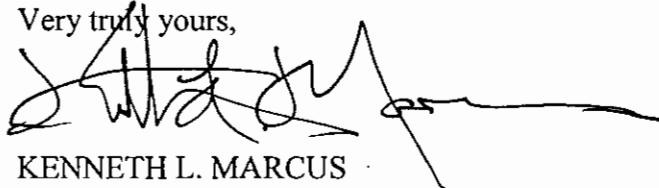
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We have reviewed the appropriate sections of the OMB Circular No. A-11 concerning coordination with other agencies for compliance with stated policies, and the Commission is in compliance with Circular A No. A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations furnished to OMB in connection with the U.S. Commission on Civil Rights' FY 2007 request consist of valid obligations as defined in section 1501(a) of that title.

Very truly yours,



KENNETH L. MARCUS
Staff Director

Enclosures

U.S.COMMISSION ON CIVIL RIGHTS: THE CONSCIENCE OF A NATION ON CIVIL RIGHTS

First created by the Civil Rights Act of 1957,¹ the United States Commission on Civil Rights (the Commission) was reauthorized by the United States Commission on Civil Rights Acts of 1983 and 1991,² and the Civil Rights Commission Amendments Act of 1994.³ Established as an independent, bipartisan, fact-finding federal agency, the Commission has played a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public. The investigations and reports produced by the Commission, and their findings and recommendations, assist the continued efforts of this Nation to strengthen civil rights protections for all. In fact, many of the Commission's reports, from the first one in 1959 on the protection of voting rights, have led to landmark pieces of legislation that have improved the lives of millions of Americans. Its third report, issued in 1961, formed the intellectual and factual basis for the provisions of the landmark Civil Rights Act of 1964. The Commission's work in uncovering the disenfranchisement of African Americans in the South formed the basis of the Voting Rights Act of 1965 and Congress relied on a 1983 Commission report in enacting the Americans with Disabilities Act of 1990. Throughout its history, the Commission continued to inform the President, Congress, and the public of serious civil rights challenges before and as they develop.

Over the life of the Commission Congress has expanded its jurisdictional authority. The Commission's reach extends beyond studying and investigating deprivations of rights by reason of race, color, religion or national origin to include deprivations by reason of sex, age, and disability. In addition, the Commission also examines discrimination in the administration of justice. The expansion of the Commission's jurisdiction is indicative of the view of Congress and the public regarding the important role the Commission has played in the Nation's civil rights enforcement.

Despite advancement toward the Nation's goal of reducing discriminatory conduct, progress remains to be made, and the Commission performs an important role in identifying developing civil rights trends and evaluating federal agency civil rights enforcement programs. As the only independent agency in the federal government to be exclusively concerned with the full range of issues related to civil rights, the Commission has been described as the Nation's conscience on civil rights matters. As such, the Commission is mandated to keep the President, Congress and the public informed

¹ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957).

² United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ____ Stat. ____ (1991).

³ Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

regarding all civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. In doing so, the Commission's mission is to ensure that we as a Nation keep our statutory and ethical commitments to civil rights for all Americans.

THE MISSION

The Commission addresses discrimination through monitoring and studying civil rights developments, evaluating civil rights enforcement, and investigating and studying allegations of discrimination. At the same time, the Commission serves as a reliable source of information on the status of the Nation's broad range of civil rights problems, progress, and legislative proposals. Additionally, this mandate includes investigating allegations of denials of the right to vote and deprivations resulting from a pattern or practice of fraud, and appraising federal laws and policies to assess whether there is discrimination in their enactment or in their enforcement. Its national and regional offices carry out the work of the Commission through a staff of civil rights analysts, social scientists, attorneys, and other personnel.

The Commission, through its national and regional offices, serves as a resource for federal, state, and local policy-makers, academic researchers, and others seeking the Commission's expertise on civil rights matters. The regional offices support and coordinate the activities of the Commission's 51 statutorily created State Advisory Committees. The advisory committees serve as the Commission's "eyes and ears" on civil rights issues at the regional, state, and local levels. The advisory committees, along with the regional offices, monitor local civil rights related activities, consult with representatives of state and local governments, and meet with private organizations to advance their fact-finding functions. Through both its national and regional offices, the Commission also serves as a portal to the government for individuals with discrimination complaints and civil rights questions.

The Commission has six statutory mandates: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

The Commission seeks to achieve this mandate in a manner that both recognizes the full range of civil rights issues facing Americans today and is also responsive to the emergence of new issues and challenges in the future. This requires flexibility and creativity, particularly in an era of dwindling resources. The Commission is committed to serving as a model of management excellence, integrity, efficiency and accountability. In light of the importance of the mission that the Commission serves, the American people deserve no less from this agency.

THE STRUCTURE AND ORGANIZATION

The Commission has eight Commission members. The President appoints four Commissioners and Congress appoints four. Each member serves a six-year term. The responsibilities of the Commissioners include, for example, establishing Commission policy on civil rights issues, adopting program plans, goals and priorities, and approving national office project proposals. The Staff Director is the administrative head of the agency and is appointed by the President with the concurrence of a majority of the Commissioners. As such, the Staff Director's duties include defining and disseminating the policies established by the Commissioners to staff, developing program plans, evaluating program results, supervising and coordinating the work of Commission offices, and serving as liaison with the Executive Office of the President, the Congress, and other federal agencies.

In addition to the Office of the Staff Director, the Commission has six operational units or offices in its national office:

- a. **Office of General Counsel:** The Office of General Counsel provides the legal expertise and activity required to conduct hearings and briefings, and to ensure the legal integrity of Commission products. The office also conducts briefings on issues of current interest and on emerging issues. The General Counsel is the agency's chief legal advisor on a range of legal issues and the office represents the agency in administrative hearings and other matters.
- b. **Office of Civil Rights Evaluation:** The Office of Civil Rights Evaluation provides the subject matter, critical, and analytical expertise required to research and write evaluations of civil rights issues. The Office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered, this office develops project proposals, carries out projects, and responds to inquiries from the public and the Commissioners. It also conducts briefings on issues of current interest and emerging issues, and receives, researches, analyzes, and refers civil rights complaints.
- c. **Office of Management:** The Office of Management provides administrative support, as well as library, budget and finance, and human resources development support services for the Commission. This office also manages the Commission's information resources. In addition, in its role as a clearinghouse for information on civil rights, the library responds to requests from the public for copies of Commission publications.
- d. **Congressional Affairs Unit:** The Congressional Affairs Unit serves as the liaison with Congress, responding to requests for specific information and

ensuring the distribution of the Commission's studies and reports to all members. The Unit monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. This office is not currently staffed.

- e. Public Affairs Unit: The Public Affairs Unit serves as the public voice of the Commission and ensures that the American public knows the activities and the publications of the Commission. The Unit coordinates and carries out such activities as briefing reporters and the Commissioners on civil rights issues, holding press conferences, issuing press releases, arranging interviews with the Commissioners, and monitoring press activity regarding the Commission and civil rights issues. The Unit deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations as speakers. This office is not currently staffed.
- f. Regional Programs Coordination Unit: The Regional Programs Coordination Unit ensures that the individual regional programs are sufficiently coordinated across regions and with headquarters. The Unit ensures that headquarters support and guidance are provided as necessary. The Unit provides support in the finalization and publication of headquarters-developed and regional reports and studies, as well as in the announcement of hearings.

The six regional Commission offices are each staffed by a director, one or more civil rights analysts, and/or other administrative personnel. As a result of budgetary challenges, some of these positions are currently vacant. The offices coordinate the Commission's operations in their regions and assist the State Advisory Committees in their activities.

The Commission's budget has remained stagnant since 1995 and flat since 2002. Between 1994 and 2001, Congress funded the Commission below the President's request. Between 2001 and 2002, however, the Commission's budget increased 2.2 percent, from \$8.9 million to \$9.1 million but inflation absorbed this increase in the budget. After adjusting for inflation, between 1995 and 2001, the Commission's budget slowly decreased from \$8.8 million to \$7.7 million. Since 2003, after adjusting for inflation, each year the Commission's \$9.1 million budget is actually worth less.

THE REFORMATION OF THE COMMISSION ON CIVIL RIGHTS

In December 2004, new leadership assumed office at the Commission, recognizing the Commission's recent prior weaknesses but committed to reforming the agency.

Throughout 2005, the Commission swiftly moved to enact a series of reforms aimed at reforming agency project planning and execution processes, restructuring internal and external agency communications, strengthening the agency's internal and financial controls, and demonstrating that the agency has embraced higher standards.

The new leadership has quickly implemented a significant number of new policies creating and strengthening internal and financial controls. New policies have been created requiring payroll expenses be accounted for in the proper period for accounting purposes to avoid distorting the Commission's financial records. Policies requiring that non-salary related expenditures be properly authorized, approved, and have supporting documentation to avoid paying unauthorized commitments have been developed and previously existing policies are being reemphasized. The Commission continues improving financial management by requiring that a purchase order be issued before financial expenditures take place, and engaging in weekly and monthly reconciliations of financial accounts and records to ensure accuracy, compliance with the Prompt Payment Act, and to avoid making improper or unauthorized payments. The agency moved to improve its tracking of project related expenses and resources by requiring monthly reports on project costs be provided to the Staff Director and program office managers. These reports create the capacity to track expenditures and resources, and to be better able to justify future requests for additional resources. The reforms briefly described here, as well as other actions, are a part of an overall reform effort that should ensure that the Commission's financial documents are accurate, that Anti-Deficiency Act violations are avoided, and that expenditures are made for only properly authorized transactions. The Commission's reform efforts will address the problem of operating in an environment that is conducive to waste and abuse. Most of the reforms in financial management are reflected in new written internal policies, as well as a renewed emphasis on enforcing previously existing policies that have been ignored or circumvented over time.

The Commission took steps to address procurement related shortcomings by creating document control checklists to ensure that procurement activity is accurately documented and supported, creating policies delegating micro-purchasing authority to office and division heads, increasing funding for training for staff with procurement authority in FY06, and continuing its contractual relationship with a procurement specialist to provide technical support to the Commission's procurement staff. These and other actions should prevent the Commission from engaging in unsupported or improper transactions as was noted by GAO in a report on the agency's procurement operations.

In addition to reforms to financial controls and procurement practices, the new leadership implemented additional reforms to provide Commissioners greater opportunities for

involvement in Commission projects and reports. These new reforms provide increased Commissioner input during the background and planning, discovery, and report drafting stages of projects. During the background and planning stage, Commissioners are provided an outline of projects that includes a summary of research completed and ongoing, a discussion of the scope and direction of the project, a statement on the proposed project methodology, and a project completion timeline. Commissioners also guide the discovery stage of projects through a procedure requiring their review and approval of interrogatories, subpoenas, document requests and other requests for information from external sources. No discovery takes place until Commissioners approve a discovery plan. Opportunities to shape project reports, including the findings and recommendations, are created by providing Commissioners a first draft of each project report for review and comment before Commission staff prepares a final draft. All final staff draft reports, to the extent possible (and supported by a majority of Commissioners), reflect comments received from Commissioners. Commissioners, upon receiving a final staff draft report, subject the draft to debate and discussion. A draft final report can now be approved or rejected in whole, or it may be severed into separate sections and voted on section-by-section. Dissenting statements are allowed and may either be published in a separate statement at the end of the report or integrated into the text of the entire report.

The Commission recently adopted policies governing internal and external communications. These new policies increase transparency, create a method for Commissioner-staff communications, increase communications regarding projects, and clarify rules concerning the making of formal statements on behalf of the Commission. The new rules formally designate the Chairman and the Staff Director as the spokespersons for the Commission but still allow individual Commissioners to speak to matters before the Commission in their individual capacities. A separate policy requires that the Chairman and Staff Director, in their roles as designated Commission spokespersons, acknowledge the existence of dissenting viewpoints when speaking on behalf of the Commission. Other new policies include requiring a majority vote of the Commissioners before issuing letters to public officials purporting to represent the Commission as a whole; requiring a majority vote before issuing a press release regarding Commission business or civil rights policy and that the statement or release acknowledge that it was approved by a majority; maintaining a complete record of all approved Commission policies as of January 2005; weekly reporting by the Staff Director to the Commissioners of important upcoming events; and encouraging contact between Commissioners and staff.

Reform is occurring in other areas as well. In FY05, the Commission began its agency strategic planning process that will revise its outdated 1997 plan and will bring it more fully into compliance with the Government Performance and Results Act (GPRA). As a result, the goals, strategies, and outcomes of the agency will be more clearly defined, annual performance plans will be linked to goals, and annual performance reports will be informed and valuable assessments of agency performance and accomplishments.

The Commission is developing a Strategic Human Capital Plan and a Human Capital Accountability System to increase workforce accountability and improve the management of human capital. Furthermore, a human capital skills assessment survey was conducted to identify areas where improvement in the skill sets of staff is required to fulfill the Commission's mission. These plans and assessments create a blueprint for improving agency performance by gathering data, monitoring, and evaluating the use of human capital relative to agency mission and strategic plan, employee performance, and the ability of managers to lead and manage successfully.

The Commission also addressed the agency's prior reporting problems. Previously, reports were not filed or, when filed, they often were inadequate. For example, the FY03 Federal Managers' Financial Integrity Act report noted no deficiencies and material weaknesses in financial management and Commission programs in spite of the fact that GAO reported ongoing financial and internal control failures. As mentioned, the Commission is currently in the process of developing a new five-year strategic plan. The required annual performance reports, based on an outdated and poorly drafted strategic plan, provided little insight into the accomplishment of Commission goals, outcomes, strategies, budget considerations, and internal and external obstacles. Currently, the agency is moving toward full integration of performance and budget by preparing performance-based budgets and comprehensive annual reports on agency performance and accountability. To strengthen reporting procedures, the Commission monitors reporting obligations and assigns responsibilities to specific offices to ensure completion of reports. To ensure legal sufficiency of reporting, legal counsel reviews reports before they are filed.

THE RESOURCES FISCAL YEAR 2007

The FY07 budget estimate for the Commission is \$9,308,923. This budget request will allow the Commission to achieve several tangible accomplishments in furtherance of its mission including issuing a Spanish language Public Service Announcement for the first time in several years, conducting SAC travel, and hiring two full time lawyers within the Office of the General Counsel.

FY 2007 Budget Estimate

The FY07 budget estimate for the Commission is \$9,308,923. This estimate will support 55 full time permanent positions, including three Commissioner Assistants.

	FY2006 Costs (estimated)	FY2007 Costs (estimated)
On-Board and New Salaries	\$4,321,300	\$4,683,732
Commissioner Salaries	\$357,986	\$366,220
Benefits	\$1,342,852	\$1,381,792
Travel	\$135,600	\$174,000
Transportation of Things	\$32,752	\$32,752
GSA Office Space Rental	\$1,275,392	\$1,300,000
Other Rentals	\$2,498	\$2,498
Communications	\$183,595	\$183,595
Printing	\$139,294	\$139,294
Other Services	\$1,034,264	\$938,134
Supplies	\$100,562	\$100,562
Equipment	\$6,344	\$6,344
TOTAL Obligations	\$8,932,439	\$9,308,923

FY 2007 Budget Estimate: National Office Briefings and Related Reports

The attached table summarizes the cost estimates for Commission approved briefings, and the operation and maintenance for the Office of General Counsel and the Office of Civil Rights Evaluation. For FY07, the budget estimate for the Office of the General Counsel is \$784,642 while the estimate for the Office of Civil Rights Evaluation is \$1,027,732. Under this estimate, these two offices consume approximately 19.3 percent of the total FY07 proposed budget.

The major civil rights projects supported in FY07 for these two offices include four briefings on existing civil rights issues:

1. Minority Children in Foster Care and Adoption
2. School Choice and Anti-Catholic Blaine Amendments
3. Voting Rights in the Territories
4. Elementary and Secondary School Desegregation

In addition, two briefings are to be conducted by the Office of the Staff Director:

1. Religious Discrimination in the Workplace
2. Minority Students in Special Education.

Five emerging issues briefings will also be supported in FY07. Three are to be conducted by the Office of Civil Rights Evaluation and two by the Office of the Staff Director. The total cost of the emerging issues briefings is estimated at \$443,658.

FY 2007 Budget Estimate: Annual Statutory Report

Pursuant to its authorizing statute, the Commission is required to produce, and submit to the President and Congress, at least one report annually that monitors federal civil rights enforcement efforts. The Commission will prepare a report on Elementary and Secondary School Desegregation, based on national and regional research collection and fact-finding, including the briefing described above, as its statutory report for FY07. The estimated cost of the report excluding costs of the associated briefing is \$356,872.

FY 2007 Budget Estimate: Regional Operations

The Commission supports six regional offices and 51 State Advisory Committees as its "eyes and ears" on civil rights issues. The estimated cost of supporting these operations, including modest travel for advisory committee meetings, and fact-finding activities is estimated at \$2,180,166.

FY 2007 Budget Estimate: Administrative and Common Operational Expenses

The Commission is including an attachment that presents a combined picture of the budget estimate broken down by individual office. In addition to salaries and benefits, the more significant estimates on this schedule are contained in the heading labeled "CENTRAL". This is not to be confused with Central Regional Office. CENTRAL is the account to which charges that are not attributable to any one specific office are accumulated. For example, telecommunications (telephone), office space rental at Headquarters, and some other agency agreements common to the entire agency or headquarters are considered central charges. The total estimate for Central Charges is \$2,325,528 for FY07.

FISCAL YEAR 2007 PERFORMANCE PLAN

The Commission has six statutory mandates: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress. These goals formed the foundation for the GPRA performance plan in previous Commission budget submissions.

As a part of its ongoing strategic planning process, the Commission is considering distilling its mandate and vision into four strategic goals that include objectives, means and strategies, and measures. A draft to the Commission's Strategic Plan for FY2006 – 2011 was submitted to governmental and non-governmental stakeholders, including Congress, Commission employees, and a union representative, in October 2005. As a result of input from these sources, the draft plan was revised and resubmitted to Congress for review and comment in December 2005. Additional congressional staff comments have since been received and consultation with congressional staff, OMB, and GAO on the draft plan is still ongoing. These consultations focus, primarily, on revising the below goals to make them more outcome-based and less activity-based. Work also continues on creating appropriate outcome measures for the draft strategic goals.

Strategic Goal 1: Conduct hearings, briefings, and issuing reports investigating allegations of discrimination based on color, race, religion, sex, age, disability and national origin; examine allegations of the denial of the right to vote and deprivations resulting from a pattern or practice of fraud; and study and collect data concerning denials of equal protection under the law or in the administration of justice.

Objectives:

- a. Provide the President and Congress data and other information on civil rights issues, and civil rights enforcement and protections that is relevant, data-driven, and of good quantity.
- b. Increase the collection of data and other information at the state and local levels on existing and emerging civil rights issues, and civil rights enforcement and protections, by using the Commission's regional structure as its "eyes and ears."

Planned FY07 Activity Associated with Strategic Goal 1:

- a. Shift from a focus on three to four large-scale, resource-intensive national office reports to a larger number of more timely, tightly focused, shorter, less resource-intensive reports.
- b. Improve Commission tracking of civil rights-related legislative proposals; articulate Commission analyses and views on legislative initiatives related to civil rights issues, policies, and enforcement efforts; enhance coordination of congressional oversight activities and the appearance of Commission witnesses for congressional testimony on civil rights-related issues; and improve responsiveness to requests and inquiries from congressional committees, individual congressional members, and their staffs on civil rights-related matters.
- c. Conduct a greater number of Commission hearings and briefings that provide opportunities for the Commission to study, investigate, and comment on pending and proposed federal legislative initiatives, and existing and emerging civil rights issues.
- d. Use the Commission's regional structure to collect data and other information on national civil rights topics from a state or regional perspective and use this information, as appropriate, in national office reports to Congress and the President.
- e. Require that each State Advisory Committee conduct at least one public briefing or other fact-finding activity annually that focuses on an existing and emerging state civil rights issue.
- f. Require that each State Advisory Committee conduct at least two advisory committee planning meetings annually, one face-to-face and one telephonically.
- g. Recruit advisory committee members and regional personnel that possess skills such as, though not limited to, data collection and analysis, fact-finding, policy and legal analysis, and report writing.

Strategic Goal 2: Promote greater public awareness of civil rights issues, enforcement efforts and protections, and serve as a national clearinghouse for credible and reliable civil rights information.

Objectives:

- a. Provide opportunities for the public to obtain information on existing and emerging federal, state, and regional civil rights issues through access to Commission and advisory committee reports, studies, and statements.
- b. Provide technical assistance and policy analyses to federal, state, and local governments, individuals, community groups, organizations, and other stakeholders.

Planned FY07 Activity Associated with Strategic Goal 2:

- a. Increase the participation of Commissioners, the Staff Director, Commission staff, and advisory committee members in civil rights conferences, symposia, Congressional hearings, and other external activities related to civil rights issues.

- b. Identify and create public relations opportunities that promote the Commission's national and regional programs activities/initiatives.
- c. Encourage staff participation in meetings, conferences, symposia and other external civil rights-related activities.
- d. Require written reports on the number and type of liaison activities (e.g., meetings, conferences, symposia, etc.) engaged each month by Commission offices and divisions, including regional offices.
- e. Track and submit reports on public attendance at national and advisory committee public events.
- f. Ensure that all national office hearings and briefings culminate in a timely written report or other tangible output.
- g. Update and distribute *Getting Uncle Sam to Enforce Your Civil Rights*.
- h. Produce civil rights related public service announcements.
- i. Obtain the input of Commissioners on project development and implementation during key stages of national office projects, and on advisory committee projects as deemed appropriate.
- j. Obtain Commissioner input on first drafts of national office reports, including the findings and recommendations, and ensure that final drafts reflect the comments received from Commissioners, when possible.
- k. Publish dissenting statements in Commission reports by either publishing them in a separate statement at the end of the report or integrating them into the text of the report.
- l. Expand the amount of information made available and accessible to the public on the Commission's Web site, including national and regional office reports, and hearing and briefing transcripts, consistent with existing Commission policies.
- m. Work with the Government Printing Office to improve the design and navigation of the Commission's Web site.

Strategic Goal 3: Evaluate and identify ways of improving the effectiveness and efficiency of federal agency enforcement of civil rights laws and policies.

Objectives:

- a. Increase federal agency implementation of Commission report recommendations that address specific findings and conclusions.
- b. Collect and provide the President and Congress data and other information assessing the effectiveness of federal civil rights enforcement efforts that incorporate appropriate federal, state, and regional data sources.

Planned FY07 Activity Associated with Strategic Goal 3:

- a. Use the Commission's regional structure to collect data and other information at the state and regional levels related to the issue and/or agencies that are the focus of the national office annual federal civil rights enforcement reports.
- b. Prepare a written follow-up plan for national office reports that includes, within existing budgetary and staffing constraints, a proposal for

- determining whether and to what extent federal agencies implemented Commission recommendations or addressed Commission findings and conclusions.
- c. Require an exit interview with federal and state agencies to discuss proposed statutory report findings and conclusions, and obtain agency responses and commitments, before the statutory report is finalized.
 - d. Implement a protocol to assure that appropriate follow-up to regional office and advisory committee fact-finding reports is conducted.
 - e. Require that regional programs submit written project proposals on a timeline consistent with national office program planning and budget preparation.
 - f. Provide federal agencies recommendations that are supported by data intended to improve federal agency civil rights enforcement efforts.

Strategic Goal 4: Create an organization that operates with excellence, integrity, and accountability, consistent with its resources, to achieve its statutory mission.

Objectives:

- a. Improve financial and management controls.
- b. Improve management of human capital.
- c. Improve organizational performance in the areas of program planning and implementation, internal and external communications, and ethics.

Planned FY07 Activity Associated with Strategic Goal 4:

- a. Establish a review of Administrative Instructions governing program planning and implementation, internal and external communication, budget preparation, budget execution, as well as other areas to determine the sufficiency of Commission policies and procedures.
- b. Create a tracking system for Commission compliance with applicable federal agency reporting requirements.
- c. Issue a solicitation to retain a well-qualified auditing firm to conduct an annual audit of the agency's financial operations to comply with the Accountability for Tax Dollars Act and for inclusion in the annual Performance and Accountability Report by the end of the second quarter of each fiscal year.
- d. Create a senior management council, composed of the agency's executive staff, to evaluate the appropriateness of financial and management controls, identify deficiencies, and provide input concerning appropriate corrective measures.
- e. Provide monthly project cost reports to Commission program managers.
- f. Require and obtain written verification of the availability of funds prior to the approval of financial transactions.
- g. Reconcile financial accounts according to an established schedule.
- h. Work with the agency's accounting services provider to create a decentralized agency budget process.

- i. Implement performance management system enhancements to emphasize results and the alignment of individual performance with strategic goals.
- j. Provide training and skills development to staff in the key areas of ethics, budget and finance, procurement/acquisition, and civil rights evaluation.
- k. Conduct an annual review of agency ethics regulations and internal ethics guidance and make any required adjustments.
- l. Promptly fill vacant key financial management positions to ensure continuity of operations.
- m. Develop a Strategic Human Capital Plan.
- n. Develop a Human Capital Accountability System.
- o. Reform the selection criteria for state advisory committee membership.
- p. Revise the recruitment criteria for regional director positions.
- q. Review and revise as necessary acquisition document management procedures.
- r. Approve substantive changes to projects, due to either budget considerations or other matters, by a majority vote of the Commissioners.

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2007.....	\$9,308,932
Program increase.....	\$260,923

APPROPRIATION LANGUAGE

FEDERAL FUNDS

General and Special Funds:

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, [\$9,048,000] \$9,308,923: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days. (Science, State, Justice, Commerce, and related Agencies Appropriations Act, 2006.)

U.S. COMMISSION ON CIVIL RIGHTS

Program/Project Cost by Office

FY 2007 OMB Budget Estimate

	OGC	CRE	OSD	PROJECT TOTAL
ON-BOARD	455,140	808,912	671,365	1,935,417
New Hires	167,126	0	0	167,126
Permanent	0	0	0	0
Commissioners	0	0	0	0
SALARIES	622,266	808,912	671,365	2,102,543
PERSONNEL COMPENSATION	0	0	0	0
Benefits Regular	153,202	199,154	165,290	517,646
Benefits	153,202	199,154	165,290	517,646
Travel	0	0	15,000	15,000
Staff Travel	0	0	15,000	15,000
SAC Travel	0	0	0	0
Trans. Of Things	0	0		0
SLUC	0	0		0
Other rents	0	0	0	0
Communications	0	0	0	0
Printing	9,173	19,665	18,033	46,871
Other services	0	0	3,145	3,145
Federal Protective Svcs	0	0		0
court reporters	0	0	0	0
Job Advertising	0	0		0
framing	0	0	0	0
health units	0	0	0	0
witness fees	0	0	0	0
Audit Services	0	0	0	0
Acctng Svcs	0	0	0	0
GSA Payment Svcs	0	0		0
Procurement Svcs	0	0	0	0
Other Contract Svcs	0	0	0	0
Lexis/Nexis	0	0	0	0
interpreters/translators	0	0	0	0
PAU activity	0	0	0	0
movers	0	0	0	0
NFC services	0	0	0	0
Maintenance-Copiers	0	0	0	0
training	0	0	0	0
GPO warehouse svcs	0	0	0	0
WEB site	0	0	0	0
Advisory Svcs-legal	0	0	3,145	3,145
Maintenance-PCs-Other Equip	0	0	0	0
Admin Mgmt Fee	0	0	0	0
Audio Visual Services	0	0	0	0
LAN Services	0	0	0	0
OSD Briefings	0	0	0	0
Supplies	0	0	0	0
Equipment	0	0	0	0
TOTAL	784,641	1,027,731	872,833	2,685,205

U.S. COMMISSION ON CIVIL RIGHTS
Regional Programs
FY 2007 OMB Budget Estimates

	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO	REGIONS
ON-BOARD		274,774	179,914	198,340	107,884	283,895	283,588	1,328,395
New Hires	0	0	0	0	0	0	0	0
Commissioners	0	0	0	0	0	0	0	0
SALARIES	0	274,774	179,914	198,340	107,884	283,895	283,588	1,328,395
PERSONNEL COMPENSATION	0	0	0	0	0	0	0	0
Benefits Regular	0	67,649	44,295	48,831	26,561	69,895	69,819	327,050
Benefits	0	67,649	44,295	48,831	26,561	69,895	69,819	327,050
Travel	38,400	0	0	0	0	0	0	38,400
SAC Travel	38,400	0	0	0	0	0	0	38,400
Trans. Of Things	0	2,000	0	2,000	1,000	3,000	2,000	10,000
SLUC	0	82,732	38,260	60,913	90,975	40,890	67,991	381,761
Other rents	0	0	0	0	0	0	0	0
Communications	6,500	0	2,100	2,100	2,100	2,100	2,100	17,000
tele & other Comm- Equip	6,500	0	0	0	0	0	0	6,500
postage & related fees	0	0	2,100	2,100	2,100	2,100	2,100	10,500
Printing	42,368	0	0	0	0	0	0	42,368
Briefing/Transcripts/Consultations	42,368	0	0	0	0	0	0	42,368
Civil Rights Directory	0	0	0	0	0	0	0	0
Other services	0	0	7,687	6,332	8,638	1,818	1,016	25,491
Federal Protective Svcs	0	0	7,372	5,912	8,470	1,503	701	23,958
health units	0	0	315	420	168	315	315	1,533
Supplies	0	0	2,100	2,100	1,229	2,172	2,100	9,701
office supplies	0	0	2,100	2,100	1,229	2,172	2,100	9,701
Equipment	0	0	0	0	0	0	0	0
TOTAL	87,268	427,155	274,356	320,616	238,387	403,770	428,614	2,180,166

U.S. COMMISSION ON CIVIL RIGHTS
Summary
FY 2007 Budget Operating Plan

Schedule IV

U.S. COMMISSION ON CIVIL RIGHTS
Summary
FY 2007 Budget Operating Plan

		FY 2007 Budget Operating Plan																					
	COMM	OSD	CAU	PAU	OM	AS/CD	LIB	HR	BFD	Central	HDQTRS	RPCU	ER0	CRO	WRO	SRO	RMR0	MWR0	REGIONS	OGC	CRE	PROJECTS	TOTAL PLAN
Other services	22,315	3,145	0	40,693	0	0	0	0	6,260	0	840,230	912,643	0	0	7,687	6,332	8,638	1,818	1,016	25,491	0	0	938,134
Federal Protective Svcs	0	0	0	0	0	0	0	0	0	0	12,026	12,026	0	0	7,372	5,912	8,470	1,503	701	23,858	0	0	35,984
ad Services, Writer Editor	0	0	0	0	0	0	0	0	0	0	75,807	75,807	0	0	0	0	0	0	0	0	0	0	75,807
clipping service	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
court reporters	22,000	0	0	0	0	0	0	0	0	0	22,000	0	0	0	0	0	0	0	0	0	0	0	22,000
Job Advertising	0	0	0	0	0	0	0	0	1,260	0	0	1,260	0	0	0	0	0	0	0	0	0	0	1,260
framing	315	0	0	0	0	0	0	0	0	0	1,050	1,365	0	0	0	0	0	0	0	0	0	0	1,365
health units	0	0	0	0	0	0	0	0	0	0	6,300	6,300	0	0	315	420	166	315	315	1,533	0	0	7,833
witness fees	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Audit Services	0	0	0	0	0	0	0	0	0	0	125,382	125,382	0	0	0	0	0	0	0	0	0	0	125,382
Acting Svcs	0	0	0	0	0	0	0	0	0	0	220,000	220,000	0	0	0	0	0	0	0	0	0	0	220,000
GSA Payment Svcs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Procurement Svcs	0	0	0	0	0	0	0	0	0	0	10,000	10,000	0	0	0	0	0	0	0	0	0	0	10,000
Other Contract Svcs	0	0	0	0	0	0	0	0	0	0	1,352	1,352	0	0	0	0	0	0	0	0	0	0	1,352
Lexis/Nexis	0	0	0	0	0	0	0	0	0	0	208,496	208,496	0	0	0	0	0	0	0	0	0	0	208,496
locksmith	0	0	0	0	0	0	0	0	0	0	2,730	2,730	0	0	0	0	0	0	0	0	0	0	2,730
onnel Services-Temporary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
interpreters/translators	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PAU activity	0	0	0	40,693	0	0	0	0	0	0	40,693	0	0	0	0	0	0	0	0	0	0	0	40,693
moovers	0	0	0	0	0	0	0	0	0	0	2,478	2,478	0	0	0	0	0	0	0	0	0	0	2,478
NFC services	0	0	0	0	0	0	0	0	0	0	7,927	7,927	0	0	0	0	0	0	0	0	0	0	7,927
registration fees	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Maintenance-Copiers	0	0	0	0	0	0	0	0	0	0	47,830	47,830	0	0	0	0	0	0	0	0	0	0	47,830
Training	0	0	0	0	0	0	0	0	0	0	18,387	18,387	0	0	0	0	0	0	0	0	0	0	18,387
GPO warehouse svcs	0	0	0	0	0	0	0	0	0	0	62,500	62,500	0	0	0	0	0	0	0	0	0	0	62,500
WEB site	0	0	0	0	0	0	0	0	0	0	6,825	6,825	0	0	0	0	0	0	0	0	0	0	6,825
security investigations	0	0	0	0	0	0	0	0	0	0	5,000	0	0	0	0	0	0	0	0	0	0	0	5,000
signs for hallways	0	0	0	0	0	0	0	0	0	0	1,260	1,260	0	0	0	0	0	0	0	0	0	0	1,260
Advisory Svcs-legal	0	3,145	0	0	0	0	0	0	0	0	0	3,145	0	0	0	0	0	0	0	0	0	0	3,145
tenance-PCs-Other Equip	0	0	0	0	0	0	0	0	0	0	5,508	5,508	0	0	0	0	0	0	0	0	0	0	5,508
Advisory Svcs-OSD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Admin Mgmt Fee	0	0	0	0	0	0	0	0	0	0	18,191	18,191	0	0	0	0	0	0	0	0	0	0	18,191
Audio Visual Services	0	0	0	0	0	0	0	0	0	0	625	625	0	0	0	0	0	0	0	0	0	0	625
LAN Services	0	0	0	0	0	0	0	0	0	0	5,556	5,556	0	0	0	0	0	0	0	0	0	0	5,556
bsistence/supp of Persons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSO Briefings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Contingent Liability - DOJ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Supplies	0	0	0	8,447	0	0	0	0	0	0	82,414	90,861	0	0	2,100	2,100	1,229	2,172	2,100	9,701	0	0	100,562
subscription serv.	0	0	0	0	0	0	0	0	0	0	15,668	15,668	0	0	0	0	0	0	0	0	0	0	15,668
books	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
directories/publications	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Software Upgrades	0	0	0	0	0	0	0	0	0	0	23,947	23,947	0	0	0	0	0	0	0	0	0	0	23,947
newspapers	0	0	0	8,447	0	0	0	0	0	0	0	8,447	0	0	0	0	0	0	0	0	0	0	8,447
office supplies	0	0	0	0	0	0	0	0	0	0	42,799	42,799	0	0	2,100	2,100	1,229	2,172	2,100	9,701	0	0	52,500
Equipment	0	0	0	0	0	0	0	0	0	0	6,344	6,344	0	0	0	0	0	0	0	0	0	0	6,344
system upgrades Conf Rm	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
cabinets	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
calculators	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
cellphones	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Computers- desk top	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Computers-Laptops	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Computer Peripherals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
dictating equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAX machines	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
furniture	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
copier-office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
copier-industrial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
mail carts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
mailing equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
network software	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
pagers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
phone system upgrade	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
shelving	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
security system	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Speciality Equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Engraver	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Office Equipment	0	0	0	0	0	0	0	0	0	0	6,344	6,344	0	0	0	0	0	0	0	0	0	0	6,344
TOTAL	781,935	872,833	0	49,140	197,199	407,785	177,410	312,244	192,310	2,325,526	5,316,383	87,268	427,155	274,356	320,616	238,387	403,769	428,615	2,180,166	784,642	1,027,732	1,812,373	9,308,923

**NARRATIVE JUSTIFICATION
COMMISSION BRIEFINGS AND ENFORCEMENT REPORT:
AN EXPERT CIVIL RIGHTS RESOURCE**

During FY07 the Commission's commitments include conducting an increasing number of public briefings on civil rights issues and issuing related reports. In addition to preparing its annual enforcement report. Commission briefings during FY07 will include:

- Minority Children in State Foster Care and Adoption
- School Choice and Anti-Catholic Blaine Amendments
- Voting Rights in the Territories
- Religious Discrimination in the Workplace
- Minorities Students in Special Education
- Elementary and Secondary School Desegregation.

The briefings and reports, and their estimated costs, are described below.

1. Minority Children in State Foster Care and Adoption

Currently available data illustrate significant disparities in the treatment of children of color in state child protection programs. A Health and Human Services study of child protective services reported that minority children are more likely to be in foster care than to receive in home services, even when they have the same problems and characteristics as white children. Furthermore, the study found that once removed from their homes, African American children remain in foster care longer, are moved more often, receive fewer services, and are less likely to be returned home or adopted than any other children. More specifically, although there is no statistical correlation between race and the maltreatment of children, 39-42% of African American children are in foster care, while making up only 15% of the general population. Conducted by the Office of Civil Rights Evaluation, this briefing will raise national issues on disparities in the treatment and placement of children of color but will also review the systems in selected states. The briefing will result in written work product for public distribution. **Initial Estimated Cost: \$146,151.**

2. School Choice and Anti-Catholic Blaine Amendments

In the search for solutions to the problems plaguing state educational systems more and more jurisdictions are exploring acceptable alternatives to traditional public schools. These alternatives include home schooling, public/private school choice, charter schools, and scholarship tax credits, among others. Each of these alternatives, in each respective jurisdiction, is accompanied by a unique set of barriers. This briefing by the Office of Civil Rights Evaluation will identify and analyze state constitutional provisions barring or limiting funding to religious schools, and explore the reasons for the initial

implementation of these provisions. The briefing will result in written work product for public distribution. **Initial Estimated Cost: \$152,664.**

3. Voting Rights in the U.S. Territories

As residents of unincorporated territories of the U.S., more than 5 million U.S. citizens are ineligible to vote in federal elections. The U.S. acquired these territories without the expectation that they would eventually become a state or be granted rights reserved to states. As a result, some argue, the citizens of these territories are unable to influence government policies and protect their unique interests. This Office of Civil Rights Evaluation briefing will examine the considerations related to providing voting rights to the territories. It will specifically examine the issues as they relate to American Samoa, Guam, Puerto Rico, and the Virgin Islands. The briefing will result in written work product for public distribution. **Initial Estimated Cost: \$146,189.**

4. Religious Discrimination in the Workplace

EEOC reports that nationally complaints of religious discrimination in the workplace have increased 21 percent since the September 11 terrorist attacks and 85 percent over the last decade. In FY04, EEOC received 2,466 charges of religious discrimination. EEOC resolved 2,676 religious discrimination charges and recovered \$6.0 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation). In FY03, 2,532 religious-based discrimination charges were received, 2,690 charges were resolved, and \$6.6 million was received in monetary benefits. By comparison, in FY01 ,2,127 complaints were received and 2,217 religious-based complaints were resolved. Much of the growth of the religious-based complaints is thought to be backlash from the terrorist attacks, as more and more Muslims, natives of the Middle East, and other Arab and Asian persons have been targeted for harassment in the workplace. Research shows that other groups also are experiencing discrimination, harassment, and intimidation in the workplace.

The Office of the Staff Director will organize a briefing to gather information and support an evaluation of the problem of religious discrimination and to determine its extent and how employers are responding. The Commission will explore the extent of religious discrimination in the federal and private sectors; best accommodation practices of federal and private sector employers, education and technical assistance to employers, staff training, community involvement to prevent religious discrimination; and the influence of the proposed Workplace Religious Freedom Act of 2005. The briefing will result in written work product for public distribution. **Initial Estimated Cost: \$34,879.**

5. Minority Students in Special Education

Research commissioned by the Harvard University Civil Rights Project and another study by the National Academy of Sciences found that non-Asian minority students are more

likely to be placed in special education classes than their white peers. The problem appears to be particularly acute for those with limited English proficiency (LEP). The disproportionately high representation of African American and Latino students, however, does not, by itself, suggest discriminatory treatment. Left unresolved is the question of the proportion of students who are legitimately identified as in need of special education programs.

This briefing by the Office of the Staff Director will explore several issues, including: (1) the possible reasons for the over-representation or under-representation of certain minorities in special education (reading skills, lack of English language skills, perverse financial incentives under which schools districts received additional funds for each child they place in special education, poor teacher training and instruction, the achievement gap, and differential treatment based on racial stereotyping, among others); (2) the extent to which discrimination plays a part in the over-representation and under-representation of certain minorities in special education; (3) the findings and guidance of the Department of Education's Office for Civil Rights with respect to its enforcement initiatives in this area; and (4) other possible remedies for the overrepresentation or under-representation of certain minorities in special education. The briefing will result in written work product for public distribution. **Initial Estimated Cost: \$33,581.**

6. Elementary and Secondary School Desegregation

The annual statutory report is based on a review of elementary and secondary school desegregation issues. In addition to this national report, which will incorporate data and analysis gathered by the Commission's regional offices and advisory committees, the agency will conduct a public briefing.

Since the Supreme Court's landmark decision in *Brown v. Topeka Board of Education*, it has been an accepted tenet of our nation's laws that separate education is inherently unequal. In the 1960s and 1970s, the Warren and Burger courts issued similar decisions, which created and expanded the concept that our nation has an affirmative duty to ensure that segregation does not exist in public education. The passage of the Civil Rights Act of 1964 provided additional evidence of this commitment.

Commentators debate whether the failure of school districts to achieve unitary status is due to a lack of clarity concerning the term itself, or whether it is because of the lack of continued commitment to the goal of diversity. It is generally agreed, however, that courts which have declared school districts "unitary" are no longer focusing on the actual racial composition of the schools but rather on the absence of any overt or covert discriminatory policies regarding race. Research by Harvard University shows that even states like Florida, North Carolina, and Delaware, where stable metropolitan desegregation plans have existed for three decades, the school systems are rapidly resegregating.

This Office of General Counsel briefing will examine elementary and secondary school desegregation to determine the current unitary status of school districts subject to court

orders, ascertain the success and failure of schools desegregating under the Department of Education's 441(b) desegregation plans, and examine the usefulness of race as a continuing standard for school integration. The Office of Civil Rights Evaluation will provide assistance, as necessary, on statistical analyses. **Initial Estimated Cost: \$86,238.**

Breakout of Total Project Costs

	Report OGC	Briefing OCRE
Labor/Benefits	331,272	84,073
Travel		96
Printing	10,000	
Other Services	10,600	
Supplies	5,000	2,069
Total	356,872	86,238

7. Emerging Issues

Five other briefings will be conducted on "emerging issues" or issues that require study but cannot be reasonably predicted for planning purposes. These briefings will be conducted in conjunction with the Commission's monthly meetings and will be additional opportunities for the public, policy-makers, and the media to gain insight into new civil rights issues. Briefing presenters, all expert in their fields, will engage in lively and thoughtful public debate on some of this Nation's most important developing civil rights topics. Presenters will be drawn from various sources including academia, think tanks, government, advocacy groups, and other organizations.

Holding monthly emerging issues briefings permits increased flexibility in selecting briefing topics, permits for a timely response to issues and an opportunity to contribute to policy discussions, and permits the allocation of funding so that resources are not diverted from other projects. Examples of previous emerging issues briefings held by the Commission include examinations of post-September 11, 2001 anti-Arab and anti-Muslim issues, and briefings on election readiness in 2004. Commission staff in the Office of the Staff Director and the Office of Civil Rights Evaluation will organize these briefings, including conducting research, identifying the most learned and experienced presenters, coordinating event logistics, and preparing the Commission's report following each event. **Initial Estimated Cost: \$443,658.**

The estimated total cost of national office projects, including salaries and benefits, for national office briefings, is \$1,400,232.

8. Staffing

In FY07, the Office of General Counsel will fill two attorney advisors positions that have been vacant. These attorneys are needed to conduct mission-critical civil rights hearings and briefings; write reports appraising the nation's civil rights laws and policies; and

study and investigate allegations of discrimination and denials of equal protection of the laws as guaranteed by the Constitution of the United States. This substantive work is at the core of the Commission's statutory mandate established by Congress and found at 42 U.S.C. § 1975a (a), (c) and (e). The Commission's Office of the General Counsel, currently staffed by only two attorneys with two hires planned for FY06, down from 15 in 1999, also will be hard-pressed to ensure compliance with the Commission's legal requirements absent the additional requested staffing. These attorney positions are essential to ensuring that applicable administrative and regulatory laws are abided by, especially as the agency adopts numerous reform policies and internal procedures, and that the agency's responses to its external reporting obligations are legally sufficient.

NARRATIVE JUSTIFICATION
A RELIABLE PUBLIC RESOURCE: MONITORING AND
COMPLAINT PROCESSING

In addition to conducting eleven briefings the Commission, through its Office of Civil Rights Evaluation, plans to continue its monitoring and complaint referral functions.

The Commission will continue to improve its Internet-based complaint submission process, as well as traditional means of complaint submission such as U.S. Postal Service mail, facsimile, and telephone. The Commission staff, on average, receives, logs, reviews, and refers more than 3,000 civil rights complaints annually from members of the public and Congress. In FY04, the Commission received and referred 2,988 complaints. This was slightly down from FY03 when 3,714 complaints were received and from FY02 when 4,132 complaints were received. Thus far, 2,670 complaints have been received in FY05. Complaints most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons.

Other types of complaints received and referred by the Commission include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. **Initial Estimated Cost: \$86,610.**

The Commission will continue to monitor federal civil rights developments by monitoring news accounts, the Internet, and occasional interviews with federal agency staff. By being generally informed of relevant developments the Commission is positioned to: (1) identify potential federal enforcement efforts; (2) respond readily and knowledgeably to requests for comments and advice from other federal agencies, Congress, the media, and the public; (3) increase the quality of information available for Commission project and policy planning; and (4) identify opportunities for the Commission to timely take action that informs public debate on civil rights matters. Monitoring topics for FY07 are varied but include child labor, housing, criminal justice, hate crimes, voting rights, election reform, sentencing and death penalty, prisoner rights, access to health care, bio-terrorism and public health, access to capital, transportation, black farmer issues, and the census. **Initial Estimated Cost: \$90,832.**

NARRATIVE JUSTIFICATION REGIONAL PROGRAMS: OUR EYES AND EARS

A regional office supports each of the Commission's six regions. The regional alignments are listed below:

- Central Region: Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.
- Eastern Region: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- Western Region: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- Southern Region: Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- Rocky Mountain Region: Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- Midwestern Region: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

During FY07 each of the Commission's six regions will conduct at least one public briefing, forum, or fact-finding meeting that examines a local or regional civil rights issue. These examinations and their related written work product will provide timely, relevant, and useful information to the public, state and local government representatives, and organizations. In addition, each chartered advisory committee will conduct at least one telephonic advisory committee planning meeting.⁴ Travel by advisory committee members, and regional directors, is required to support this fact-finding function.

In recent years, regional fact-finding, including briefings and forums, have declined due to the financial situation of the agency. The Commission's ability to use its six regional offices and 51 advisory committees as its "eyes and ears" on civil rights issues will be significantly hindered if travel funds are not made available during FY07. **Initial Estimated Cost: \$2,180,166 (including \$38,400 for travel).**

⁴ In FY06, as of the writing of this budget request, 13 advisory committees are chartered by the Commission. By statute, the Commission is required to have an advisory committee in every State and the District of Columbia. 42 U.S.C. § 1975a (d) (2005).

REGIONAL PROGRAM ACTIVITY

		FY2004	FY2005	FY2006 (projected)	FY2007 (projected)
SAC Meetings	Planning	93	36	13	13
Briefings/Forums/Fact-finding Meetings		30	11	1	1
SAC and Regional Staff Reports		4	2	1	1
Liaison Activities		2	2	--	5

NARRATIVE JUSTIFICATION

KEEPING A NATION INFORMED: PUBLIC AFFAIRS UNIT, CONGRESSIONAL AFFAIRS UNIT, AND ADMINISTRATIVE SERVICES AND CLEARINGHOUSE DIVISION

1. Public Affairs Unit

The operation of the Public Affairs Unit (PAU) is a key component to the Commission achieving its goal of increasing public awareness of civil rights issues, policies, and protections and enforcement efforts during FY07. This office will produce a Spanish language public service announcement (PSA) to meet the Commission's statutory requirement to produce announcements to prevent discrimination. This obligation is found at 42 U.S.C. § 1975a(a)(2)(D). The last PSA was produced approximately five years ago. **Initial Estimated Cost: \$32,985.**

PAU, through the Office of Civil Rights Evaluation and the Office of the Staff Director until funding is available to staff PAU, is responsible for preparing and disseminating Commission information through the use of press releases, fact sheets, press conferences, personal appearances, personal contacts, and other appropriate means. PAU serves as the agency's liaison with media and the public in connection with Commission hearings, briefings, and other activities. **Initial Estimated Cost: \$16,155.**

2. Administrative Services and Clearinghouse Division

The Administrative Services and Clearinghouse Division (ASCD) is responsible for the identification and acquisition of Commission briefing and meeting facilities, oversight of the Robert Rankin National Civil Rights Library, distribution of Commission publications, procurement and acquisition of necessary goods and services, technology and information management, security and emergency management, space and facilities management, communications, transportation, printing/copy shop, mail services, and other assorted administrative duties and functions. These functions are central to the agency's day-to-day operation as well as the execution of its civil rights mission.

With the increase in the number of national office civil rights briefings, ASCD will be increasingly called upon to arrange meeting logistics such as space/meeting rooms, audio-visual services and equipment, and telecommunication services for conference calls. As the number of briefings increases so will the number of Commission written work products requiring publication, distribution, and storage. Eleven reports are projected for publication in FY07, compared with 3 reports in FY06 and 4 in FY05; ASCD will be responsible for the publication, delivery, inspection, and mailing of approximately 1,500 copies of each report. Unlike national office reports that are

published by the Government Printing Office, the Commission publishes regional reports in-house.

To provide the public the widest possible access to agency publications, approved reports are posted on the web site that is also managed by ASCD and supported by the Government Printing Office. Agency information technology also is a component of the operation of ASCD. Reliable internal communication systems are fundamental to the operation of any organization. ASCD's technology specialist maintains the agency's computer systems or LAN for the Commission's national and regional offices. **Initial Estimated Cost: \$407,785.**

3. Civil Rights Library

The National Civil Rights Library, operated under ASCD, will continue serving as a resource for researchers, the public, and other Commission offices. In FY05 the library received approximately 1,100 telephone inquiries, and responded to approximately 2,375 research and simple reference requests. **Initial Estimated Cost: \$177,410.**

PLANNED ACCOMPLISHMENTS FISCAL YEAR 2006

The following are planned FY06 national office briefings and reports:

1. A Review of Expiring Provisions of the Voting Rights Act

This topic, the expiration of provisions of the Voting Rights Act, is the subject of the Commission's annual statutory report.

On August 6, 2007, the Voting Rights Act will celebrate its 42nd anniversary. On that date several of the Act's core provisions are set to expire, the pre-clearance requirement of Section 5; the language minority requirements of Sections 4(f)(4) and 203, and the voting examiner and observer authorizations of Sections 6 through 9. Congress will face complex and fundamental questions as it decides whether to extend these provisions beyond August 2007. The questions include: How far down the road to equal opportunity have these provisions brought our Nation? How much farther do we need to travel? Have these provisions been properly enforced and construed by the Justice Department and the courts? Has the nature or scope of discrimination in voting changed since their enactment? And, ultimately, are these provisions needed, either in their current form or in some modified form, to prevent backsliding from the progress already achieved?

The Office of the General Counsel, in FY05, oversaw the preparation of a report on the reauthorization of expiring provisions the Act and the Department of Justice's enforcement of the Act's Section 5 pre-clearance requirement and the language minority provisions of Sections 203 and 204. This report incorporates information received by interrogatories, and the voluntary production of documents by the Voting Rights Section of the Justice Department. It, therefore, offers an analysis the factual record that underlies the congressional debate of the Act's expiring provisions. During FY06, this report will be reviewed, revised, and supplemented with Commission staff analysis, consistent with Commissioner comments and suggestions. It will be released in time for Congress to consider its findings and recommendations during consideration of the reauthorization.

The Office of Civil Rights Evaluation conducted a public briefing in October 2005 about this topic on Capitol Hill and will produce a briefing report in addition to the annual statutory report. It included a panel of experts debating the continued value of the expiring provisions of the Act.

2. An Assessment of the Effectiveness of Historically Black Colleges and Universities

Following the passage of the Civil Rights Act of 1964, the U.S. Department of Education (DOEd) Office of Civil Rights (OCR) sought to increase black enrollment at traditionally white institutions and white enrollment at historically Black colleges and universities (HBCUs). The objective was removal of institutional racial identifiability and integration of black students into traditionally white institutions. In the 1970s and 1980s, public policy shifted from racial neutrality to recognition of HBCUs as an integral part of the higher education landscape. Following court rulings, DOEd OCR developed guidelines for states that were developing state desegregation plans to ensure that HBCUs did not carry the burden of desegregation. Moreover, the federal government sought to enhance HBCUs. The Carter, Reagan, Clinton, and the two Bush administrations each established initiatives to strengthen HBCUs. This Office of Civil Rights Evaluation briefing will assess the educational effectiveness of HBCUs in a number of areas including, but not limited to, the role and/or impact on students, local community, and larger society.

3. Representation of Minorities in the Census

In 1997 the Office of Management and Budget (OMB) revised its standards for federal collection of data on race and ethnicity. The revised categories for race are: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. No multiracial category was created but, instead, individuals are allowed to self-identify by selecting one or more races. These categories were used in the 2000 census, along with a category identified as "Some Other Race." There are also two minimum categories for ethnicity: Hispanic or Latino and Not Hispanic or Latino. Hispanics and Latinos may be of any race. Some assert that there is no compelling need to collect racial data and that doing so only pits one group against another. Others assert that while there is a legitimate need for the information, the routine collection of racial data is subject to misuse and that such data is inherently inaccurate. Still others assert that racial data, even if flawed, is a necessary and legitimate consideration in the equitable allocation of resources. This Office of General Counsel briefing will explore the use and misuse of census race data.

The following previously planned FY06 projects were reconsidered and cancelled by the Commission in favor of higher priority issues:

1. Funding Federal Civil Rights Enforcement: The President's 2007 Budget

This Office of Civil Rights Evaluation study and report would have been one in a series of annual Commission reports on federal civil rights funding. The report would have tracked and analyzed presidential budget requests and actual appropriations, and documented changes in staffing levels, workload, outputs, and goals of six agencies.

Initial Estimated Cost: \$69,173.

2. Access to Social Services and Economic Benefits: Discrimination Issues Facing Southeast Asian Americans in the 2000s

This project by the Office of General Counsel proposed to examine equal economic opportunity challenges faced by Southeast Asian Americans. Specifically, the civil rights implications of current public welfare and economic policies that appear to prevent many from being able to fully access social and economic services designed to alleviate poverty would be explored. The final product of the project would be a report, based on several hearings, that examines the possible existence of discriminatory barriers to the economic progress of Southeast Asian Americans. **Initial Estimated Cost: \$330,431.**

3. Minority Children in State Foster Care

The project on the disproportionate placement of minority children in foster care was approved as an FY06 project but was redesigned and scheduled as a FY07 briefing. See discussed in the *Narrative Justification, Commission Briefings* section above.

ACCOMPLISHMENTS FY2005

FISCAL YEAR 2005

PLANNED v. ACTUAL ACCOMPLISHMENTS

	Exceeded Goal	Met Goal	Did Not Meet Goal	Not Applicable
Ten Years After Adarand Report		X		
Minority Employment and Economic Development (briefing and report)				Incomplete; Report Pending
Funding of Federal Civil Rights Enforcement Report		X		
Financial Aid in Higher Education (hearing and report)				Project Cancelled*
Review of Community Reinvestment Act (hearing and report)				Project Cancelled*
Minority Under-Representation in the Decennial Census (hearing and report)				Project Cancelled*
USA Patriot Act and Anti-Muslim and Anti-Arab Discrimination (briefing and report)				Currently Scheduled for Spring 2006
Publish "Civil Rights Journal"			X	
Update "Getting Uncle Sam to Enforce Your Rights"		X		Publication was revised in late FY04 and, therefore, was not scheduled for updating in FY05.
Update "Commission Brochure"			X	
Develop a Traveling Display			X	
Upgrade Website Material		X		
Produce Public Service Announcement			X	
Regular State Advisory Committee Meetings and Completion of Reports			X	
Establish Advisory Committee Term Limits			X	
Each Advisory Committee Chairperson Participates in one Civil Rights Activity Per Year			X	
Improve Management, Productivity and Accountability (EEO funding, Partnership Council, recordkeeping, program management, training)				X

* Cancelled as a result of a change in leadership and the establishment of other agency project priorities.

FISCAL YEAR 2005
PLANNED v. ACTUAL ACCOMPLISHMENTS

	Exceeded Goal	Met Goal	Did Not Meet Goal	Not Applicable
Reform Agency Internal Controls and Financial Management				X**
Reform Policies Governing Internal and External Communications to Improve Commissioner-Staff Communications and Designate Commission Spokespersons				X**
Reform Policies on Project Planning and Execution Creating More Opportunities For Commissioner Input and Guidance				X**
Complete Required Follow-up Report(s) to OMB and Congress on Agency Reforms and GAO Recommendations				X**
Formalize internal policies on Financial and Procurement Practices Aimed at Improving Accountability, Accuracy, and Reporting of Financial Transactions				X**
Draft a Statement of Work For a Contract For an Audit and Issue a Request For Bids				X**
Retain an Experienced Accounting Services Provider				X**
Create a Tracking System for Agency Reporting Obligations				X**
Draft a Document Control and File Management Checklist for Procurement Activities				X**
Reform Policies on Project Cost Reporting				X**
Incorporate the Cost of Staff Training into the FY06 Operating Plan and FY07 Budget Submissions				X**
Reform Agency GPRA Compliance Policies and Procedures				X**

** Though these, and other, reforms were implemented they were not originally planned for FY05 and should not be considered FY05 goals. They are, instead, a part of a slate of reforms scheduled for completion in FY06.

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



CONGRESSIONAL REQUEST FOR APPROPRIATION

FISCAL YEAR 2008



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

March 7, 2007

The Honorable Alan Mollohan
Chairman
Subcommittee on Science, State, Justice, and Commerce, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
H-310, The Capitol
Washington, D.C. 20515

Dear Chairman Mollohan:

The U.S. Commission on Civil Rights requests an appropriation of \$8,800,000 for FY 2008. Please note that the tables and schedules in this submission are based on the President's budget of \$8,800,000. Hailed as the "conscience of the Nation" on civil rights matters, the Commission has recently demonstrated concerted efforts to regain the confidence of the American public after years of widely reported mismanagement. With new leadership at the helm, the Commission began to implement significant financial and operational reforms in FY 2005 and early FY 2006. While these reforms have not yet had their full impact, we are confident that they will bring much-needed changes to the agency's operations in future fiscal years. Our recent receipt of an unqualified audit opinion on our financial statements demonstrates that our efforts have already begun to yield positive results.

Created in 1957, the U.S. Commission on Civil Rights is a bipartisan, fact-finding agency charged with investigating and making recommendations to the executive and legislative branches on how to end discrimination in the Nation. The Commission's mandate encompasses the full spectrum of civil rights issues, including oversight of the civil rights programs of 14 executive departments and 27 other federal agencies. Among its responsibilities, the Commission must conduct other investigations, educate the public on civil rights matters, and operate programs that address both local and national civil rights concerns. To meet these responsibilities, the Commission maintains five key programs:

- a program to evaluate and identify ways of improving the effectiveness and efficiency of federal civil rights enforcement;
- a program to investigate allegations of discrimination and denials of equal protection of the laws based on race, color, religion, gender, age, disability, or national origin, or in the administration of justice;
- a program to promote greater public awareness of civil rights protection and responsibilities;

- a program to assist members of the public who seek information and advice about protecting their civil rights; and
- a network of State Advisory Committees that gives the Commission a vital local presence in communities across the country.

The Commission continually strives to improve quality and efficiency across these program areas. Some of our recent civil rights policy work, for instance, has been described as "groundbreaking" and "historic."

While the cost of carrying out our mandate has continued to increase and annual funding has remained constant, the Commission has taken significant steps to maintain expenditure levels consistent with our request.

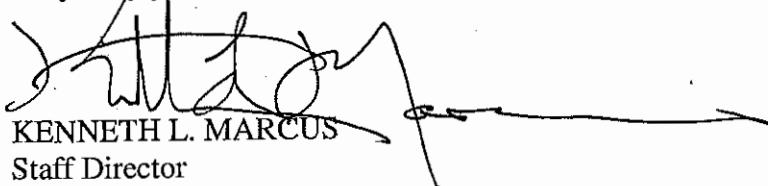
Coordination with Other Agencies

We have reviewed the appropriate sections of the OMB Circular No. A-11 concerning coordination with other agencies for compliance with stated policies, and the Commission is in compliance with Circular A No. A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations furnished to OMB in connection with the U.S. Commission on Civil Rights' FY 2008 request consist of valid obligations as defined in section 1501(a) of that title.

Very truly yours,



KENNETH L. MARCUS
Staff Director

Enclosures



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

March 7, 2007

The Honorable Barbara Mikulski
Chairman
Senate Appropriations Subcommittee
Commerce, Justice, Science and Related Agencies
S-131 U.S. Capitol
Washington, D.C. 20510

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Very truly yours,



KENNETH L. MARCUS
Staff Director

Enclosures

U.S.COMMISSION ON CIVIL RIGHTS: THE CONSCIENCE OF A NATION ON CIVIL RIGHTS

First created by the Civil Rights Act of 1957,¹ the United States Commission on Civil Rights (the “Commission”) was reauthorized by the United States Commission on Civil Rights Acts of 1983 and 1991,² and the Civil Rights Commission Amendments Act of 1994.³ Established as an independent, bipartisan, fact-finding federal agency, the Commission has played a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public. The investigations and reports produced by the Commission, and their findings and recommendations, assist the continued efforts of this Nation to strengthen civil rights protections for all. In fact, many of the Commission’s reports, from the first one in 1959 on the protection of voting rights, have led to landmark pieces of legislation that have improved the lives of millions of Americans. Its third report, issued in 1961, formed the intellectual and factual basis for the provisions of the landmark Civil Rights Act of 1964. The Commission’s work in uncovering the disenfranchisement of blacks in the South formed the basis of the Voting Rights Act of 1965 and Congress relied on a 1983 Commission report in enacting the Americans with Disabilities Act of 1990. Throughout its history, the Commission informed the President, Congress, and the public of serious civil rights challenges before and as they develop.

Over the life of the Commission Congress has expanded its jurisdictional authority. The Commission’s reach extends beyond studying and investigating deprivations of rights by reason of race, color, religion or national origin to include deprivations by reason of sex, age, and disability. In addition, the Commission also examines discrimination in the administration of justice. The expansion of the Commission’s jurisdiction is indicative of the view of Congress and the public regarding the important role the Commission has played in the Nation’s civil rights enforcement.

Despite advancement toward the Nation’s goal of reducing discriminatory conduct, the Commission must remain vigilant to protect and build upon the important gains achieved over the years. The Commission performs an important role in identifying and assessing civil rights trends and evaluating federal agency civil rights enforcement programs. In doing so, the Commission’s mission is to ensure that we as a Nation keep our commitments to civil rights for all Americans.

¹ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957).

² United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ____ Stat. ____ (1991).

³ Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

THE MISSION

The mission of the Commission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. As the only independent agency in the federal government exclusively concerned with the full range of issues related to civil rights, the Commission is mandated to keep the President, Congress and the public informed regarding all civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

The Commission addresses discrimination through monitoring and studying civil rights developments, evaluating civil rights enforcement, and investigating and studying allegations of discrimination. Additionally, its mission includes investigating allegations of denials of the right to vote and deprivations resulting from a pattern or practice of fraud, and appraising federal laws and policies to assess whether there is discrimination in their enactment or in their enforcement. Its national and regional offices carry out the work of the Commission through a staff of civil rights analysts, social scientists, attorneys, and other personnel.

The Commission, through its national and regional offices, serves as a resource for federal, state, and local policy-makers, academic researchers, and others seeking the Commission's expertise on civil rights matters. The regional offices support and coordinate the activities of the Commission's 51 State Advisory Committees (SACs). The advisory committees, along with the regional offices, monitor local civil rights related activities, consult with representatives of state and local governments, and meet with private organizations to advance their fact-finding functions. Through both its national and regional offices, the Commission also serves as a portal to the government for individuals with discrimination complaints and civil rights questions.

The Commission has six statutory mandates: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

The Commission seeks to achieve this mandate in a manner that both recognizes the full range of civil rights issues facing Americans today and is also responsive to the emergence of new issues and challenges in the future. The Nation is experiencing massive immigration and within fifty years there will be no racial majority. America's

aging population will pose significant challenges, including an aging but active workforce that may require legal protection. Disabled individuals still face barriers in some areas governed by federal civil rights laws. And, of course, the Commission must also investigate allegations of voting fraud and disfranchisement. The Commission will continue to identify emerging civil rights issues and potential remedies.

What are the thorniest challenges facing enforcement agencies in safeguarding civil rights in an era of dwindling resources? What are the most promising enforcement strategies for identifying discriminatory conduct. What are the root causes of disparities in health, education, housing and wealth and are they caused by present day discrimination? If not, how does our Nation come to terms with those disparities in light of the fact that some of these disparities have their roots in historic discrimination? The Commission does not purport to have the answers, but will lead by supporting a national conversation about these questions.

The Commission is also committed to serving as a model of management excellence, integrity, efficiency and accountability. In light of the importance of the mission that the Commission serves, the American people deserve no less from this agency.

THE STRUCTURE AND ORGANIZATION

The Commission has eight Commission members. The President appoints four Commissioners and Congress appoints four. Each member serves a six-year term. The responsibilities of the Commissioners include, for example, establishing Commission policy on civil rights issues, adopting program plans, goals and priorities, and approving national office project proposals. The Staff Director is the administrative head of the agency and is appointed by the President with the concurrence of a majority of the Commissioners. As such, the Staff Director's duties include disseminating the policies established by the Commissioners to staff, recommending program plans, evaluating program results, supervising and coordinating the work of Commission offices, and serving as liaison with the Executive Office of the President, the Congress, and other federal agencies.

In addition to the Office of the Staff Director, the Commission has six operational units or offices in its national office:

- a. Office of General Counsel: The Office of General Counsel (OGC) provides the legal expertise and advice required to conduct hearings and briefings, and ensures the legal integrity of Commission products. As one of the Commission's program offices, this office also prepares project concepts, proposals, and carries out hearings and briefings on current and emerging civil rights issues. The General Counsel is the agency's chief legal advisor on a range of legal issues and the office represents the agency in administrative hearings and other matters.
- b. Office of Civil Rights Evaluation: The Office of Civil Rights Evaluation (OCRE) provides the subject matter, and analytical expertise required to research and write social scientific evaluations of civil rights issues. Consistent with agency resources, the office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered through monitoring and other sources, this office develops project proposals, carries out projects, and responds to inquiries from the public and the Commissioners. It also conducts briefings on issues of current interest and emerging issues, and receives, researches, analyzes, and refers civil rights complaints to the appropriate federal, state or local agency.
- c. Office of Management: The Office of Management (OM) provides administrative support, as well as library, budget and finance, information technology, and human resources support services for the Commission. This office, through the Administrative Services and Clearinghouse Division (ASCD), which includes the Commission's civil rights library, also manages the Commission's information resources. This involves,

among other responsibilities, publishing approved Commission reports, responding to requests from the public for copies of Commission publications, and generally serving as a clearinghouse for information on civil rights issues.

- d. Congressional Affairs Unit: The Congressional Affairs Unit (CAU) serves as the liaison with Congress, responding to requests for specific information and ensuring the distribution of the Commission's studies and reports to all members. CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. Due to budget challenges, CAU is not currently staffed.
- e. Public Affairs Unit: The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the American public knows the activities and the publications of the Commission. PAU coordinates and carries out such activities as briefing reporters and the Commissioners on civil rights issues, holding press conferences, issuing press releases, arranging interviews with the Commissioners, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations as speakers. Due to budget challenges, PAU is not currently staffed.
- f. Regional Programs Coordination Unit: The Regional Programs Coordination Unit (RPCU) ensures that individual regional programs are sufficiently coordinated across regions and within headquarters. RPCU ensures that headquarters provides support and guidance, where appropriate, to the regional offices and the state advisory committees. RPCU, through its writer-editor, also provides support in the finalization and publication of headquarters-developed and regional reports and studies, as well as in the announcement of hearings. Due to budget challenges, currently there is no permanent staff assigned to RPCU, however, there is an acting chief of RPCU.

The six regional Commission offices are each staffed by a director, and one or more civil rights analysts and/or other administrative personnel. The Commission's regional offices have a total of 23 positions with 13 vacancies (including two regional directors). As a result of budgetary challenges, 50.2 % of these positions are currently vacant. The regional offices coordinate the Commission's operations in their regions and assist the SACs in their fact-finding activities.

Between 1995 and 2001, Congress continuously funded the Commission below the President's request. After adjusting for inflation, the Commission's budget steadily declined from \$8.8 million in 1995 to \$7.7 million in 2001. Each year between 2002 and 2005, the Commission's budget remained flat and inflation continuously eroded its

purchasing power. Although the Commission received funding of \$9,096,000 each year between 2002 and 2005, the worth of its budget in 1994 dollars has actually decreased from \$7.8 million in 2002 to \$7.2 million 2005. In 2006, the Commission's budget of \$8,932,439 was somewhat smaller than its 2005 budget and, once inflation was taken into account, the Commission's buying power was roughly equivalent to \$6.8 million. For 2007, the Commission is funded via a year-long continuing resolution. The funding amount of \$8,932,439 is identical to the FY 2006 appropriation in actual dollars but is a cut in real funding. After adjusting for inflation, the Commission's 2007 budget will be worth \$6.6 million in 1994 dollar buying power.

The stagnant and flat budget during the past decade has resulted in a smaller Commission with many unfilled positions. As of FY 2006, the Commission had 76 allotted FTEs; however, there were only 47 onboard FTEs. At the end of FY 2006, the Commission had 29 vacant positions. As a result of declining staff and a flat budget, the Commission no longer has staff assigned to CAU, PAU, or RPCU.

THE COMMISSION: AN AGENCY COMMITTED TO IMPROVED MANAGEMENT AND ACCOUNTABILITY

Under the direction of new leadership since December 2004, the Commission continues to make significant progress toward resolving profound management and financial challenges that developed over a period of many years. The inherited problems are rooted in neglect, mismanagement, and financial pressures resulting from a stagnant budget. Improvement in the policies and procedures governing financial and program management at the Commission began in fiscal year 2005 (FY05) and continue through FY07. Early results have been promising as the Commission received unqualified opinions on its FY 2006 audit statements for the first time in many years. Additional positive results are eagerly expected as the fruit of the Commission's labors continues to mature and ripen over time.

The Commission continues improving its financial and program management by developing and implementing policies and procedures, as well as monitoring and revising previously implemented reforms, designed to ensure that:

- non-salary related financial transactions are accurately documented, supported, and recorded;
- financial processes include appropriate segregation of duties to guard against waste, fraud and abuse;
- financial obligations are paid in a more timely manner to avoid penalties and interest payments;
- project costs are accurately tracked and reported monthly to inform agency decision-making about program costs and priorities;
- Commissioners have an enhanced formal role in program planning and project execution so that projects benefit from their diverse views and opinions; and
- state advisory committees are staffed with high quality members with a range of relevant skills and abilities to increase the quality of advisory committee work products; and
- strategic planning is completed to allow the agency to better link resources and outcomes with the agency's mission, goals, and objectives.

In FY05, and continuing through FY07, the Commission reformed aspects of the operation of its 51 advisory committees and national program planning. It adopted reforms correcting project planning weaknesses relating to Commissioner involvement in agency projects. As a result, there are now firmly established policies institutionalizing the role of Commissioners during the background and planning, discovery, and report drafting stages of projects. Furthermore, reforms to advisory committee membership selection criteria indicate the Commission's recognition of the importance of the existence of specific skills at the SAC level related to fact-finding. The Commission's

understanding of the need to provide more opportunities for advisory committee service and inject new energy and ideas resulted in the creation of advisory committee term limits. In FY06 and FY 2007, additional changes were made to enhance the quality of national office work products and the utilization of the Commission's regional program (including SACs) related to findings contained in a May 2006 GAO report. The findings relevant to the Commission's use of its SACs reflect that effective use of the advisory committees is hampered by:

- agency budgetary constraints that have reduced resources available for SAC activities;
- state advisory committees being unable to function due to expired charters;
- inadequate integration of state advisory committees into the mission of the Commission;
- ongoing budget constraints that limit the ability of the Commission to sufficiently fund its SACs;
- ongoing budget constraints that limit the ability of the Commission to provide sufficient human resources at the regional level to support SAC operations; and
- extended period of time state advisory committee reports are under national office review prior to release for publication.

The Commission took concrete steps to resolve the noted deficiencies by revising internal policies on national office program planning and execution, and retaining an Inspector General (IG) in July 2006 to review and propose revisions, as appropriate, to existing and proposed policies governing the objectivity, transparency and accountability in national office work products. The IG will also review and propose revisions, as appropriate, to the Commission's use of its advisory committees, its committee re-chartering process, and the timeliness of national office review of advisory committee reports. Prior to retaining the IG, the Commission developed a national office process and timeline for reviewing advisory committee reports that establishes a 65-days target and formalized the need to solicit SAC input during national program planning process. In FY 2007 the Commission will also implement the use of operating budgets for regional offices that include funding for SAC operations and activities. These reforms were reviewed with the IG and determined to be appropriate. Upon the completion of the work, the IG will submit a written report evaluating the sufficiency of agency policies and procedures related to GAO's recommendations.

In addition to enhancing its national office work product processes, and further integrating the work of its advisory committees into the work of the national office, the agency continues to reform its human capital management system and its ethics program. The Commission's leadership continues to emphasize the importance of an excellent agency ethics program and ethical conduct by agency employees. Through its designated agency ethics official (DAEO), the Commission is implementing several ethics reforms, including:

- providing additional training and classes to Commission staff through the agency's ethics officer;

- improving the ethics officer's monitoring of the operation of the agency's ethics program and taking appropriate remedial action;
- updating Commission ethics policies and procedures;
- keeping, when appropriate, records of advice that is rendered on ethics and standards of conduct matters, including post-employment and conflict of interest matters; and
- submitting in a timely manner to OGE semiannual reports of certain travel payments accepted, including negative reports.

Beginning in FY05, the Commission assessed its human capital management system to determine what changes were required to improve the operation of the Human Resources (HR) Division, and support ongoing agency reform efforts and the *President's Management Agenda* (PMI). Included in this review were the agency's internal policies, current delegations of authorities, and the performance management system for supervisors and managers. The results are the creation of a draft Strategic Human Capital Plan and a Human Capital Accountability System to increase workforce accountability and improve the management of human capital, the collection of employee feedback that was incorporated into the draft Human Capital Accountability System, and an employee skills assessment. In FY06, the Commission developed in-housing training materials for managers and supervisors on knowledge sharing and workforce planning. These review and reform efforts were further assisted in late FY06 by OPM recommendations regarding five areas of the Commission's HR operations:

- strategic alignment,
- leadership/knowledge management,
- results-oriented performance culture,
- talent management, and
- accountability for results-supporting mission accomplishment, effectiveness, and efficiency, and agency priorities.

OPM's findings are generally consistent with the Commission's previous determination that focused attention in many of these areas is still needed. The Human Resources Division, recently under new leadership, is therefore working to develop and execute appropriate corrective measures that will allow it to:

- execute human capital management priorities, including evaluating the immediate need for positions and their broader organizational role on a strategic workforce planning basis rather than on a case-by-case basis;
- execute leadership and knowledge management system, including prioritizing available funding to meet mission-critical and leadership succession training needs;
- increase its capacity to attract quality people with the appropriate competencies in mission-critical activities to the agency;
- collect and use of data to inform human capital management; and
- improve the execution of its Delegated Examining Unit (DEU) authority.

Monitoring, and necessary revisions, will continue into FY08. Moreover, the Commission will monitor and evaluate, and revise as appropriate, previously implemented policies and procedures to ensure that these reforms are achieving their intended results. The agency has already implemented many of the recommendations made by its financial management consulting and this has directly impacted the receipt of unqualified opinions in the FY06 financial audit.

THE RESOURCES FISCAL YEAR 2008

FY 2008 Budget Estimate

The FY08 budget estimate for the Commission is \$8,800,000. This estimate will support 50 on-board full time permanent positions, including four out of eight Commissioner Assistants.

	FY2007 Request (Enacted)	FY2008 Request (estimated)
On-Board and New Salaries	\$4,216,389	\$4065,577
Commissioner Salaries	\$651,899	\$694,851
Benefits	\$1,162,493	\$1,318,190
Travel	\$135,600	\$125,600
Transportation of Things	\$32,752	\$32,752
GSA Office Space Rental	\$1,300,000	\$1,300,000
Other Rentals	\$2,498	\$2,498
Communications	\$216,347	\$173,595
Printing	\$139,294	\$124,294
Other Services	\$961,375	\$879,054
Supplies	\$84,062	\$77,246
Equipment	\$30,291	\$6,344
TOTAL Obligations	\$8,933,000	\$8800,000

FY 2008 Budget Estimate: National Office Briefings and Related Reports

During FY08, the Commission will conduct eight major civil rights projects that will include briefings and related reports. These projects will continue the progress the Commission has recently made on moving the agency from a position of being a marginal voice in the Nation's civil rights debate to a position of being a respected and credible voice on contemporary civil rights issues. The eight civil rights projects supported in FY08 by OGC and OCRA are listed below.

1. The Patriot Act as related to Anti-Arab/Anti-Muslim Discrimination (OGC)
2. Religious Discrimination in K-12 Schools (OGC)
3. Corporate Diversity (OGC)
4. Religious Discrimination and Prisoner Rights (OGC and OCRA)
5. Racial Profiling: US Department of Justice Remedies (OCRA)
6. Title IX in College Athletics: Is Cheerleading a Sport? (OCRA)
7. Review of the Community Reinvestment Act (OCRA)
8. The Faith-Based and Community Initiative (OCRA)

These projects reflect a consideration of several of the administration's civil rights priorities, and issues of interest to the Nation. The President, in his FY07 budget address, noted that the administration continues to believe that faith-based organizations should play a significant role in addressing many of this country's social concerns. To that end, the President's Budget included \$322 million in targeted Faith-based and Community Initiatives. The Commission, through its faith-based project, will study and propose ways to eliminate roadblocks to faith-based programs. The results of the Community Reinvestment Act project will prove useful in examining, for example, the extent to which increased competition in the mortgage market may have contributed to the growth in sub-prime mortgage lending by specialty lenders, which soon brought larger lenders into the sub-prime market as well. With more low-income and minority buyers entering the housing market, this project may also provide information relevant to the federal government's efforts to increase homeownership among these sub-groups. The recommendations from this effort will inform the thinking of policy makers as the administration moves forward with its goal of creating an ownership society. In March 2006, the Department of Education issued a report on its 2005 Title IX Clarification at the request of the Senate Appropriations Committee. This report will continue to be studied and debated; the Commission's FY08 project on Title IX will contribute, in a constructive and thoughtful way, to that debate.

During FY08, OGC and OCRA, the two headquarters offices primarily responsible for conducting fact-finding, account for approximately 15.4 percent of the Commission's total budget. For FY08, the budget estimate for OGC is \$527,253. Of this amount, \$174,176 is for salaries and benefits (also referred to as "labor") related solely to completing four briefings, related reports, and the remaining costs associated with these

program activities. OGC will also assign \$71,869 of its labor costs to the generation and production of the FY 2008 statutory report. In total, \$246,045 or 61% of the salaries and benefits of OGC will be allotted to national office reports. Remaining OGC salaries and benefits is attributed to all costs associated with other office functions such as the activities of the General Counsel and legal sufficiency reviews by the Attorney-Advisors.

The estimated FY08 operating budget for OCRA is \$828,779 which includes \$375,052 for labor associated solely with the completion of five briefings and related reports. Additionally, OCRA is expected to incur \$173,816 in labor cost associated with generation and production of the FY 2008 Statutory Report. The balance is attributed to all costs associated with other office functions such as the complaint referral service, civil rights monitoring, and public affairs-related activities in the absence of a staffed Public Affairs Unit.

The below table summarizes the cost estimates for the eight Commissioner-approved briefings that will be conducted by OGC and the OCRA.

Approved Briefings Costs		
	OGC	OCRA
Labor	174,176	375,052
Travel	6,335	7,280
Printing	19,500	32,593
Other Services	38,901	66,301
Supplies	5,000	2,207
Equipment	600	0
Total	244,512	483,433

FY 2008 Budget Estimate: Annual Statutory Report

Pursuant to its authorizing statute, the Commission is required to produce, and submit to the President and Congress, at least one report annually that monitors federal civil rights enforcement efforts. In FY08, the statutory report will be on religious discrimination and prisoner rights and will be based on national and regional research, data collection and fact-finding. The annual statutory report will use interrogatories and other specific fact-finding tools to examine federal and some state laws and regulations, to explore the role of prison administrators in conducting or allowing various religious services and to examine the extent and severity of religious discrimination in federal and state prisons throughout the United States employing both qualitative and quantitative research data for the years 1990 through 2004. It will also incorporate, as appropriate, material otherwise made available to the Commission. **Estimated Cost: \$349,597.**

FY08 STATUTORY REPORT

	OGC	OCRE
Labor	71,869	173,816
Travel	2,555	2,555
Printing	13,500	15,493
Other		
Services	34,501	29,901
Supplies	4,200	1,207
Total	126,625	222,972

FY 2008 Budget Estimate: Regional Operations

The Commission supports six regional offices and 51 State Advisory Committees. During FY08, it is projected that the Commission's regional operations (including RPCU, the six regional offices, and the SACs) will conduct 32 SAC planning meetings and 6 briefings, forums, and other fact-finding activities. To support these activities, modest travel, transcription services, and rentals cost will be incurred. **Estimated Cost: \$2,072,377.**

Line Item Budget Justification for the Regional Operations
(for each regional office and the regional programs coordination unit)

	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO
Labor	350,684	169,922	188,505	137,688	362,325	361,933	
Travel	15,000	0	0	0	0	0	0
SLUC	0	82,732	38,260	60,913	90,975	40,890	67,991
Communications	6,500	0	2,100	2,100	2,100	2,100	2,100
Printing	42,368	0	0	0	0	0	0
Other Services	0	0	7,687	6,332	8,638	1,818	1,016
Supplies	0	0	2,100	2,100	1,229	2,172	2,100
Total	63,868	435,416	220,069	261,950	241,630	412,305	437,140

FY 2008 Budget Estimate: Administrative and Central Operating Expenses

The Commission is including a schedule that presents a combined picture of the budget estimate broken down by office. In addition to salaries and benefits, the more significant estimates on this schedule are contained in the heading labeled "CENTRAL". CENTRAL is the account to which charges that are not attributable to any one specific office or division are attributed, and it should not to be confused with Central Regional Office. Included as "CENTRAL" expenses, for example, are telecommunications (telephone), postage, Government Printing Office charges for headquarters graphic

designs and printing, office space rental at headquarters, and some other common agency expenses and agreements. **Estimated Cost: \$2,258,206.**

FISCAL YEAR 2008 PERFORMANCE PLAN

The Commission has six statutory mandates: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress. These goals formed the foundation for the GPRA performance plan in previous Commission budget submissions.

In December 2006 the Commission adopted a draft Strategic Plan that was revised based on congressional consultation and other stakeholder input. As reflected in the draft plan, the mission of the Commission is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws through quality research, objective findings and sound recommendations with the means necessary to achieve the mission. During fiscal years 2007 through 2012, the Commission proposes to execute this mission by:

- Supporting a national conversation on current civil rights issues that identifies the priorities for policy makers;
- Enhancing the ability of federal agencies to raise public awareness and efficiently and effectively execute their civil rights enforcement responsibilities;
- Serving as an authoritative national clearinghouse and repository of civil rights data and information; and
- Normalizing the Commission's financial and operational controls, and modernizing its information technology, management and dissemination.

Strategic Goal 1

Support a national conversation on current civil rights issues that identifies the priorities for policy makers.

Objectives:

- Conduct project follow-up as determined necessary and within existing resources.
- Fully implement adopted GAO recommendations regarding national office report quality and utilization of the state advisory committees.

Proposed FY08 Strategies:

- Examine various federal and state laws and regulations that are applicable to the various briefings and reports.
- Plan briefings that include presenters with varied and opposing views and perspectives.
- Use interrogatories and requests for documents to obtain relevant information from federal agencies.
- Provide an “open record” period so that additional information may be submitted following a briefing(s) that would round-out the official record of the proceeding(s).
- Use public briefings, and related press releases and advisories, to raise public awareness of civil rights laws prohibiting discrimination and current civil rights issues.
- Review GAO report and recommendations, evaluate and monitor implemented corrective actions, and revise actions as determined necessary to achieve desired results.
- Use designated senior agency managers to evaluate and monitor internal controls and operations, and propose appropriate corrective measures.

Strategic Goal 4

Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Objectives:

1. Adhere to integrated budgeting, planning, and performance management.
2. Effective financial management; demonstrated financial accountability; streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.
3. Continued implementation of GAO recommendations.
4. Modernize information technology management and infrastructure to enhance program efficiency and obtain structural cost savings.

Planned FY08 Projects and Activities Associated with Strategic Goal 4:

- Fully comply with OMB Circular A-11 on performance budget preparation.
- Fully implement recommendations made by OPM and GAO related to human capital management systems.
- Obtain the input of the regional offices and state advisory committees in preparation for the annual program planning process.
- Resolve outstanding financial audit weaknesses (if any) in preparation for a clean financial audit in FY09.

Proposed FY08 Strategies:

- Expand the collection of financial and performance data to improve budget integration and provide accountability for performance at the office and/or division levels.
- Ensure that office and division heads understand and comply with Administrative Instructions requiring that proposed program activities be linked to the Commission's five-year strategic plan in order to be proposed for funding.
- Require that office and division heads develop an annual performance plan and measures that are linked to the Commission's five-year strategic plan.
- Resolve financial audit weaknesses (if any).
- Implement internal control and financial management changes, as necessary, to receive a clean financial audit in FY09.
- Develop, implement, and evaluate the effectiveness of existing human capital management systems to ensure that support the President Management and the Commission's strategic goals and objectives.
- Formalize the role of regional operations in the program planning process.

Factors Influencing the Commission's Ability to Accomplish Its Strategic Goals

Several factors may have an effect on achieving Commission goals including emerging issues, reauthorization, funding, internal reform efforts, and staffing levels. Emerging issues, or unanticipated issues, may arise that require a shift in Commission program and spending priorities. Examples of past emerging issues include the 2004 and 2000 elections and the September 11, 2001 terrorist attacks.

Though the Commission's authorizing statute expired in 1996 the Commission continues to receive an annual appropriation. The Commission will make adjustments to its strategic plan should its oversight committee pass new authorizing legislation changing the Commission's structure, operation, mandate, and funding.

Though attrition has historically allowed the Commission to avoid staff cutbacks, fewer staff members are doing increasingly more work. In September 1996, the Commission had 93 full-time staff members, including commissioner assistants. The two primary national program offices, the Office of Civil Rights Evaluation (OCRE) and the Office of General Counsel (OGC), account for 27 of these positions.

UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2008.....\$8,800,000

Program decrease relative to FY 2007 Request\$192,000

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,800,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

UNITED STATES
COMMISSION ON CIVIL RIGHTS
PROGRAM/PROJECT COST BY OFFICE
FY 2008 BUDGET ESTIMATE

	OSD	OGC	OCRE	PROJECTS
ON-BOARD	724,003	415,062	648,225	1,063,286
SALARIES	724,003	415,062	648,225	1,063,286
OTHER PERSONNEL COMPENSATION	0	0	0	0
Benefits Regular	179,698	103,018	160,889	263,907
Benefits	179,698	103,018	160,889	263,907
Printing	18,033	9,173	19,665	28,838
Other services	3,145	0	0	0
Advisory Svcs-legal	3,145	0	0	0
TOTAL	924,879	527,253	828,779	1,356,032

UNITED STATES
COMMISSION ON CIVIL RIGHTS
REGIONAL PROGRAMS
FY 2008 BUDGET ESTIMATE

	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO	REGIONS
SALARIES	0	280,952	136,134	151,021	110,309	290,278	289,964	1,258,657
Benefits Regular	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399
Benefits	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399
Travel	0	0	0	0	0	0	0	15,000
SAC Travel	15,000	0	0	0	0	0	0	15,000
Trans. Of Things	0	2,000	0	2,000	1,000	3,000	2,000	10,000
SLUC	0	82,732	38,260	60,913	90,975	40,890	67,991	381,761
Communications	6,500	0	2,100	2,100	2,100	2,100	2,100	17,000
tele & other Comm- Equip	6,500	0	0	0	0	0	0	6,500
postage & related fees	0	0	2,100	2,100	2,100	2,100	2,100	10,500
Printing	42,368	0	0	0	0	0	0	42,368
Briefing/Transcripts/Consultatio	42,368	0	0	0	0	0	0	42,368
Other services	0	0	7,687	6,332	8,638	1,818	1,016	25,491
Federal Protective Svcs.	0	0	7,372	5,912	8,470	1,503	701	23,958
health units	0	0	315	420	168	315	315	1,533
Supplies	0	0	2,100	2,100	1,229	2,172	2,100	9,701
office supplies	0	0	2,100	2,100	1,229	2,172	2,100	9,701
TOTAL	63,868	435,416	220,069	261,950	241,630	412,304	437,140	2,072,377

U.S. Commission on Civil Rights

Detail of Full Time Equivalents

Full Time Equivalent (FTE): A measurement equal to one staff person working a full-time work schedule for one year.

Identification Code: 95-1900-0-1-751	FY 2006 Allotted/Actual	FY 2007 Est. Actual	FY 2008 Est. Actual
Senior Exec Service			
Presidential Appt	1	1	1
Career Appt	3	1	2
Non-Career Appt	0	0	1
Total Senior Exec Service:	4	2	4
General Schedule			
GS-15	08	08	08
GS-14	05	05	03
GS-13	14	18	16
GS-12	03	05	04
GS-11	01	01	02
GS-10	00	00	00
GS-9	01	02	02
GS-8	02	02	01
GS-7	05	05	05
GS-6	02	02	02
GS-5	04	04	03
GS-4	00	00	00
GS-3	00	00	00
GS Subtotal	45	52	46
Onboard FTEs (end of year)	47	56	50
Total FTEs Allotted	76	76	76
Vacant FTE's* (end of year)	29	20	26

* This represents the degree to which the agency is currently understaffed reflected as the variance between allotted and actual onboard FTEs.

UNITED STATES
COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2008 BUDGET ESTIMATE

	TOTAL PLAN
SALARIES	4,760,427
OTHER PERSONNEL COMPENSATION	144,591
Benefits Regular	1,088,599
Benefits	1,173,599
Travel	125,600
Staff Travel	10,600
SAC Travel	15,000
Trans. Of Things	32,752
SLUC	1,300,000
Other rents	2,498
Communications	173,595
Printing	124,294
Other services	879,054
Supplies	77,246
Equipment	6,344
TOTAL	8,800,000

UNITED STATES
COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2008 BUDGET ESTIMATE

	OGC	OCRE	PROJECTS
ON-BOARD	415,062	648,225	1,063,286
SALARIES	415,062	648,225	1,063,286
Benefits Regular	103,018	160,889	263,907
Benefits	103,018	160,889	263,907
Printing	9,173	19,665	28,838
TOTAL	527,253	828,779	1,356,032

UNITED STATE
COMMISSION ON CIVIL RIGHTS
REGIONAL PROGRAM
FY 2008 BUDGET ESTIMATE

	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO	REGIONS
ON-BOARD	0	280,952	136,134	151,021	110,309	290,278	289,964	1,258,657
SALARIES	0	280,952	136,134	151,021	110,309	290,278	289,964	1,258,657
Benefits Regular	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399
Benefits	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399
Travel	0	0	0	0	0	0	0	15,000
Trans. Of Things	0	2,000	0	2,000	1,000	3,000	2,000	10,000
SLUC	0	82,732	38,260	60,913	90,975	40,890	67,991	381,761
Communications	6,500	0	2,100	2,100	2,100	2,100	2,100	17,000
Printing	42,368	0	0	0	0	0	0	42,368
Other services	0	0	7,687	6,332	8,638	1,818	1,016	25,491
Federal Protective Svcs	0	0	7,372	5,912	8,470	1,503	701	23,958
health units	0	0	315	420	168	315	315	1,533
Supplies	0	0	2,100	2,100	1,229	2,172	2,100	9,701
TOTAL	63,868	435,416	220,069	261,950	241,630	412,304	437,140	2,072,377

UNITED STATES
COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2008 BUDGET ESTIMATE

	COMM	OSD	CAU	PAU	OM	AS/CD	LIB	HR	BFD	Central	HDQTRS	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO	REGIONS	OGC	OCRE	PROJECTS	TOTAL PLAN
ON-BOARD	320,397	724,003	0	0	157,305	334,579	135,490	234,469	157,786	0	2,064,030	0	280,952	136,134	151,021	110,309	290,278	289,964	1,268,657	415,062	648,225	1,063,286	4,385,973
Commissioners	374,454	0	0	0	0	0	0	0	0	0	374,454	0	0	0	0	0	0	0	0	0	0	0	374,454
SALARIES	694,851	724,003	0	0	157,305	334,579	135,490	234,469	157,786	0	2,438,483	0	280,952	136,134	151,021	110,309	290,278	289,964	1,258,657	415,062	648,225	1,063,286	4,760,427
Lump sum	0	0	0	0	0	0	0	0	0	75,000	75,000	0	0	0	0	0	0	0	0	0	0	0	75,000
Misc/WGI/Promotion/Cushion	0	0	0	0	0	0	0	0	0	69,591	69,591	0	0	0	0	0	0	0	0	0	0	0	69,591
OTHER PERSONNEL COMPENS.	0	0	0	0	0	0	0	0	0	0	144,591	144,591	0	0	0	0	0	0	0	0	0	0	144,591
Benefits Regular	79,523	179,698	0	0	39,043	83,043	33,629	58,195	39,163	0	512,292	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399	103,018	160,889	263,907	1,088,599
Unemployment Comp.	0	0	0	0	0	0	0	0	0	35,000	35,000	0	0	0	0	0	0	0	0	0	0	0	35,000
Mass Transit Subsidy	0	0	0	0	0	0	0	0	0	50,000	50,000	0	0	0	0	0	0	0	0	0	0	0	50,000
Benefits	79,523	179,698	0	0	39,043	83,043	33,629	58,195	39,163	85,000	597,292	0	69,732	33,788	37,484	27,379	72,047	71,969	312,399	103,018	160,889	263,907	1,173,599
Travel	100,000	0	0	0	0	0	0	0	0	10,600	110,600	0	0	0	0	0	0	0	15,000	0	0	0	125,600
Trans. Of Things	0	0	0	0	0	0	0	0	0	22,752	22,752	0	2,000	0	2,000	1,000	3,000	2,000	10,000	0	0	0	32,752
SLUC	0	0	0	0	0	0	0	0	0	918,238	918,238	0	82,732	38,260	60,913	90,975	40,890	67,991	381,761	0	0	0	1,300,000
Other rents	0	0	0	0	0	0	0	0	0	2,498	2,498	0	0	0	0	0	0	0	0	0	0	0	2,498
Communications	525	0	0	0	0	0	0	7,875	0	0	148,195	156,595	6,300	0	2,100	2,100	2,100	2,100	17,000	0	0	0	173,595
Printing	0	18,033	0	0	0	0	4,400	55	0	30,600	53,088	42,368	0	0	0	0	0	42,368	9,173	19,665	28,838	124,294	
Other services	22,315	3,145	0	0	0	0	0	6,260	0	821,843	853,563	0	0	7,687	5,332	8,638	1,818	1,016	25,491	0	0	0	879,054
Supplies	0	0	0	0	0	0	0	0	0	67,545	67,545	0	0	2,100	2,100	1,229	2,172	2,100	9,701	0	0	0	77,246
Equipment	0	0	0	0	0	0	0	0	0	6,344	6,344	0	0	0	0	0	0	0	0	0	0	0	6,344
TOTAL	897,213	924,879	0	0	196,348	417,622	181,394	298,979	196,949	2,258,206	5,371,590	63,858	435,416	220,069	261,950	241,630	412,304	437,140	2,072,377	527,253	828,779	1,356,032	8,800,000

	FY' 06 ACTUAL	FY' 07 REQUEST ENACTED	FY' 08 REQUEST ESTIMATED
On-Board and New Salaries	\$3,343,329	\$4,216,389.00	\$4,065,577.00
Commissioner	\$679,606	\$651,899.00	\$694,851.00
Salaries			
Benefits	\$1,067,904	\$1,162,493.00	\$1,318,190.00
Travel	\$160,854	\$135,600.00	\$125,600.00
Transportation of Things	\$31,750	\$32,752.00	\$32,752.00
GAS Office Space Rental	\$1,301,102	\$1,300,000.00	\$1,300,000.00
Other Rentals	\$2,500	\$2,498.00	\$2,498.00
Communications	\$100,886	\$216,347.00	\$173,595.00
Printing	\$111,722	\$139,294.00	\$124,294.00
Other Services	\$1,053,166	\$961,375.00	\$879,054.00
Supplies	\$72,168	\$84,062.00	\$77,246.00
Equipment	\$233,606	\$30,291.00	\$6,344.00
Total Obligation	\$8,158,032	\$8,933,000.00	\$8,800,000.00

NARRATIVE JUSTIFICATION COMMISSION BRIEFINGS AND RELATED REPORTS

During FY08 the Commission's commitments include conducting eight public briefings on civil rights issues and issuing related reports. This is in addition to preparing its annual statutory enforcement report. During FY08, the Commission plans to conduct briefings on the following issues, contingent upon the identification of other emerging issues which may require the Commission's attention:

- Religious Discrimination and Prisoner Rights
- The Patriot Act and Anti-Arab/Anti-Muslim Discrimination
- Religious Discrimination in K-12 Schools
- Corporate Diversity
- Racial Profiling: US Department of Justice Remedies
- Title IX in College Athletics: Is Cheerleading a Sport?
- Review of the Community Reinvestment Act
- The Faith-Based and Community Initiative

The estimated total cost of all national office projects, including salaries and benefits, is \$1,076,942. What follows is a brief discussion of each briefing and related report, along with their estimated costs.

1. Religious Discrimination and Prisoner Rights

Religious discrimination in federal and state prisons has many guises. It can involve the lack of prisoners' access to religious services and failure of officials to accommodate inmates' religious preferences or needs. For example, in California, the Department of Corrections allegedly denied Muslim inmates the right to attend Islamic lunchtime prayer services and retaliated against one prisoner who sought redress for the violation of his rights. Other forms of discrimination include the failure to accommodate dietary needs growing out of religious beliefs. Less understood than such violations of inmates' rights is discrimination related to prison administrators' prohibitions against using faith-based organizations to provide secular programs or services because of potential proselytizing. Reportedly, at least one state has a law against prisons contracting with faith-based organizations for such purposes. This project will also examine the tension between maintaining security at prisons and accommodating religious beliefs.

This project will yield a briefing and briefing report. The briefing will last approximately two hours, and will include the participation of four to five panelists. These expert panelists, who may include scholars, representatives from the Federal Bureau of Prisons, and representatives from state prison systems, will address issues of inmate religious accommodations, and religious freedom and prisoner rights.

The briefing report will draw on the briefing transcripts and panelists' written statements and other submissions. This project will deepen the understanding of the public, policy-

makers, prison officials and others involved in corrections decision-makers of why, how, and to what degree religious discrimination takes place in federal and state prisons. The project will provide a better understanding of:

- the efforts underway to combat religious discrimination in prisons,
- the degree to which religious discrimination has decreased or increased following the September 11, 2001, terrorist attacks on the United States,
- the ability of faith-based organizations to participate in traditional programs for prisoners,
- the accommodation of and discrimination against, the religious preferences and needs of prisoners, and
- the government's efforts to enforce federal civil rights laws prohibiting religious discrimination in the administration and management of federal and state prisons.

Estimated Cost: \$218,485.¹

Line Item Budget Justification for the Religious Discrimination and Prisoner Rights

	OGC	OCRE
Labor	43,544	57,939
Travel	3,500	3,500
Printing	15,000	17,993
Other Services	35,601	35,601
Supplies	4,400	1,407
Total	102,045	116,440

2. The Patriot Act and Anti-Arab/Anti-Muslim Discrimination

As the renewed PATRIOT Act will expire in 2009, it will be helpful to examine alleged incidents of anti-Arab and anti-Muslim backlash following 9/11 related to the PATRIOT Act. Section 215 of the Act provides that FBI personnel may apply for a court order requiring the production of business records relevant to an investigation concerning international terrorism or clandestine intelligence activities, provided that investigation of a U.S. person (a U.S. citizen or legal permanent resident) may not be conducted solely on the basis of First Amendment protected activities. Section 505 of the Act authorizes the use of administrative subpoenas and FBI-issued "national security letters" to obtain personal records relevant to an investigation concerning international terrorism or clandestine intelligence activities, without requiring probable cause. The OGC will conduct a briefing to gather information on allegations of discrimination, scape-goating, and profiling of Arab and Muslim Americans in enforcement of sections 215 and 505 of the PATRIOT Act. The briefing will review data collected by the Department of Justice on civil rights complaints arising from enforcement of the PATRIOT Act, federal legislation proposed to address the civil rights implications of the PATRIOT Act, and the

¹ This total includes the cost of the briefing and briefing report; \$185,492 and \$32,993, respectively.

impact of Sections 215 and 505 of the PATRIOT Act on civil liberties. **Estimated Cost: \$47,489.**

Line Item	Budget
Justification for the PATRIOT Act Project	OGC
Labor	\$43,544
Travel	\$945
Printing	\$1,500
Other Services	\$1,100
Supplies	\$200
Equipment	\$200
Total	\$47,489

3. Religious Discrimination in K-12 Schools

The issue of the proper role of religion in the public schools continues to be the subject of controversy. All three branches of government have attempted to clarify the appropriate relationship between religion and public schools. This area of constitutional law draws a fine line: while the Establishment Clause of the U.S. Constitution has been interpreted by the Supreme Court to mean that government must not solicit, encourage or discourage religious activity, the First Amendment of the Constitution does give students in public schools limited Free Speech and certain Free Exercise rights regarding religious speech and activity. Public school staff members also have certain constitutionally protected religious Free Speech rights in the public schools. The Office of General Counsel will conduct a briefing to gather information on the legal implications of religious expression in schools, e.g., prayer in school, religious displays on school property, and teachers' religious expression; legal implications of religious activity, e.g. student religious clubs and use of school facilities by religious organizations; school limitations on religious expression and activity, e.g., dress codes; and curricular treatment of religion. **Estimated Cost: \$47,489.**

Line Item	Budget
Justification for the Religious Discrimination Project	OGC
Labor	\$43,544
Travel	\$945
Printing	\$1,500
Other Services	\$1,100
Supplies	\$200
Equipment	\$200
Total	\$47,489

4. Corporate Diversity

In recent years, many American corporations have professed eagerness to increase racial and gender diversity in the boardroom and throughout senior management. As such, they have employed a variety of approaches, including some that are race- and gender-conscious, to achieve this diversity. However, critics of these preferences argue that racial and gender preferences, often difficult to uncover, still run afoul of federal antidiscrimination law. The race-conscious methods used by private employers to increase diversity may include minority job fairs; racially exclusive training or mentoring programs; advertised racial or ethnic quotas and goals in recruitment, hiring, and promotion; and other preferences that are not openly advertised. The Office of General Counsel will conduct a briefing to gather information on the prevalence and justification of racial, ethnic, and gender preferences in private employment; the success of race-conscious and race-neutral diversity strategies in achieving diversity in private employment; and the legal and constitutional implications of racial and gender preferences in private employment. **Estimated Cost: \$47,489.**

Line Justification for the Corporate Diversity Project	Item	Budget
	OGC	
Labor	\$43,544	
Travel	\$945	
Printing	\$1,500	
Other Services	\$1,100	
Supplies	\$200	
Equipment	\$200	
Total	\$47,489	

5. Racial Profiling: U.S. Department of Justice Remedies

In 2003, the U.S. Department of Justice's issued its *Fact Sheet on Racial Profiling* affirming that, "racial profiling is discrimination, and it taints the entire criminal justice system," and further that, "racial profiling rests on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of other races or ethnicities."

The Civil Rights Division (CRD) of the U.S. Department of Justice is responsible for enforcing federal civil rights statutes prohibiting discrimination on the basis of race, color, or national origin. CRD's Coordination and Review Section operates a comprehensive, government-wide program of technical and legal assistance, training, interagency coordination, and regulatory, policy, and program review, to ensure that federal agencies consistently and effectively enforce various landmark civil rights statutes and related executive orders that prohibit discrimination in federally assisted programs and in the federal government's own programs and activities. Specifically, this Section

coordinates and ensures consistent and effective enforcement of Title VI of the Civil Rights Act of 1964, which prohibits intentional discrimination on the basis of race, color, or national origin in federally assisted programs, including state and local police departments. Section staff also conducts administrative investigations of selected complaints of discrimination by state and local law enforcement agencies receiving federal assistance.

CRD's Special Litigation Section enforces federal civil rights statutes in the area of law enforcement misconduct. Specifically, this Section enforces the Violent Crime Control and Law Enforcement Act of 1994, which authorizes the Attorney General to seek equitable and declaratory relief to redress a pattern or practice of illegal conduct by law enforcement agencies or agencies responsible for the administration of juvenile justice. The Section also enforces the Omnibus Crime Control and Safe Streets Act of 1968, which authorizes the Attorney General to initiate civil litigation to remedy a pattern or practice of discrimination based on race, color, national origin, gender, or religion involving law enforcement agencies receiving financial assistance from the Department of Justice.

The project will examine and evaluate the effectiveness of the enforcement and public outreach and education activities of those units of the Department of Justice's CRD that work to safeguard against practices of racial profiling by law enforcement—primarily the Coordination and Review Section and the Special Litigation Section. It will yield a briefing and briefing report that will enhance the understanding of the public, policy-makers, those involved in law enforcement, and the Commissioner's about the effectiveness of the DOJ's enforcement, public outreach, and education activities that are aimed at safeguarding against racial profiling by law enforcement.

It is anticipated that four panelists will be invited to brief the Commission on Department of Justice policies and remedies aimed at ending racial profiling. The briefing would last approximately two and one half hours. A briefing report would be prepared that would draw on the briefing transcripts, the written testimony of the panelists, and other submissions. **Estimated Cost: \$95,278.**

Line Item	Budget Justification for the Racial Profiling Project
OCRE	
Labor	78,433
Travel	945
Printing	6,000
Other Services	9,700
Supplies	200
Total	95,278

6. Title IX in College Athletics: Is Cheerleading a Sport?

Title IX of the Educational Amendments of 1972 states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving financial assistance." Congress did not originally intend for Title IX to apply to athletic programs, but a 1974 amendment directed the Department of Health, Education, and Welfare (the predecessor to the Department of Education (DOEd)) to draft regulations that included provisions related to intercollegiate sports, and Congress subsequently reiterated athletic programs' coverage under Title IX.

According to the department's 1979 policy interpretation, to comply with Title IX, a school must:

- provide intercollegiate participation opportunities for men and women substantially proportionate to their undergraduate enrollments (known as the proportionality test);
- demonstrate that it has a history and continuing practice of extending programs to the underrepresented sex (i.e., providing equivalent treatment, benefits, and opportunities); or
- show that it is fully accommodating the interests and abilities of the underrepresented sex. Schools must meet at least one of these three criteria, collectively the three-prong test.

In 2000, OCR issued a letter defining the five factors that determine whether an athletic activity should be considered a varsity sport.

- whether selection for the team is based upon objective factors related primarily to athletic ability;
- whether the activity is limited to a defined season;
- whether the team prepares for and engages in competition in the same way as other athletic teams, with respect to coaching, recruitment, budget, tryouts, and eligibility, and length and number of practice sessions and competitive opportunities;
- whether the activity is administered by the school's athletic department; and
- whether the primary purpose of the activity is athletic competition and not the support or promotion of other athletes.

OCR has acknowledged the distinction between sideline and competitive cheering and granted schools some flexibility to define cheerleading as a sport, within parameters. In 2003, the University of Maryland became the first National Collegiate Athletic Association (NCAA) institution to elevate cheerleading to its collegiate sports roster and began awarding scholarships. The school's move was met with criticism by those who viewed this action as an attempt to circumvent Title IX.

This project would yield a briefing and a briefing report that would inform Commissioners' and the public's understanding of the effect, if any, the inclusion of cheerleading and other athletic activities in participation counts would have on a schools' compliance with the proportionality test. The Commission's briefing would focus on:

- the extent to which reliance on Title IX's substantial proportionality test has helped or hindered compliance with the true intent of the law,
- the effect, if any, including cheerleading and other athletic activities in participation counts has on a schools' compliance with the proportionality test, under Title IX, and
- the validity of using athletes as a way of assessing equal opportunity

Estimated Cost: \$104,654.

Line Item Justification for the Title IX Project	Budget
OCRE	
Labor	95,309
Travel	945
Printing	2,500
Other	
Services	5,700
Supplies	200
Total	104,654

7. Review of the Community Reinvestment Act

Dramatic growth in mortgage lending in low-income neighborhoods lending took place during the mid-1990s. Some credit the Community Reinvestment Act (CRA), 12 U.S.C. § 2901, which was enacted to encourage depository institutions to help meet the credit needs of the communities in which they operate, including low- and moderate-income neighborhoods. Others point to deregulation, increased competition among lenders, and new information technology as the causes for this growth in mortgage lending to low-income communities. For example, increased competition in the mortgage market overall may have contributed to the growth in sub-prime mortgage lending by specialty lenders, which soon brought larger lenders into the sub-prime market as well. Information technology advances in the 1990s may have increased access to the credit market. CRA supporters argue that low-income borrowers would lack access to credit without the Act. CRA critics argue that the Act is ineffective and costly.

This project would yield a briefing and a briefing report that would enhance the understanding of decision-makers, the public, and the Commissioners of the effectiveness and efficiency of continued enforcement of the CRA. The Commission will specifically seek information to concerning these issues:

- The extent to which the CRA is responsible for the growth in mortgage lending in low-income communities.
- The extent to which deregulation, technological advances, and increased lender competition are responsible for the growth in mortgage lending in low-income communities.
- The cost of compliance with the CRA.
- Proposals to amend or repeal the CRA.

Estimated Cost: \$88,479.

Line	Item	Budget
Justification for CRA Project		
	OCRE	
Labor	76,934	
Travel	945	
Printing	3,000	
Other		
Services	7,400	
Supplies	200	
Total	88,479	

8. The Faith-Based and Community Initiative

On January 29, 2001, President Bush signed executive orders establishing the White House Office of Faith-Based and Community Initiatives (OFBCI), creating Executive Department Centers for Faith-Based and Community Initiatives (Centers) at the U.S. Departments of Health and Human Services (HHS), Housing and Urban Development (HUD), Justice (DOJ), Labor (DOL), and Education (ED), and outlining these agencies' responsibilities with respect to the Faith-Based and Community Initiative (Initiative).

According to the White House, all too often, the federal government has put in place complicated rules and regulations preventing Faith-Based and Community Organizations (FBCOs) from competing for funds on an equal footing with other organizations. President Bush has asserted that aside from inherent unfairness, such rules waste taxpayer dollars and cut off the poor from successful programs. He launched the initiative on the basis that federal funds should be awarded to the most effective organizations – whether public or private, large or small, faith-based or secular – and all must be allowed to compete on a level playing field. The Initiative, thus, works to identify and eliminate barriers that impede the full participation of FBCOs in the federal grants process.

Among other functions, the OFBCI works to (1) develop, lead, and coordinate the Bush Administration's policy agenda affecting faith-based and other community programs and initiatives, expand the role of such efforts in communities, and increase their capacity through executive action, legislation, federal and private funding, and regulatory relief, (2) monitor implementation of the President's agenda affecting faith-based and other community organizations, and (3) ensure that the efforts of faith-based and other community organizations meet high standards of excellence and accountability. The agency Centers coordinate comprehensive departmental efforts to incorporate FBCOs in department programs and initiatives to the greatest extent possible. The Centers also have the responsibility to produce annual reports of performance indicators and measurable objectives.

The project would yield a briefing and a briefing report that will deepen the understanding of the public, policy-makers, the faith community, and others of the effectiveness of the Faith-Based and Community Initiative in meeting its goal of eliminating discrimination against religious organizations in competing for federal funds.

The Commission would convene a panel of experts from the White House and federal agencies to assess the effect of the Initiative on eliminating barriers to federal funds faced by religious organizations which provide social services. The briefing would last approximately two and a half hours, with four speakers. The briefing report would draw on briefing transcript and panelists' written testimonies.

Estimated Cost: \$77,982.

Line Item Budget
Justification for the Faith-
Based initiatives Project

OCRE	
Labor	66,437
Travel	945
Printing	2,500
Other	
Services	7,900
Supplies	200
Total	77,982

NARRATIVE JUSTIFICATION
A RELIABLE PUBLIC RESOURCE: MONITORING AND
COMPLAINT PROCESSING

In addition to conducting eight briefings the Commission, through its Office of Civil Rights Evaluation, plans to continue its monitoring and complaint referral functions.

1. FY08 Complaint Processing

The Commission will continue to improve its Internet-based complaint submission process, as well as traditional means of complaint submission such as U.S. Postal Service mail, facsimile, and telephone. The Commission staff, on average, receives, logs, reviews, and refers more than 3,000 civil rights complaints annually from members of the public and Congress. In FY05, the Commission received and referred 3,006 complaints. This was slightly higher than the 2,988 complaints received and referred in FY04. Thus far, 2,424 complaints have been received in FY06. Complaints most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints received and referred by the Commission include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. **Estimated Cost: \$53,490.**

2. FY08 Civil Rights Monitoring

The Commission will continue to monitor federal civil rights developments by monitoring news accounts, the Internet, and occasional interviews with federal agency staff. By being generally informed of relevant developments the Commission is positioned to: (1) identify potential federal enforcement efforts; (2) respond readily and knowledgeably to requests for comments and advice from other federal agencies, Congress, the media, and the public; (3) increase the quality of information available for Commission project and policy planning; and (4) identify opportunities for the Commission to timely take action that informs public debate on civil rights matters. Monitoring topics for FY08 are varied but include child labor, housing, criminal justice, hate crimes, voting rights, election reform, sentencing and death penalty, prisoner rights, access to health care, bio-terrorism and public health, access to capital, transportation, black farmer issues, and the census. **Estimated Cost: \$49,084.**

NARRATIVE JUSTIFICATION REGIONAL PROGRAMS

A regional office supports each of the Commission's six regions. The regional alignments are listed below:

- Central Region: Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.
- Eastern Region: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- Western Region: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- Southern Region: Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- Rocky Mountain Region: Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- Midwestern Region: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

During FY08 each of the Commission's six regions will conduct at least one public briefing, forum, or fact-finding meeting that examines a local or regional civil rights issue. These examinations and their related written work product will provide timely, relevant, and useful information to the public, state and local government representatives, and organizations. In addition, each chartered advisory committee will conduct at least one telephonic advisory committee planning meeting.⁵ Travel by advisory committee members, and regional directors, is required to support briefings, forums and fact-finding functions.

Initial Estimated Cost: \$2,072,377

REGIONAL PROGRAM ACTIVITY

		FY2005 Actual	FY2006 (Actual as of 9/11/06)	FY2007 (projected)	FY2008 (projected)
SAC	Planning	36	24	45	32

⁵ In FY07, as of the writing of this budget request, 11 advisory committees are chartered by the Commission. By statute, the Commission is required to have an advisory committee in every State and the District of Columbia. 42 U.S.C. § 1975a (d) (2005).

Meetings				
Briefings/Forums/Fact-finding Meetings	11	9	15	6
SAC and Regional Staff Reports	2	2	23	1

NARRATIVE JUSTIFICATION

KEEPING A NATION INFORMED: PUBLIC AFFAIRS UNIT, CONGRESSIONAL AFFAIRS UNIT, AND ADMINISTRATIVE SERVICES AND CLEARINGHOUSE DIVISION

1. Public Affairs Unit

The Public Affairs Unit (PAU), through the Office of Civil Rights Evaluation and the Office of the Staff Director, until funding is available to staff the entity, is responsible for preparing and disseminating Commission information through the use of press releases, fact sheets, press conferences, personal appearances, personal contacts, and other appropriate means. PAU serves as the agency's liaison with media and the public in connection with Commission hearings, briefings, and other activities. During the previous year, PAU was staffed by acting directors on a rotating basis.. With the departure of the head of OCRE, a staff members in that office have been performing PAU related functions. This Division has been unfunded since FY03. Based on FY08 budget, this Division will remain vacant. **Estimated Cost: No Funding is Requested This Fiscal Year.**

2. Administrative Services and Clearinghouse Division

The Administrative Services and Clearinghouse Division (ASCD) is responsible for the identification and acquisition of Commission briefing and meeting facilities, oversight of the Robert Rankin National Civil Rights Library, distribution of Commission publications, procurement and acquisition of necessary goods and services, technology and information management; security and emergency management, space and facilities management, communications, transportation, printing/copy shop, mail services, and other assorted administrative duties and functions. These functions are central to the agency's day-to-day operation as well as the execution of its civil rights mission.

With the increase in the number of national office civil rights briefings, ASCD will be increasingly called upon to arrange meeting logistics such as space/meeting rooms, audio-visual services and equipment, and telecommunication services for conference calls. As the number of briefings increases so will the number of Commission written work products requiring publication, distribution, and storage. Eight reports are projected for publication and distribution in FY08. ASCD will be responsible for coordinating the publication, delivery, inspection, and mailing of approximately 1,500 to 2,000 copies of each national office report during FY08.

During FY06, the Commission printed and distributed four reports.⁶ For FY 2007, another seven reports are pending completion and Commission approval before

⁶ All national office reports are designed and printed by the Government Printing Office.

submission to the Government Printing Office (GPO) for printing. In addition to reports, through the GPO, it designed and printed a public education poster on campus anti-Semitism and a related pamphlet suitable for mailing. Though not previously planned, this poster and pamphlet were determined to be justifiable follow-up actions based on the nature and extent of the problem as described by experts and others during a public briefing on campus anti-Semitism in November 2005. In FY05 the Commission published and distributed four reports.⁷

Unlike national office reports that are published by the GPO, the Commission (through ASCD) publishes regional reports in-house. It is anticipated that eight regional office and state advisory committee reports will be published in FY08 by ASCD.

To provide the public the widest possible access to agency publications, approved reports are posted on the web site that is also managed by ASCD and supported by the GPO. Agency information technology also is a component of the operation of ASCD. Reliable internal communication systems are fundamental to the operation of any organization. ASCD's technology specialist maintains the agency's computer systems or LAN for the Commission's national and regional offices. **Estimated Cost: \$417,662** (includes salary and benefits only).

<u>Line Item Justification of Library Budget Estimate</u>	
	<u>Library</u>
<u>Labor</u>	<u>169,119</u>
<u>Travel</u>	<u>0</u>
<u>Communication</u>	<u>7,875</u>
<u>Printing</u>	<u>4,400</u>
<u>Total</u>	<u>181,394</u>

3. Civil Rights Library

The National Civil Rights Library, operated under ASCD, will continue serving as a resource for researchers, the public, and the Commission itself. In FY05 the library received approximately 1,100 telephone inquiries, and responded to approximately 2,375 research and simple reference requests. In FY06 the library received approximately 2,001 telephone inquiries and responded to approximately 1,585 research and simple reference requests. **Initial Estimated Cost: \$181,394.**

⁷ Due to processing time, logistics, and competing agency priorities the remainder of the FY06 reports will be printed and distributed in FY07 using properly obligated FY06 funds, to the extent allowed under applicable procurement regulations.

PLANNED ACCOMPLISHMENTS FISCAL YEAR 2008

The below are planned FY08 national office briefings and reports.

A full time equivalent (referred to as a "FTE"), is defined as 2,087 hours worked per year. The FTE's calculated below are based on the percentage of time employees in the responsible program offices are projected to devote to the project (as report by the office and division heads). So, for example, 2 FTEs represent an estimated 4,174 staff hours.

NATIONAL OFFICE PLANNED FY08ACCOMPLISHMENTS BRIEFINGS AND RELATED REPORTS

	FY/Target	FTEs	Estimated Cost
Religious Discrimination and Prisoner Rights (excluding statutory report)	FY08/1 briefing and report	2	\$218,485
The Patriot Act and its Relationship to Anti-Arab/Anti-Muslim Discrimination	FY08/1 briefing and report	.5	\$47,489
Religious Discrimination in K-12 Schools	FY08/1 briefing and report	.5	\$47,489
Corporate Diversity	FY08/1 briefing and report	.5	\$47,489
Racial Profiling: US Department of Justice Remedies	FY08/1 briefing and report	1	\$95,278
Title IX in College Athletics: Is Cheerleading a Sport?	FY08/1 briefing and report	1	\$104,654
Review of the Community Reinvestment Act	FY08/ briefing and report	.75	\$88,479

NATIONAL OFFICE
PLANNED FY08 ACCOMPLISHMENTS
BRIEFINGS AND RELATED REPORTS

The Faith-Based and Community Initiative	FY08/ briefing and report	.75	\$77,982
Statutory Report (excluding briefing and briefing report)	FY08/1 report	2.5	\$349,597
Totals	8 briefings; 9 reports	9.5	\$1,076,942

REGIONAL PROGRAMS
PLANNED FY08 ACCOMPLISHMENTS
REPORTS, FACT-FINDING, AND MEETINGS

		FY/Target	FTEs	Estimated Cost
SAC Meetings	Planning	FY08/32	4	\$545,425
Briefings/Forums/Fact-finding Meetings		FY08/6	4	\$445,425
SAC and Regional Staff Reports		FY08/1	4	\$345,425
Regional and SAC Liaison Activities		FY08/260	4	\$736,102
Total		FY08/332	16	\$2,072,377

OTHER ACTIVITIES
FISCAL YEAR 2008

OTHER PLANNED
PROGRAMMATIC ACTIVITIES

	FY	FTEs	Estimated Cost
Civil Rights Library (Clearinghouse function)	FY08	2	\$181,394
Complaint Processing	FY08	1	\$53,490

**OTHER PLANNED
PROGRAMMATIC ACTIVITIES**

Monitoring	FY08	1	\$49,084
Total	N/A	4	\$283,968

**PLANNED MANAGEMENT REFORMS
ACTIVITIES AND INITIATIVES**

	FY/Target	Estimated Cost (excluding salaries and benefits)
Fully comply with OMB Circular A-11 on performance budget preparation.	FY08/NA	N/A
Ensure full Implement recommendations made by OPM related to human capital management systems and OGE on the agency's ethics program.	FY08/TBD	N/A
Ensure full implement all adopted GAO recommendations from 2006 on quality assurance and utilization of the SACs.	FY08/TBD	N/A
Implement internal control and financial management changes, as necessary, to receive a clean financial audit in FY09.	Completed	N/A
Obtain the input of the regional offices and state advisory committees in preparation for the annual program planning process.	FY08/NA	N/A

Resolve outstanding financial audit weaknesses (if any) in preparation for a clean financial audit in FY09.

Total 0

**ACCOMPLISHMENTS
FY2006**

**FISCAL YEAR 2006
BRIEFINGS/HEARINGS AND RELATED REPORTS
PLANNED v. ACTUAL ACCOMPLISHMENTS**

	Exceeded Goal	Met Goal	Mixed Results	Not Applicable
A Review of Expiring Provisions of the Voting Rights Act		X		
An Assessment of the Effectiveness of Historically Black Colleges and Universities			X*	
Representation of Minorities in the Census			X*	
Campus Anti-Semitism		X		
Disparities Studies		X**		
Hawaiian Government Reorganization Act		X**		
Law School Affirmative Action			X*	
Racial Diversity in Grades K through 12			X**	
Racially Identifiable School Districts in Omaha			X*	
Voter Fraud and Voter Intimidation				Conducted early FY07
Voting Rights in the Territories				Project postponed
* Briefing was held and the related report is pending completion and approval for publication.				
** Briefing was held and related report was approved for publication. Report is currently pending printing at GPO.				

FISCAL YEAR 2006

OTHER PROGRAMMATIC ACTIVITIES: PLANNED v. ACTUAL ACCOMPLISHMENTS

	Exceeded Goal	Met Goal	Did Not Meet Goal	Not Applicable
Expand the holdings of the Robert Rankin National Civil Rights Library and continue automation of library functions, to the extent possible.				X*
Incorporate updates to the Commission's publications into the web site, to the extent possible, and post Commission reports, highlights, press releases, information on filing civil rights complaints, and briefings.		X		
Revisit the publication of <i>The Civil Rights Journal</i> , <i>The Civil Rights Update</i> , <i>Getting Uncle Sam to Enforce Your Rights</i> , and the <i>Commission Brochure</i> .				X*
Resume conducting briefings in conjunction with monthly Commission meetings, incorporating the Public Affairs Unit when resources permit.		X		
Revisit the production of public service announcements.				X*
Produce a college campus anti-Semitism poster and pamphlet as public education tools.		X		
Provide civil rights displays at public events such as conferences, meetings, and exhibits, to the extent possible within existing resources.				X*
Continue incorporating new technology in the complaint referral process.				X*
Continue encouraging advisory committee meetings via conference call.		X		
Explore the use of other technologies to increase the number of advisory committee meetings, within existing budget limitations.				X*

* This goal was eliminated after the Commission received its final appropriation and reassessed its priorities in light of its actual funding level.

FISCAL YEAR 2006
MANAGEMENT REFORMS : PLANNED v. ACTUAL ACCOMPLISHMENTS

	Exceeded Goal	Met Goal	Did Not Meet Goal	Not Applicable
Retain an Appropriate Accounting Services Provider		X		
Fill the position of chief of the Budget and Finance Division		X		
Retain a Financial Consultant to Assist in Developing Appropriate Processes and Guidance		X		
Reduce Reliance on Manual Tracking and Provide Direct Data Entry of Financial Transactions		X*		
Streamline the Accounting Process		X		
Develop Document Control and Integrity Processes		X		
Increase Agency FY06 Training Budget over FY05 Amounts		X		
Train Procurement and Budget Staff		X		
Provide Cross-Training or Back-up for Key Functions		X		
Assess Employee Skills, Provide Training Opportunities, and Hold Staff Accountability for Performance			X	
Train Budget Staff on New Technologies/Programs		X		
Engage in Early Acquisition Planning to Ensure Sufficient Time to Select an Auditing Firm and to Conduct the Audit		X		
Create a Formal Checklist for the Budget and Finance Division			X	
Institute Policies and Procedures to Ensure Quarterly Unaudited Financial Statements are Provided to OMB in Compliance with OMB Requirements		X		
Convert to an Automated or Web-based Travel Management System			X**	

FISCAL YEAR 2006
MANAGEMENT REFORMS : PLANNED v. ACTUAL ACCOMPLISHMENTS

	Exceeded Goal	Met Goal	Did Not Meet Goal	Not Applicable
Create Comprehensive Travel Regulations		X		
Revise Outdated Budget Formulation and Execution Guidance		X		
Determine the SAS 70 Review Status of the Commission's Payroll Processing Service		X		
Determine the SAS 70 Review Status of the Commission's Accounting Services Provider		X		
Hire an Information Technology Specialist		X		
Assess Internal Controls (program and financial) as per FMFIA and OMB A-123		X		
Hire a Procurement Specialist			X	
Create Senior Assessment Management Team or Council		X		
Undergo a Program Assessment Rating Tool (PART) with OMB		X		
Adopt and implement GAO and OPM policy recommendations by mid-January 2006, to the extent funds are available.		X***		

* A reduction in manual tracking results in increased accuracy of financial reporting. GSA directly inputs USCCR financial data into its systems and transmits six financial reports electronically.

**Technical problems continue to delay access by all regional offices.

*** The Commission completed a draft Strategic Plan in or about October 2005. This plan is currently being revised to reflect consideration of congressional consultation and supplemental stakeholder input. As a result, items dependent on a final Strategic Plan were delayed such as the Strategic Human Capital Plan and the Human Capital Accountability System. A final Strategic Plan is anticipated near the end of calendar year 2006. Financial data on projects is generated monthly and will be provided to Commissioners, who are informed of financial changes that may impact the ability of the Commission to accomplish its planned activities for the purposes of decision-making related to program planning and budgeting. Quarterly reporting is scheduled to begin in September 2006.

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



**CONGRESSIONAL REQUEST FOR APPROPRIATION
FISCAL YEAR 2009**



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

www.usccr.gov

August 19, 2008

The Honorable Barbara Mikulski
Chairman
Senate Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
S-131 U.S. Capitol
Washington, DC 20510

Dear Chairman Mikulski:

The United States Commission on Civil Rights, consistent with the President's request, seeks an appropriation of \$8.8 million for fiscal year (FY) 2009. We base all our tables and charts on this requested appropriation.

Long hailed as the conscience of the nation on civil rights matters, the Commission's FY 2009 appropriation fully integrates budget and performance in a manner that reflects the agency's new direction. This direction is rooted in a recently adopted 5-year strategic plan that seeks to place the agency at the forefront of civil rights for the 21st century. Included among the proposed initiatives and activities supported by the \$8.8 million request is:

- reinvigorating the Commission's State Advisory Committees (SACs) by sustaining an increased number of chartered committees and providing opportunities for advisory committee participation in national office program planning,
- executing an important national civil rights conference,
- completing and publishing a statutorily mandated report on federal agency civil rights enforcement,
- increasing public confidence in the quality of the Commission's social scientific work by funding reports that incorporate original social scientific research and meet documented standards for objectivity and quality,
- improving public access to information about their civil rights, the activities of the Commission, and the civil rights-related responsibilities of other federal agencies through collaboration and enhanced use of the agency's Web site, and
- continuing to execute and evaluate efficiency and effectiveness measures that drive improved financial and program management.

The Honorable Barbara Mikulski
August 19, 2008
Page 2

Some of the projected outcomes of these initiatives include:

- achieving an average re-charter time of 60-days for state advisory committees with charters expiring on or after January 2007,¹
- ensuring that 90% of our advisory committees are chartered in FY 2009,
- publishing a multi-state advisory committee report on state civil rights challenges and trends that will inform national and state policymaking,
- conducting research, issuing reports, and making finding and recommendations for action based on our national civil rights conference and its focus on 21st century civil rights priorities and trends, and the role of the Commission,
- publishing a report on fair housing issues that includes research data and information gathered by several state advisory committees,
- obtaining another in a series of clean financial audits,
- developing the foundation for increased collaboration with other federal agencies that will result in a new civil rights complaint database that can be used to identify trends and inform federal agency decision-making about the use of their limited enforcement dollars, and
- improving national and regional office project management by tracking, reporting, and evaluating efficiency (i.e., timeliness, costs, quality) using Lean Six Sigma and other methodologies.

Coordination with Other Agencies

We have reviewed the appropriate sections of OMB Circular A-11 concerning consideration of the appropriate roles for Federal, State, and local governments, as well as the private sector, in conducting the Commission's related activities.² The Commission believes that it is in compliance with OMB Circular A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations submitted to OMB in connection with the United States Commission on Civil Rights' FY 2009 budget estimate are valid as defined in Section 1501(a) of that title.

Very truly yours,



MARTIN DANNENFELSER
Staff Director

¹ This begins with charter expiration and concludes with approval by the Staff Director for submission to the commissioners for final vote.

² This includes Section 31, Compliance with Administration Policies and other General Requirements.



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

www.usccr.gov

August 19, 2008

The Honorable Alan Mollohan
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
U.S. House of Representatives
H-310 The Capitol
Washington, DC 20515

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UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2009.....\$8,800,000

Program Change Relative to FY 2008 Request \$ 0

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,800,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

CRAFTING A CIVIL RIGHTS AGENDA FOR THE 21ST CENTURY AND CONTINUING TO SERVE AS THE CONSCIENCE OF THE NATION

FISCAL YEAR 2009 OVERVIEW

This budget request integrates our fiscal year (FY) 2009 performance budget with the new strategic goals and objectives in our Strategic Plan for Fiscal Years 2008-2013. Our four strategic goals are:

- *Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers;*
- *Expanding the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships;*
- *Serving as an authoritative national clearinghouse and repository of civil rights data and information; and*
- *Normalizing the Commission's financial and operational controls, and modernizing its information technology management and dissemination.*

Funding of \$8.8 million in FY 2009 generally supports program activities aligned with our strategic goals and objectives. These activities include:

- Conducting a national conference on civil rights issues in the 21st century that will lay the foundation for future projects and inform policy-makers and the public.
- Completing an annual federal civil rights enforcement report that assesses the effectiveness of the Department of Justice's (DOJ) fair housing initiative.¹ The report will incorporate related State Advisory Committee (SAC) fact-finding, as appropriate.
- Conducting public briefings and issuing briefing reports that focus on specific civil rights issues, present recommendations for change, and inform the public.²
- Complying with our statutory obligation to maintain 51 SACs by increasing the number of chartered SACs.
- Incorporating state and regional perspectives into our civil rights studies and activities by increasing the use of our SACs to collect and analyze state civil rights data.

¹ The topic or focus of this report is subject to change upon later review and reconsideration by the Commissioners.

² Topics of briefings, as referenced throughout this document, are subject to review and reconsideration by the Commissioners consistent with a policy adopted on July 11, 2008 requiring quarterly review and approval of briefing topics beginning with those for FY 2009.

- Completing a multi-state SAC report that highlights state civil rights issues and serves as a resource to policy-makers.
- Pursuing opportunities to partner with other federal agencies on substantive civil rights issues and ways of increasing public awareness about civil rights and federal enforcement efforts.
- Continuing to demonstrate improvement in our operational and financial management practices.

The prior three years of funding is compared to our FY 2009 request in the chart below.

Table 1: Agency Annual Appropriation				
	FY 2006	FY 2007	FY 2008	FY 2009
President's Budget Request	\$9,096,000	\$9,048,923	\$8,800,000	\$8,800,000
Congressional Appropriation	\$9,000,000	\$8,972,000	\$8,460,000	TBD
Actual Agency Operating Expenses	\$8,932,439	\$8,971,527	\$8,460,000 (estimated)	\$8,800,000 (estimated)

The table below represents actual agency spending for FY 2006 and FY 2007, as well as estimated spending for the next two years, by budget object code categories. This allows a ready comparison of changes in spending by category.

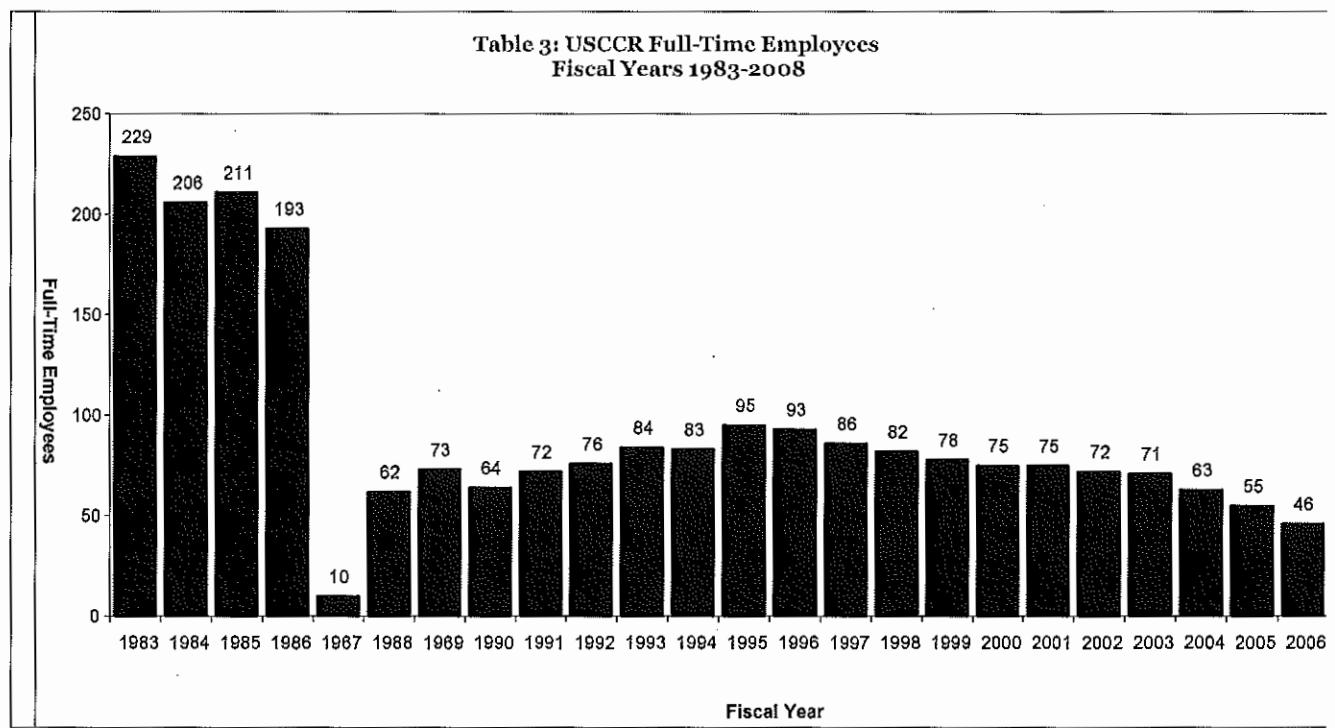
Table 2: Comparison of Agency Budget Spending				
	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries Onboard	4,022,935	3,631,231	4,224,345	4,184,031
New hires				101,515
Benefits	1,000,414	910,885	986,039	1,007,482
Travel	160,854	145,626	252,337	153,100
Rent (headquarters and regional)	1,275,392	1,271,976	1,299,999	1,303,066
Rent (other)		56,856	2,498	5,150
Transportation of Things (shipping/mailing/delivery)		2,000	25,552	
Communications	222,069³	91,874	203,095	331,012⁴
Printing	106,097	66,149	140,594	67,776
Other Services	1,064,496	1,097,534	1,228,851	1,428,688
Supplies	72,168	85,896	90,346	178,480
Equipment	233,607	30,582	6,344	39,700
TOTAL	\$8,158,032	\$7,390,609	\$8,460,000	\$8,800,000

³ This number includes rent (other), transportation of things, and communications. The agency did not disaggregate this information in FY 2006.

⁴ Communications consist of FEDEX mail, UPS, local telephone service, long distance service, postage and fees, blackberry transmissions, and conference calls.

Our estimated personnel cost (salaries and benefits) for FY 2009 is \$5,293,028.⁵ This supports 44 full-time staff positions. Our staffing level at the end of FY 2007 was 62 percent of our total allotted capacity of 76 full-time equivalents (FTEs). Essentially, we will experience a staffing freeze in FY 2008 and we expect no significant change in our staffing level in FY 2009. The requested FY 2009 funding allows us to attain a staffing level of 58 percent of our authorized capacity.

As reflected in Table 3, our staffing level in FY 1983 was 229 FTEs. Our projected FY 2009 staffing represents an 81 percent decrease when compared to FY 1983, and a 54 percent decrease when compared to FY 1995.



We continue to do more with less. We use attrition-related savings to absorb increasing expenses such as cost-of-living adjustments, pay raises (within grade increases and career ladder promotions), benefits, and performance awards and bonuses. We have also used attrition-related savings to engage management consultants and to support infrastructure improvements such as upgrades to our information technology systems.

⁵ This is the total of salaries, new hires, and benefits listed in Table 2.

The work of our agency is human resource intensive requiring attorneys, analysts, social scientists, and various support and administrative staff to plan and execute our program activities. Personnel costs, represented as a percentage of the agency's actual operating budget, are estimated at 62 percent of the agency's FY 2008 budget and 60 percent in FY 2009.

**AN AUTHORITATIVE SOURCE
OF
CIVIL RIGHTS RESEARCH AND INFORMATION**

FY 2009 HIGHLIGHTS AND PROGRAM PRIORITIES

Our \$8.8 million budget request will help support a new civil rights agenda for America and the promise of equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It allows the Commission not only to be a civil rights watchdog, but to support, advise and collaborate with the President, Congress, and other federal agencies when necessary and appropriate. It will also allow us to continue providing the public access to critical civil rights information. Established as an independent, bipartisan, fact-finding federal agency in 1957,⁶ we play a vital role in advancing civil rights through comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

Our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress and the public benefit from our mandate⁷ of keeping all informed regarding civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

In recent years examples of our work have included briefings, reports, and recommendations covering a wide range of civil rights enforcement and policy matters. Some of the topics we have explored include:

- School Desegregation, Justice Department Enforcement, and the Pursuit of Unitary Status

⁶ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957). Other reauthorization statutes include the United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ____ Stat. ____ (1991); Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

⁷ We have six specific statutory responsibilities: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

- Affirmative Action in American Law Schools
- The Benefits of Racial and Ethnic Diversity in Elementary and Secondary Education
- Voter Fraud and Voter Intimidation
- Domestic Wiretapping in the War on Terror
- Blaine Amendments and School Choice
- Supplemental Educational Services under the No Child Left Behind Act (NCLB)
- Title IX Athletics
- Minority Children in Foster Care

We are continuing the tradition of being the nation's conscience on civil rights matters. Our national briefings use various subject matter experts, with different views, opinions, and perspectives, to discuss and examine civil rights issues. Researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination are all included among the experts. We publish reports on our briefing topics examining the issues, data, and recommendations, if any, raised during the briefings. These reports also reflect our supplemental research, independent analyses, and our recommendations for future action by policymakers and Federal civil rights enforcement agencies. During FY 2007, for example, more than 7,700 copies of our briefing reports were printed and made available to the President, congressional members, federal agencies, and the public through direct mail and our civil rights library located in Washington, DC. In FY 2007 we made 58 findings and recommendations for corrective action by federal agencies and others.

A. National Office Fact-finding

Led by eight commissioners,⁸ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2009 by aligning our program activities with the goals and objectives in our new Strategic Plan. We will measure performance against established targets, and report on our challenges and successes. In short, we will hold ourselves accountable for results.

During the year we will focus on several specific program activities, including:

- Conducting a national conversation on the future of civil rights that will lay the foundation for a national civil rights agenda that is firmly rooted in the 21st century, and inform our own decision-making about future research topics and projects.
- Holding four public briefings on civil rights that raise public awareness; the topics may include racial disparities in healthcare access and outcomes, school choice as a civil right, the use of disparate impact theory, and fair housing.
- Publishing five national office civil rights reports, including a statutory report, four briefing reports, and an emerging issue report.
- Conducting a joint national office and SAC civil rights research project on fair housing to support the publication of a data-driven, impartial, and credible civil rights study on

⁸ Four commissioners are presidential appointees and four are congressional appointees, all serve six-year terms.

the Department of Justice's enforcement of our nation's fair housing laws (statutory report).

- Reinvigorating our SACs by increasing the number of chartered SACs, reducing the backlog of expired SAC charters, and continuing to incorporate SAC input into our national program planning cycle.
- Completing a multi-state SAC report identifying state and local civil rights issues and priorities that assists policy-makers and enforcement agencies with targeting their efforts.
- Identifying opportunities to collaborate with other agencies on the development of a complaint database that identifies and tracks civil rights trends.
- Increasing our outreach to Congress and identifying areas where our research can inform policy-making.
- Increasing our participation in public events and symposia as a source of substantive civil rights expertise.
- Issuing press releases and holding a press conference to highlight important civil rights matters.
- Upgrading our information technology to increase public access to information.
- Sustaining improved financial management and accountability by continuing to execute our PART improvement plan and measuring performance, and implementing Commission-adopted Government Accountability Office recommendations consistent with our resources.

National office fact-finding program activity costs, including the national civil rights conference or forum, total \$1,652,107.

Table 4: FY 2009 National Office Project Costs by Budget Object Category (estimated)

Salaries	1,205,982
Benefits	301,496
Travel	460
Rent, Communications and Utilities	4,370
Printing and Reproduction	53,700
Other Contractual Services	73,023
Supplies and Materials	13,075
Equipment	0
TOTAL	\$1,652,107

**Table 5: National Office
Fact-finding Costs by Activity⁹**

	Estimated Cost
School Choice as a Civil Right?	\$149,508
Racial Disparities in Healthcare Access and Outcomes	\$166,446
Use of Disparate Impact Theory	\$156,536
Fair Housing Initiative (briefing)	\$104,747
Fair Housing Initiative (statutory report)	\$456,258
Emerging Issue Report	\$86,475
National Civil Rights Conference or Forum	\$532,137
TOTAL	\$1,652,107

The proposed national civil rights conference will lay the foundation for future strategic planning, national office civil rights research projects, and joint regional and national office studies. Of no less importance is its contribution to shaping a new national civil rights agenda and proposals for changes to our authorizing legislation.

Table 6: Comparison of National Office Fact-finding Costs

FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
\$504,968	\$244,512	\$1,652,107

B. Regional and State Advisory Committee Fact-finding

Fact-finding and reports by our State Advisory Committees account for 8.7 percent of the agency's FY 2009 budget or an estimated \$769,558. Key activities included in this estimate are a multi-state report on state and regional civil rights issues (\$6,000) and SAC participation in a national project on fair housing (\$28,802). Other SAC civil rights activities account for the remainder. These include an estimated 39 SAC reports, statements, and other projects on issues such as immigration, housing, school desegregation, and the voting rights of ex-felons. Individual budgets for each regional office, including all SAC fact-finding activities, are

⁹ These costs include personnel and non-personnel related expenditures but exclude overhead costs such as rent, phones, etc. National office briefing project names are provided for illustrative purposes only. Actual briefing topics may change as emerging issues develop or as a result of the agency's quarterly review and approval of upcoming briefing topics.

included as attachments to this document. See Attachment 2: *Project Obligation Plan by Object Class*.

By law, our SACs are unable to operate unless they have active charters. Reducing our backlog of expired SAC charters and renewing newly expiring charters within 60 days of expiration are key agency priorities supported by this FY 2009 funding request.¹⁰

Table 7: SAC Re-Chartering Budget		
FY 2008 (estimated)	FY 2009 (estimated)	
Not Available ¹¹	Currently	\$10,525

C. Complaint Processing and Monitoring

The complaint processing function, carried out by our Office of Civil Rights Evaluation (OCRE), continues to experience steady public demand. Complaints received by this office most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. We receive, on average almost 3,000 complaints per year.

Table 8: Civil Rights Complaints & Referrals						
	FY02	FY03	FY04	FY05	FY06	FY07
National Office Complaints	4,132	3,714	2,988	3,006	2,945	2,956

Moreover, OCRE monitors publications, attends conferences, and works with other federal agencies and civil rights groups to identify existing and potential civil rights issues that may require Commission attention. The cost of continuing these services in FY 2009 is estimated at \$180,322.

¹⁰ "Renewing" as used here means obtaining Staff Director approval for submission of the appointment/re-charter package to the eight appointed commissioners for final approval.

¹¹ The agency's FY 2007 and FY 2008 budget estimates and operating plans were prepared before our budget decentralization initiative was underway. The FY 2007 pilot of this initiative, among other things, provides specific funding for regional office activities (including SAC related expenses).

Table 9: Complaint Referral and Monitoring Costs

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated¹²)
Complaint Referrals (national and regional office)	58,256	53,490	120,787
Civil Rights Monitoring	16,977	49,084	59,535
TOTAL	\$75,233	\$102,574	\$180,322

D. Administrative Costs

In addition to project costs, including related personnel costs, a significant portion of our budget is devoted to operational or administrative functions. This includes, for example, rent, information technology and telecommunications, office supplies, contract services, and interagency agreements for various services. These basic administrative costs, as highlighted below, will exceed \$2.4 million in FY 2009 and are estimated to account for at least 27 percent of our budget.

Table 10:
**Examples of Significant Operational/Administrative
Expenses in FY 2009**

Items	Cost (estimated)
External Accounting Services	398,974
E-Travel Services	3,000
IT Contractor/Consultant	62,000
IT Improvements/Upgrades	172,500
Web Site Maintenance Contract	10,000
Procurement Services	99,000
Contractor /Consultant	
Independent Auditing Services	97,000
Human Resources-related Services (non-salary related)	69,200
Office Space Rental	1,303,066
Printing/Design/Reproduction	67,776
Telephone (local and long distance)	145,950
TOTAL	\$2,428,466

¹² During FY 2009, we will continue supporting our current complaint system while working to identify ways to partner with other agencies and develop a broader complaint database.

To further support our budget request a detailed Project Obligation Plan by Object Class is provided that identifies line item expenses for each proposed FY 2009 project.

OVERVIEW OF THE ORGANIZATIONAL STRUCTURE

HEADQUARTERS OFFICES AND DIVISIONS

The Commission has eight commissioners. Their responsibilities include establishing Commission policy on civil rights issues, adopting program plans, goals and priorities, approving national office project proposals, and adopting the agency's budget. The Staff Director, appointed by the President with the concurrence of a majority of the commissioners, is the administrative head of the agency. Estimated commissioner-related costs constitute approximately 11 percent of our FY 2009 budget request.

We are requesting funding in the amount of \$893,176 to support eight commissioners and four full-time special assistants for the commissioners. This represents no increase in commissioner-related staffing.

**Table 11: Budget Estimate
Commissioners and Commissioner Special Assistants**

	FY 2008 (estimated)	FY 2009 (estimated)
Salaries¹³	694,851	720,378
Benefits	79523	86,190
Travel	99,000	86,608
Rent, Communications and Utilities	500	0
Printing and Reproduction	1,000	0
Other Contractual Services	17,763	0
Supplies and Materials	0	0
Equipment	0	0
TOTAL	\$892,637	\$893,176

¹³ Commissioners are not full-time government employees. Salary assumptions include: 1) the maximum billable hours currently allowed by our statute for each commissioner (600 billable hours for each commissioner estimated at \$42,000 per commissioner, with the exception of the chairperson who is permitted 1,000 billable hours estimated at approximately \$70,000), 2) four full-time special assistants at the GS-13 level (\$68,625 to \$89,217), and 3) locality pay adjustments.

There are seven operational offices and divisions in our national or headquarters office and each is discussed in the sections below.

A. Office of the Staff Director

The operating budget for this office is an estimated \$1,027,941. This office, through the Staff Director, oversees the overall operation and management of our agency including:

- disseminating policies established by the commissioners to our staff,
- recommending program activities or projects for approval by the commissioners,
- managing agency-wide performance and evaluating program results,
- overseeing and coordinating the completion of the substantive civil rights work,
- ensuring that the budget is executed in a manner consistent with established priorities, and
- serving as liaison for the Commission with the Executive Office of the President, the Congress, and other federal agencies.

This office also oversees all agency program activities and initiatives. OSD's staff currently includes a Staff Director, as the administrative head of the agency, and an Associate Deputy Staff Director, Solicitor, two career attorney advisors, and two administrative support specialists (secretaries).¹⁴ Unfilled positions during FY 2009 include four vacant Schedule C positions for special assistants to the Staff Director at GS-11/13, a congressional affairs specialist, and a public affairs specialist both at the GS-13 level.

Table 12: Office of the Staff Director Staff

FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
7	7	7	7

Table 13: Budget Estimate
Office of The Staff Director
(excluding Commissioners and Commissioner Assistants)

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	726,688	728,937	782,754
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	178,911	180,922	195,689
Travel	103,407	19637	13,392
Rent, Communications and Utilities	0		1,700
Printing and Reproduction	13,528	18,033	4,276
Other Contractual Services	35,591	16,910	27,630

¹⁴ The Staff Director supervises the chief of the Regional Programs Coordination Unit. In several prior budget requests the RPCU chief position was considered an OSD vacancy. RPCU, as represented by our organizational chart, is a separate organizational unit. Consequently, the position of chief of RPCU is included in the budget for regional operations to better represent the costs and budgetary needs of our regional programs.

**Table 13: Budget Estimate
Office of The Staff Director
(excluding Commissioners and Commissioner Assistants)**

Supplies and Materials	0	200	2,500
Equipment	0	0	0
TOTAL	\$1,058,125	\$964,639	\$1,027,941

B. Office of the General Counsel

The Office of the General Counsel (OGC) provides the legal expertise and advice required to support our fact-finding, and ensures the legal integrity of our written products. This office supports the lawful operation of the agency and advises agency leadership and career managers on a range of administrative law matters. The operating budget for this office is projected to be \$451,539.

The General Counsel and his staff represent the agency in administrative hearings before the Equal Employment Opportunity Commission and the Merit System Protection Board, defend the agency in contract protests, and review and advise on numerous other matters with legal implications for the agency.

In FY 2008, the General Counsel (GS-15) and two attorney-advisors staffed this office. No funding to increase this staffing level in FY 2009 is sought.

Table 14: Office of the General Counsel Staff

FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
4	3	3	3

As a program office, during FY 2009, OGC may conduct two briefings¹⁵: The Misuse of Disparate Impact Theory, and School Choice as a Civil Right?. Disparate-impact theory holds that when an action has a disproportionate effect on a group, it can be challenged as illegal discrimination. Neither intent nor actual disparate treatment is required to prove discrimination under a disparate-impact theory. So far, only employment discrimination (both the Age Discrimination in Employment Act and Title VII of the Civil Rights Act) and voting statutes clearly use the disparate impact approach. However, many federal regulations adopting the disparate impact theory have been promulgated under Title VI of the Civil Rights Act of 1964. This briefing would examine whether federal agencies apply the disparate impact theory in the enforcement of statutes that prohibit intentional discrimination and whether, as a result, these agencies impose illicit racial quotas.

The second OGC project may focus on school choice. Despite fifty years of *de jure* desegregation in public schools, there remains substantial *de facto* segregation in these schools

¹⁵ Actual briefing topics may change as emerging issues develop or as a result of the agency's quarterly review and approval of upcoming briefing topics.

and a significant achievement gap between white and African-American students. Many African-American students are trapped in failing inner city schools with few resources. Many states and localities have proposed voucher programs, charter, magnet schools, and restructuring to help these students escape struggling schools. At the federal level, President Bush's FY 2007 budget provided \$26.3 million for this Voluntary Public School Choice Program, which offered grants to states and school districts to establish or expand innovative public school choice programs. He also requested an additional \$15 million for the D.C. School Choice Initiative (which provides low-income parents in our nation's capital more options for obtaining a quality education) and \$100 million for America's Opportunity Scholarships For Kids (which would provide parents with scholarships worth up to \$4,000 to transfer and transport their child to a private school if the child is enrolled in a school that has not made adequate yearly progress for at least six years or is being restructured). This project assesses the potential impact on the quality of education available to students in failing schools.

**Table 15: Budget Estimate
Office of the General Counsel**

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	437,426	324,285	325,423
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	105,096	80,488	81,356
Travel	1,955	15,000	10,000
Rent, Communications and Utilities	0	0	800
Printing and Reproduction	23,488	9,173	19,000
Other Contractual Services	3,585	0	3,960
Supplies and Materials	2,116	0	11,000
Equipment	666	0	0
TOTAL	\$574,332	\$428,946	\$451,539

C. Office of Civil Rights Evaluation

Our other program office in headquarters, the Office of Civil Rights Evaluation (OCRE), is staffed with social scientists and civil rights analysts and provides critical social scientific analysis in our civil rights reports. We are seeking \$950,863 to support the work of this office, including hiring a civil rights analyst in FY 2009.

Table 16: Office of the Civil Rights Evaluation Staff

FY 2005 (actual)	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
9	5	6	6	7

As initially proposed, OCRA may have direct responsibility for several civil rights briefings and reports:

- Fair Housing Initiative to Combat Housing Discrimination (statutory report),¹⁶
- Fair Housing Initiative (briefing),¹⁷ and
- Racial Disparities in Health Care Access and Outcomes (briefing and briefing report).

Our statutory report will focus on one or more aspects of fair housing, among the issues being considered are the subprime mortgage crisis and redlining. The purpose of this report is to assess the effectiveness of related federal agency initiatives including, but not necessarily limited to, education and enforcement efforts. Findings and recommendations will be made that should assist the responsible agencies in their efforts.

This office will continue to support our monitoring and complaint processing functions. Consistent with agency resources, OCRA will monitor the activities of numerous federal agencies, as well as national and regional civil rights trends. Monitoring is typically carried out by scrutinizing news accounts, the Internet, and occasionally conducting interviews with federal agency staff. By being generally informed of relevant developments, we are positioned to: (1) research and identify executive branch working groups and/or interagency task forces that present opportunities for partnering; (2) research and identify areas and specific activities where we could partner with another federal agency to raise public awareness of civil rights (including federal enforcement efforts); (3) respond readily and knowledgeably to requests for comments and advice from other federal agencies, Congress, the media, and the public; (4) increase the quality of information available for Commission project and policy planning; and (5) identify opportunities for the Commission to timely take action that informs public debate on civil rights matters. The primary focus of our monitoring efforts in FY 2009 will be:

- Researching and identifying executive branch working groups and/or interagency task forces that present opportunities for partnering; and
- Researching and identifying areas and specific activities where we could partner with another federal agency to raise public awareness of civil rights (including federal enforcement efforts).

In FY 2009, through this office we will continue receiving, researching, analyzing, and referring civil rights complaints to the appropriate federal, state or local agency. This office will be central in our efforts to partner with other federal agencies to develop a database of civil rights complaints appropriate for identifying and tracking civil rights trends. The outcome of this effort should be information sufficient to allow enforcement agencies to better target the use of their limited resources.

¹⁶ This topic or its scope is subject to change.

¹⁷ The briefing will inform the fair housing statutory report. No briefing report will be issued.

**Table 17: Budget Estimate
Office of Civil Rights Evaluation**

	FY 2007 (actual)	FY 2008 (estimated)	FY 2009 (estimated)
Salaries	513,970	526,684	661,760
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	117,022	130,723	165,440
Travel	984	15,000	10,000
Rent, Communications and Utilities	0	0	1400
Printing and Reproduction	8,119	19,665	34,700
Other Contractual Services	10,344	5000	66,063
Supplies and Materials	225	200	11,500
Equipment	0	0	0
TOTAL	\$650,664	\$697,272	\$950,863

D. Office of Management

The Office of Management (OM) provides administrative support to all our offices and divisions. Several organizational units/components report to the director of management.

- The Budget and Finance Division (BFD)
- The Human Resources Division (HRD)
- The Administrative Services and Clearinghouse Division (ASCD)

The estimated combined operating budget for OM is \$3,941,059. Though OM has no direct civil rights program responsibilities, their administrative work supports our ability to attain our strategic goals and objectives, including the goal of complying with applicable federal rules and regulations. Their work, for example, goes a long way toward:

- Ensuring that our civil rights reports are designed, edited, and published through a contract with the Government Printing Office and other vendors.
- Ensuring that civil rights reports are distributed to interested parties by mail, our Web site, and our library.
- Ensuring that our Web site provides current information about Commission activities and significant civil rights developments.
- Ensuring that our SAC and Commission meetings and public fact-finding activities are logically supported.
- Ensuring that needed goods and services are promptly procured in a manner consistent with applicable law and regulations.
- Ensuring agency compliance with Office of Personnel Management rules and regulations.

**Table 18: Budget Estimate
Office of Management (all components)**

	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	986,540	886,798	704,544
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			31,751
Benefits	250,760	250,603	214,074
Travel	3,322	0	4100
Rent, Communications and Utilities	1,125,327	1,097,931¹⁸	1,555,136
Printing and Reproduction	7,986	50,355	6000
Other Contractual Services	860,190	1,149,531	1,244,004
Supplies and Materials	59,265	78,027	141,750
Equipment	30,076	104,344	39,700
TOTAL	\$3,323,466	\$3,617,589	\$3,941,059

During FY 2009 OM will oversee the installation and use of Personal Identity Verification (PIV) compliant identity credentials, called Smart Cards, as required by Homeland Security Presidential Directive 12 (HSPD-12). In addition to an investment of \$98,000 made during FY08, this required project should cost an additional \$16,500 in support and maintenance fees in FY 2009. These costs are reflected in the “Equipment” budget category.

i. BUDGET AND FINANCE DIVISION

In FY 2006, we contracted out significant portions of our budget operation. We expanded the scope of these services to include a full range of budget and financial management services in FY 2007 and FY 2008. This provider is located off-site, that is, not within Commission headquarters or the Washington, DC metro area. Our estimated FY 2009 cost for these services is \$398,974.¹⁹

One budget analyst (GS-11) in our Budget and Finance Division supplements and supports the work of the external services provider by coordinating internal processes and procedures, reconciling and validating financial transactions or entries made by the services provider, and generally ensuring that financial information and reporting is accurate.

During FY 2007 we used temporary contract labor to fill the budget assistant (GS-5) position and provide administrative support to the internal operations of our budget office. In FY 2008, however, we retained a full-time temporary federal employee for this position. We propose retaining the budget assistant during FY 2009, to the extent our funding allows.

The director of budget and finance position is expected to remain vacant during FY 2009.

¹⁸ This includes rent, communications, and utilities for the Washington headquarters office only. In FY 2009 we expanded this category to include all headquarters and regional office rent, communications, and utilities expenses.

¹⁹ This represents a projected \$16,081 increase over FY 2008.

**Table 19: Budget and Finance Division Staff
(excluding contract workers)**

	Budget Director	Budget Analyst	Budget Assistant	TOTAL STAFFING
FY 2007	0	1	0	1
FY 2008	0	1	1	2
FY 2009	0	1	1	2

ii. HUMAN RESOURCES DIVISION

The position of director of human resources will remain vacant through FY 2009.²⁰ In FY 2008, however, we supplemented our internal staff by hiring a human resources assistant at the GS-6 grade.²¹ Currently, our Human Resources Division has three employees, two human resource specialists (GS-11 and GS-13) and a human resources assistant (GS-6).

Table 20: Human Resources Division Staff

	Director	Specialist	Assistant	Other	TOTAL STAFFING
FY 2007	1	2	1		4
FY 2008	0	2	1		3
FY 2009	0	2	1		3

iii. ADMINISTRATIVE SERVICES AND CLEARINGHOUSE DIVISION

ASCD is responsible for the five organizational components listed below and has five full-time employees.

- Procurement/Acquisition
- Information Technology
- Robert Rankin National Civil Rights Library
- Copying/Printing Center
- Mail Room

**Table 21: Administrative Services and Clearinghouse Division Staff
(excluding contract workers)**

	Office of ASCD	Procurement	Information Technology	Library	Copy Center	Mail Room	TOTAL STAFFING
FY 2007 (actual)	2	0	1	1	1	0	5

²⁰ The position of director of human resources became vacant during FY 2007.

²¹ This position became vacant during the latter part of FY 2007.

**Table 21: Administrative Services and Clearinghouse Division Staff
(excluding contract workers)**

FY 2008 (est.)	2	0	1	1	1	0	5
FY 2009 (est.)	2	0	1	1	1	0	5

In FY 2007, the chief of ASCD provided our acquisition and procurement services, with assistance from a contract procurement specialist on an “as-needed” basis. This arrangement terminated in FY 2008. In FY 2009, we plan to secure contract procurement expertise to once again support ASCD.

In FY 2009, our agency IT specialist will continue to meet our information technology needs with supplemental assistance from a contractor. We will also receive Web site support and management services from the Government Printing Office through an interagency agreement. Our Rankin National Civil Rights Library, staffed by a library technician (GS-8), will continue responding to requests from the public for copies of Commission publications, and assisting the public and agency staff with locating requested civil rights-related publications and sources. The copying/printing office, also with one staff member (GS-5), is responsible for all larger internal copying requests, as well as mail sorting and delivery. As of April 2008, ASCD had five full-time permanent staff members and this staffing level is expected to continue through FY 2009.

E. Equal Employment Opportunity (EEO) Programs

This office is responsible for the overall management of our EEO complaint system. This system affords applicants for employment and employees of the Commission who believe that they have been discriminated against on the basis of race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities, a means of review and appeal through which to seek appropriate relief. This office currently has no full-time staff; an OCRA staff member serves as the head of our EEO office as a collateral duty.

**Table 22: Budget Estimate
Equal Opportunity Programs Office**

	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	0	0	0
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	0	0	0
Travel	0	0	0
Rent, Communications and Utilities	0	0	0
Printing and Reproduction	0	0	0
Other Contractual Services	0	0	7,000
Supplies and Materials	0	0	0

**Table 22: Budget Estimate
Equal Opportunity Programs Office**

Equipment	o	o	o
TOTAL	o	o	\$7,000

The \$7,000 in the EEO budget is for training. Mandatory NO FEAR Act training is required for all employees every two years. Our employees received training in FY 2007. Also included is funding for training staff with EEO responsibilities to attend EEOC's annual conference. The training money will also allow EEO counselors to receive mandatory annual training.

G. Congressional Affairs Unit

The Congressional Affairs Unit (CAU) serves as our liaison with Congress, responding to requests for specific information, identifying opportunities for our commissioners and others to provide testimony and information to congressional members and their staff on civil rights matters, and ensuring the distribution of our studies and reports to all members. CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. As in prior years, all staff positions in CAU will be vacant in FY 2009. Basic duties will be handled by an attorney advisor in the Office of the Staff Director.

H. Public Affairs Unit

The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the public knows about our activities and publications. It also coordinates and carries out such activities as briefing reporters, holding press conferences, issuing press releases, seeking out and arranging press interviews and speaking engagements for commissioners and approved staff, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations. As it was in prior years, all staff positions in PAU will be vacant in FY 2009. Some basic duties, such as preparing press releases, will be handled on an "as-needed" basis by an attorney advisor in the Office of the Staff Director.

REGIONAL OPERATIONS: REGIONAL OFFICES AND STATE ADVISORY COMMITTEES

A. Regional Programs Coordination Unit

Our budget request includes \$152,146 to support this unit and \$1,383,282 to support our regional offices and advisory committees. The Regional Programs Coordination Unit (RPCU), located in headquarters and reporting to the Staff Director, ensures that individual regional programs are sufficiently coordinated across regions and within headquarters. The chief of RPCU ensures that headquarters provides support and guidance, where appropriate, to the regional offices and the State Advisory Committees. When fully staffed, RPCU, through its writer-editor, also provides support in the finalization and publication of headquarters-developed and regional office reports and studies. A full-time chief of RPCU was hired in FY 2008, though no other unit staff will be onboard through FY 2009.

**Table 23: Budget Estimate
Regional Programs Coordination Unit
(excluding regional offices)**

	FY 2007 (actual)	FY 2008 (projected)	FY 2009 (projected)
Salaries	0	110,363	115,317
On-Board (Full-time Permanent)			
New Hires (Full-time Permanent)			
Benefits	0	27,392	28,829
Travel	0	15,000	2000
Rent, Communications and Utilities	0	7700	0
Printing and Reproduction	0	42,368	0
Other Contractual Services	0		6,000
Supplies and Materials	0		0
Equipment	0		0
TOTAL	0	\$202,823	\$152,146

B. Regional Offices

The RPCU chief coordinates the activities of the Commission's six regional offices. These offices provide critical support to the 51 State Advisory Committees. A regional director heads each office and, historically, each office includes at least one civil rights analyst and a secretary. Regional directors are also responsible for the day-to-day administration of their office and the supervision of office staff.

Our regional alignment is below.

- Central Region (CRO): Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.

- Eastern Region (ERO): Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- Western Region (WRO): Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- Southern Region (SRO): Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- Rocky Mountain Region (RMRO): Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- Midwestern Region (MWRO): Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Attrition over the past three years has left numerous regional positions vacant. In FY 2008 the Commission promoted qualified internal candidates, then serving as regional civil rights analysts, to regional director positions. However, we were not able to backfill the resulting analyst vacancies. Our current and projected FY 2009 regional office staffing levels are presented below in Table 24.

	Regional Director	Civil Rights Analyst	Secretary	Other	Totals
Eastern Region	1	1	1		3
Central Region	1		1		2
Western Region			1		1
Southern Region	1			1	2
Midwestern Region	1		1		2
Rocky Mountain Region	1		1		2
TOTAL STAFFING	5	1	5	1	12

Table 25: Budget Estimate Regional Offices FY 2009 (excluding RPCU)							
	ERO	CRO	WRO	SRO	RMRO	MWRO	TOTAL
Salaries	290,496	139,438	44,950	174,352	148,965	145,423	\$943,624
Onboard							
New Hires	0						
Benefits	72,624	34,860	11,237	43,588	37,241	36,356	\$237,706
Travel	2,000	5,000	5,000	5,000	5,000	5,000	\$27,000
Rent, Communications and Utilities	26,112	2,500	17,200	11,400	13,575	9,405	\$80,192
Printing and Reproduction	2,310	500	0	0	0	990	\$3,800

**Table 25: Budget Estimate
Regional Offices FY 2009
(excluding RPCU)**

Other Contractual Services	34,950	7,500	8,102	4,068	6,700	19,711	\$84,470
Supplies and Materials	0	250	3,600	2,400	4,360	1,120	\$11,730
Equipment	0	0	0	0	0	0	0
Total	\$428,492	\$190,048	\$90,089	\$240,808	\$215,841	\$218,004	\$1,383,282

AGENCY STRATEGIC GOALS, EXPECTED OUTCOMES, PERFORMANCE MEASURES, ANNUAL PLAN

STRATEGIC GOALS

Our Strategic Plan for FY 2008-FY 2013 has four statements of agency-wide aims or goals. We believe we are positioned to make progress toward achieving these long-term goals during FY 2009 despite clear budgetary challenges.

Strategic Goal 1: Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Strategic Objectives and Performance Measures

Objective 1: Reinvigorating the Commission's State Advisory Committees (SACs), consistent with our budgetary resources.

By statute, we must have a SAC in each of the 50 states and the District of Columbia. As of June 30, 2007, we increased the number of active charters from twelve to seventeen. In April 2008 more than 50 percent (twenty-six) of our SACs were chartered. In FY 2009, we anticipate:

- Increasing the number of SACs re-chartered to 90 percent over our baseline.
- Reducing the backlog of SACs with expired charters by 50 percent (using FY2007 as a baseline year).
- Achieving an average re-charter time of 60-days for SAC with newly expiring charters (January 30, 2007 or after).

Objective 2: Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.

Program planning is the formal process used by the Commissioners to approve future program activities or civil rights topics for study and research. While the formal process should occur annually between January and March, additional projects are approved at other times as issues emerge. We plan to include SACs in the national planning process during FY 2009 and realize an increase in SAC productivity by:

- Seeking input from our chartered SACs as a part of the national program planning cycle annually by October 31st.
- Conducting a joint national office and SAC project on DOJ's Fair Housing Initiative, and issuing a report within 12 to 18 months of initiating the project.
- Soliciting SAC ideas annually in October for SAC follow-up activities on national office projects at the regional, state, and local levels.

Objective 3: Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

We propose completing a multi-state SAC report in FY 2009. This report, based on the identification of current and emergent state and regional civil rights issues by the SACs, will be a valuable tool for policy-makers, researchers, and civil rights advocates. The report would inform enforcement, budget, research, and other decisions by these groups for years into the future. The Commission can benefit from this report by using the findings to inform our national program decisions.

Objective 4: Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

We intend this conference or forum to be a significant gathering of scholars, practitioners, policy-makers and civil rights specialists. The outcome of the conference will be a report, scheduled for FY 2010 release, on civil rights priorities for the 21st Century. It will be suitable for use as a reference by policy-makers and others with civil rights responsibilities. In addition, information gathered at the conference will inform future strategic and annual program planning for our agency.

In support of this objective, during FY 2009 we propose to:

- Attain the attendance of 100 members of the public, policy-makers, scholars and others at a national civil rights conference or forum.
- Undertake the drafting of the conference report for finalization in FY 2010.
- Identify three civil rights issues and research topics appropriate for incorporation into our national program planning process beginning in FY 2010.
- Identify, giving due consideration to the national conference outcomes, civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011.
- Identify, giving due consideration to the national conference outcomes, areas where the Commission's powers and mission need to be expanded to respond to emerging challenges and publish this information by FY 2011.

We will distribute the conference report to stakeholders through our Web site, direct mail, and the Robert Rankin National Civil Rights Library at our national headquarters.

Factors Potentially Affecting Performance Related To Strategic Goal 1 and its Objectives

One factor that could affect our ability to meet our target performance related to SAC chartering is regional office staffing and skill levels. Recent attrition in our regional offices, coupled with our inability to fill existing vacancies, has created a lack of institutional knowledge about the SAC member appointment and committee re-chartering processes. Constraints related to funding limit the ability of regional office staff to travel for SAC member outreach/recruitment, and limit the ability of chartered committees to conduct meetings and fact-finding.

Through our FY 2007 Lean Six Sigma (LSS) process improvement initiative we standardized, formalized, and documented our SAC rechartering processes. We also created “critical-to-quality” indicators to improve the quality of membership appointments and developed timelines and lifecycles to track the progress of chartering activity. Our LSS initiative should allow us to mitigate the impact of the loss of institutional memory in our regional offices.

Timely completion of our proposed joint national and SAC civil rights report on fair housing and the multi-state SAC report may be influenced by a number of factors, including one or more of the following:

- the willingness of chartered SACs to participate in the joint project;
- the ability of existing regional staff to adequately support SACs who choose to participate in the joint project;
- the availability and sufficiency of the research data at the state and/or local levels; and
- the ability to create a uniform methodology for research, collecting, analyzing, and reporting data and other information.

Several factors could adversely affect national conference planning and execution, including the following:

- the absence of adequate funding to oversee conference planning and execution efforts;²²
- the interest of renowned researchers, policy analysts, and others in participating and otherwise supporting the event; and
- the absence of a public affairs or media specialist.

To minimize the impact of these factors we created an internal working group on conference planning in FY 2008. The working group includes representatives from across organizational units who have responsibility for some aspect of the conference. Our ability to craft and execute a media strategy that is realistic in light of our available resources is important to the success of the conference. We anticipate relying heavily on issuing press release/advisories, printing, and mailing or emailing “hold-the-date” notices, and using web-based resources to identify stakeholders who would be interested in the event.

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Strategic Objectives and Performance Measures

²² These efforts include funding sufficient to; 1) ensure the use of a conference structure and format that is conducive to achieving the goals of issue-spotting and clearly articulating the importance of specific issues to civil rights policy, and 2) permit the selection of a date and location that reasonably ensure high participation while minimizing costs.

Objective 1: Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Our statutory report for FY 2009 will examine the effectiveness of the Department of Justice's (DOJ) fair housing enforcement. The report will include recommendations for enhancing DOJ's enforcement efforts.

Objective 2: Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

We currently propose a public service campaign targeting a specific civil rights issue or a general "know your rights" campaign. Several agency offices will support this effort and be responsible for identifying and developing appropriate partnership opportunities. Background or preparatory work will begin during FY 2009 on identifying areas of possible collaboration. We propose entering into a MOU with another federal agency in FY 2011.

Objective 3: Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

To achieve this objective we propose collecting data (e.g., information on types of complaints, the number of complaints, geographic areas experiencing increases in types of complaints) from other agencies on civil rights complaints to identify discrimination trends. Over time, this information will assist agencies, policy-makers, and the public in identifying areas requiring concentrated enforcement and public education efforts. This project should be completed in FY 2011; however, background or preparatory work will begin in FY 2009 to identify areas of possible collaboration.

Objective 4: Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Our performance related to this objective is long-term; specifically, to participate in at least one significant working group by FY 2012. In FY 2009 and FY 2010, through OCRE's monitoring function, we propose identifying opportunities for participating in various working groups.

The transition in national leadership may be an opportunity for the Commission to engage the new administration in a dialogue about its civil rights vision and agenda. Our agency may well pursue issuing guidance, consulting, or advising with the executive branch on civil rights matters.

Also in FY 2009 we propose establishing congressional contacts that provide substantive insight and direction on legislative agenda items. Our target is to increase the number of these contacts by 40 percent over FY 2007 performance. That year, members of the Commission appeared before Congress and influenced national civil rights policy by:

- providing congressional testimony before the Senate Judiciary Committee on a bill that would make voter intimidation a federal crime; and
- providing congressional testimony before the Senate Judiciary Committee on the 50th Anniversary of the Civil Rights Act of 1957.

Objective 5: Promote public awareness of current civil rights laws, remedies and enforcement agencies.

To execute this objective in FY 2009 we propose several specific actions with clear target levels of performance including:

- hosting four public briefings and a national conference or forum on civil rights issues,²³
- issuing ten press releases related to civil rights issues and Commission activities,
- holding one press conference announcing the issuance of the Commission's statutory report or the proposed national civil rights conference,
- posting at least 21 Commission reports, and meeting and briefing transcripts on our Web site for public access,
- providing assistance to members of the public seeking advice and information about protecting their civil rights by maintaining a 30-day complaint referral response time, and
- increasing participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies by 2 percent.

Factors Potentially Affecting Performance Related To Strategic Goal 2 and its Objectives

Several external factors may affect the completion of our target level of performance on the statutory report during FY 2009. These include:

- unanticipated changes to our internal requirements governing report production, and
- unanticipated delays by the affected federal agencies in responding to our requests for data (e.g., interrogatories, requests for documents, and other discovery requests).

Strategies for minimizing these factors may involve incorporating sufficient time into project management timelines to compensate for delays in receiving agency responses, reminding agencies of their obligation to fully cooperate pursuant to our statute, and considering using our subpoena power in the appropriate situations. With respect to the report production process, project managers should increase their monitoring and evaluation of the applicable process maps and lifecycles to:

- ensure appropriate implementation and/or use,
- promptly identify bottlenecks and other problems or concerns, and
- report concerns and supporting documentation to the responsible office/division head and the agency's performance improvement officer.

²³ Conducting five briefings is our annual target level of performance; however, the national conference serves as the fifth briefing in FY 2009.

While we continue to acknowledge the importance of a more collaborative relationship with Congress, we remain without a congressional affairs liaison. Therefore, we find ourselves using ad hoc means of establishing our agency as a trusted advisor to Congress on emerging civil rights issues. The resulting adverse impact on our ability to inform the policy debate can, therefore, be reasonably anticipated. Included among them are:

- limited access to congressional members and staff;
- limited ability to support and foster productive congressional relationships;
- limited ability to provide a timely responses to a fast-moving congressional agenda; and
- limited ability to sufficiently and routinely track legislative developments and predict emerging issues.

A factor that may affect performance related to maintaining a 30-day complaint processing time is our plan to collect and analyze complaint data from other agencies to identify trends. This will increase the workload of the responsible staff in OCRE and potentially increase processing time.

Our use of technology to provide public access to civil rights information may be adversely affected by:

- delays in receiving and editing transcripts of our meetings and briefings for posting on the Web, and
- delays in posting material to the Web either by GPO or our IT staff due to system malfunctions and workloads.

Strategies for addressing these factors may include using temporary or contract help to resolve a backlog of transcripts, improving communication and coordination with GPO on the number, types, and timing of our website postings, and developing internal capacity allowing us to directly post information on our Web site.

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Strategic Objectives and Performance Measures

Objective 1: Strengthen the quality and objectivity of the Commission's reports.

The research and investigations that contribute to our briefings and reports increasingly meet high quality standards. In FY 2008, we implemented our Information Quality Guidelines (IQG) to further support the quality of our written work products. Other quality and transparency procedures previously adopted by the Commissioners for national office written work products will be applied, as appropriate.

FY 2009 is a baseline year for collecting data on the use of our Information Quality Guidelines (IQG) for performance management purposes. Performance targets for FY 2010 through FY

2013 are based on FY 2009 baseline data. Two specific baseline measures being established in FY 2009 are:

- the number of adverse decisions under agency information quality guidelines; and
- the percentage of agency decisions reversed on appeal under information quality guidelines.

During FY 2009 we will continue improving agency management including attaining 100 percent implementation of all adopted Government Accountability Office (GAO) findings and recommendations consistent with any Commissioner-approved timeline.

Between early 2005 and July 2007, we addressed all GAO recommendations for management, operational, and financial reform. We estimate that 90 to 95 percent of these recommendations have been fully implemented. Annual planning, improved budget formulation (i.e., integration of budget and performance), and data collection to support PAR reporting will remain priorities during FY 2009. Our new strategic plan, adopted in October 2007, provides a sound foundation for improvement in both areas.

The FY 2009 performance budget incorporates the adopted Strategic Plan for FY 2008-FY2013. The FY 2008 performance plan also incorporates most, if not all, of the new strategic plan. The FY 2009 PAR will be a full review agency performance based on the adopted Strategic Plan.

Objective 2: Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

We propose issuing two reports that include the collection of data on disparities. One is a briefing report likely to focus on racial disparities in healthcare access and outcomes. Its findings and recommendations will assist responsible decision-makers in crafting reforms to address any systemic factors.

The other report proposes to focus on the misuse of disparate impact theory in the enforcement of statutes that prohibit intentional discrimination and whether, as a result, these agencies impose illicit racial quotas. Findings and recommendations would also be a part of this report.

Objective 3: Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.

In support of this objective two reports are planned assessing claims of systemic or pervasive discrimination. A proposed school choice report would assess the potential impact of the quality of education available to students in failing schools under a voluntary public school choice program. The possible second report may be an update of data collected and published in our FY 2007 report on the unitary status of school districts in seven states.

Objective 4: Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

Our performance target for this objective is incorporating original social scientific research into at least one Commission report during FY 2009. The FY 2009 report on fair housing will include original research and data collected by participating SACs and headquarters. By way of example, our FY 2007 report on elementary and secondary school desegregation includes original research data, and our FY 2008 national office report on the religious freedom of prisoners also incorporates original research data.

Factors Potentially Affecting Performance Related To Strategic Goal 3 and its Objectives

We are committed to becoming a model small agency as demonstrated by our adoption of prior GAO recommendations for improvement. We have accomplished much and continue to make significant progress in many areas, even with limited resources. Our ability to realize future accomplishments may be affected by several factors. Among them are:

- the number, nature, and scope of any future recommendations made by GAO;
- the timeline(s) adopted for remediation;
- budgetary and staffing demands associated with implementing additional recommendations (if any); and
- the ability to access needed skills and abilities to support future procurement and budget management reforms.

Our report production process is aided by the implementation of process improvement mapping. Other factors that could possibly affect our target level of performance related to reports may include:

- staffing and skills shortages resulting from unanticipated departures and continuous downgrading of vacant positions;
- staffing levels in our regional offices inadequate to support the completion of a joint national and SAC report on fair housing;
- failing to receive timely cooperation from federal and state agencies during the data collection phase of the report process; and
- encountering an absence of needed research data, and inconsistency in data collection methodologies by and among SACs participating in the fair housing report.

To mitigate several of these factors we propose:

- creating a standard data collection and analyses methodology for the fair housing project;
- framing or scoping of the fair housing project to reasonably ensure the availability of needed data;
- anticipating delays in receiving response for federal and other entities during data collection and compensating for these delays in our proposed project timeline; and
- accessing contract labor, when possible in light of existing budgetary constraints, to supplement the work done by staff.

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Strategic Objectives and Performance Measures

Objective 1: Adhere to integrated budgeting, planning, and performance management.

To improve our performance related to budget, and performance planning and management we will continue participating in OMB's Performance Improvement Council and a task force on small agency performance. In FY 2008 we designated an experienced staff member as our agency performance improvement officer (PIO). This position, though it has numerous related responsibilities, will be responsible for:

- supervising the performance management activities of the agency;
- advising our Staff Director with respect to program performance and means for measurement of progress toward achievement of the goals; and
- convening meetings with specified agency personnel to assess program performance and develop corrective action plans.

During FY 2009 using our PIO and senior management council we will focus on:

- complying with OMB A-11 guidance for integrated budget by FY 2010;
- implementing our PART improvements plan; and
- meeting our PART performance targets.

We are considering seeking a PART reassessment in FY 2010. Consistent with our Strategic Plan goals and objectives, we are continuing to improve our program, financial, and operational management. Our focus on management reform significantly contributes to our ongoing efforts to earn a rating of "moderately effective" in FY 2010, should we seek PART reassessment at that time.

Objective 2: Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.

During FY 2009, we will achieve management improvement associated with this objective by:

- completing an independent financial audit in a timely manner;
- receiving a “clean” or unqualified financial audit opinions;
- resolving identified FISMA weaknesses;
- conducting an Annual Employee Survey and developing an appropriate corrective action plan; and
- continuing work on the development and implementation of an approved Human Capital Assessment and Accountability System.

An external accounting services provider handles our budget functions including financial services related to accounting, budget analysis, activity-based cost reporting, and budget formulation and execution. This provider is also responsible for, among other things, managing our financial accounts, preparing monthly reports on the status of agency funds, preparing quarterly OMB unedited financial reports and Treasury reports, and advising on agency compliance with applicable federal regulations and guidance in the area of budget management. The services we continue to receive, combined with our other reforms and initiatives, substantially contributed to our FY 2006 and 2007 clean financial statement audits. Even though we received a clean audit in FY 2007 we had a single material weakness related to the Federal Information Security Management Act (FISMA). During FY 2009, we propose resolving all previously identified FISMA weaknesses, completing our required financial audit in a timely fashion, and receiving our third clean audit opinion on our financial statements.

In FY 2007 we began working with OPM’s Center for Small Agencies to create a comprehensive Human Capital Assessment and Accountability (HCAA) system aligned with our mission and new strategic plan goals. This plan should provide a roadmap for transforming our overall management of human capital. The plan will focus on achieving results while demonstrating that the agency values its employees. Though we anticipated completing this plan in FY 2009, our progress has been impeded by the absence of a Director of Human Resources for the agency.

In FY 2009, we will conduct our own Annual Employee Survey, analyze the results, and measure our progress. Assistance may be received through a group composed of other small agency human resources officials. To minimize the cost to the agency, we anticipate using a free online survey tool.

Objective 3: Continue implementation of adopted GAO and OPM recommendations.

During FY 2009, we propose continued implementation of adopted GAO and OPM audit findings and recommendations that address financial and operational procedures. In FY 2009, we will submit a fully OMB-compliant performance budget for FY 2011 and each year thereafter.

With our new strategic plan, we believe we are well on our way to resolving performance budget and annual planning issues. In FY 2009, we will strengthen our integration of performance and budget by, among other ways, collecting more performance data, identifying factors affecting actual performance, and proposing strategies for improving our performance. In FY 2008, we publicly posted our performance plan.

Objective 4: Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.

To modernize information technology and management, we propose creating a Web site similar to FirstGov.com. This endeavor will assist in achieving several objectives, including partnering with other agencies, serving as a civil rights clearinghouse and streamlining the dissemination of public information. Moreover, the agency will comply with applicable federal information management laws and regulations. Meeting these obligations and taking advantage of advances in technology will provide us with a unique opportunity to do more with fewer resources. In FY 2008, we began researching the development of a FirstGov-type Web site that, resources permitting, could go online in FY 2012.

Factors Potentially Affecting Performance Related To Strategic Goal 4

Funding sufficient to continue supporting the use of an external accounting services provider, a contract procurement specialist, and electronic travel services is essential to sustaining the improved financial performance we experienced (including receiving a clean audit) in FY 2006, 2007 and projected for FY 2008.

We completed human capital assessments in FY 2005 and FY 2007, and convened staff-level working groups in FY 2007 to provide input into our human capital and accountability system (specifically, changes to performance plans and appraisals). Though work is expected to continue on the development of a human capital and accountability system, the ongoing absence of a director of our Human Resources Division is a significant impediment to completion of this project. Obtaining someone on detail from OPM may be an option for supporting this effort.

IT-related efforts will continue to require the support of an external contractor to bring them to completion, and a comprehensive IT investment plan should be developed in FY 2009 and updated annually.

Our ability to implement future GAO recommendations will be influenced by the nature and scope of any future GAO and OPM recommendations, the timeline adopted for remediation, and whether additional budgetary resources will be required to adequately respond.

ATTACHMENTS

Attachment 1: *FY 2009 Proposed Staffing Plan*

Attachment 2: *FY 2009 Proposed Project Obligation Plan by Object Class*

Attachment 3: *FY 2009 Proposed Budget Operating Plan*

Attachment 4: *Alignment of Organizational Units Across the Four Strategic Goals*

Attachment 5: *FY 2009 Performance Targets*

FY 2009 STAFFING PLAN
 US COMMISSION ON
 CIVIL RIGHTS

(identifies full-time onboard hires and vacancies for which funding was previously sought)

POSITION/TITLE	PAY GRADE	FY 2009 STATUS
Commissioners and Assistants		
Commissioner (Chairman)	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner	EX Level IV	Onboard
Commissioner Assistant	GS 13	Onboard
Commissioner Assistant	GS 13	Onboard
Commissioner Assistant	GS 13	Onboard
Commissioner Assistant	GS 13	Onboard
Commissioner Assistant	GS 13	Vacant
Commissioner Assistant	GS 13	Vacant
Commissioner Assistant	GS 13	Vacant
Commissioner Assistant	GS 13	Vacant
Office of the Staff Director		
Staff Director	ES-00	Onboard
Associate Deputy Staff Director	ES-00	Onboard
Solicitor	GS 15	Onboard
Attorney Advisor	GS 14	Onboard
Attorney Advisor	GS 14	Onboard
Secretary	GS 12	Onboard
Secretary	GS 9	Onboard
Office of Civil Rights Evaluation		
Assistant Staff Director for Civil Rights	GS 15	Onboard
Social Scientist	GS 13	Onboard
Social Scientist	GS 13	Onboard
Civil Rights Analyst	GS 12	New Hire

FY 2009 STAFFING PLAN
US COMMISSION ON
CIVIL RIGHTS

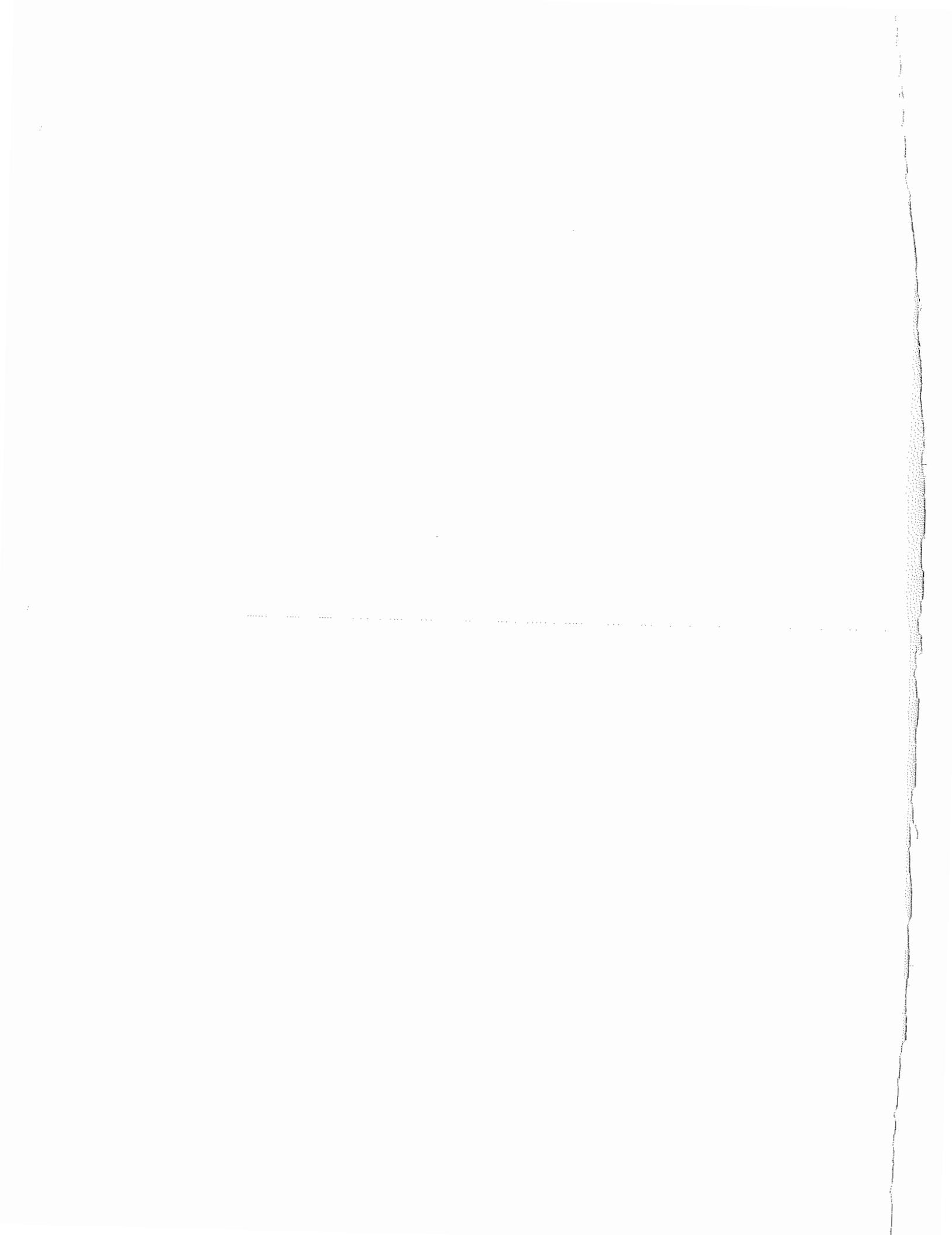
(identifies full-time onboard hires and vacancies for which funding was previously sought)

POSITION/TITLE	GRADE	FY 2009 STATUS
Civil Rights Analyst	GS 11	Onboard
Civil Rights Analyst	GS 14	Onboard
Secretary	GS 6	Onboard
Office of the General Counsel		
General Counsel	GS 15	Onboard
Attorney Advisor	GS 13	Onboard
Attorney Advisor	GS 13	Onboard
Attorney Advisor	GS 13	Vacant
Secretary	GS 6	Vacant
Office of Management		
Director	GS 15	Onboard
Human Resources Director	GS 14	Vacant
Budget Director	GS 14	Vacant
Budget Analyst	GS 11	Onboard
Budget Assistant	GS 5	Onboard
Human Resources Specialist	GS 13	Onboard
Human Resources Specialist	GS 11	Onboard
Human Resources Assistant	GS 6	Onboard
ASCD Chief	GS 14	Onboard
IT Specialist	GS 13	Onboard
Librarian	GS 12	Vacant
Library Technician	GS 8	Onboard
Admin. Support Assistant	GS 6	Onboard
Administrative Clerk	GS 5	Onboard
Equal Employment Opportunity Program		
Director	GS 14	Vacant
Congressional Affairs Unit		
Congressional Affairs Specialist	GS 13	Vacant

FY 2009 STAFFING PLAN
US COMMISSION ON
CIVIL RIGHTS

(identifies full-time onboard hires and vacancies for which funding was previously sought)

POSITION/TITLE	GRADE	FY 2009 STATUS
Public Affairs Unit		
Public Affairs Specialist	GS 13	Vacant
Regional Programs Coordination Unit		
Chief	GS 15	Onboard
Writer/Editor	GS 13	Vacant
Secretary	GS 7	Vacant
Eastern Regional Office		
Director	GS 15	Onboard
Deputy Director/Civil Rights Analyst	GS 14	Onboard
Secretary	GS 7	Onboard
Central Regional Office		
Director	GS 14	Onboard
Secretary	GS 6	Onboard
Civil Rights Analyst	GS 9	Vacant
Western Regional Office		
Director	GS 14	Vacant
Civil Rights Analyst	GS 9	Vacant
Secretary	GS 6	Onboard
Southern Regional Office		
Director	GS 15	Onboard
Attorney Advisor	GS 12	Onboard
Secretary	GS 7	Vacant
Midwestern Regional Office		
Director	GS 14	Onboard
Civil Rights Analyst	GS 9	Vacant
Secretary	GS 7	Onboard



UNITED STATES COMMISSION ON CIVIL RIGHTS
FY 2009
PROJECT OBLIGATION PLAN BY OBJECT CLASS

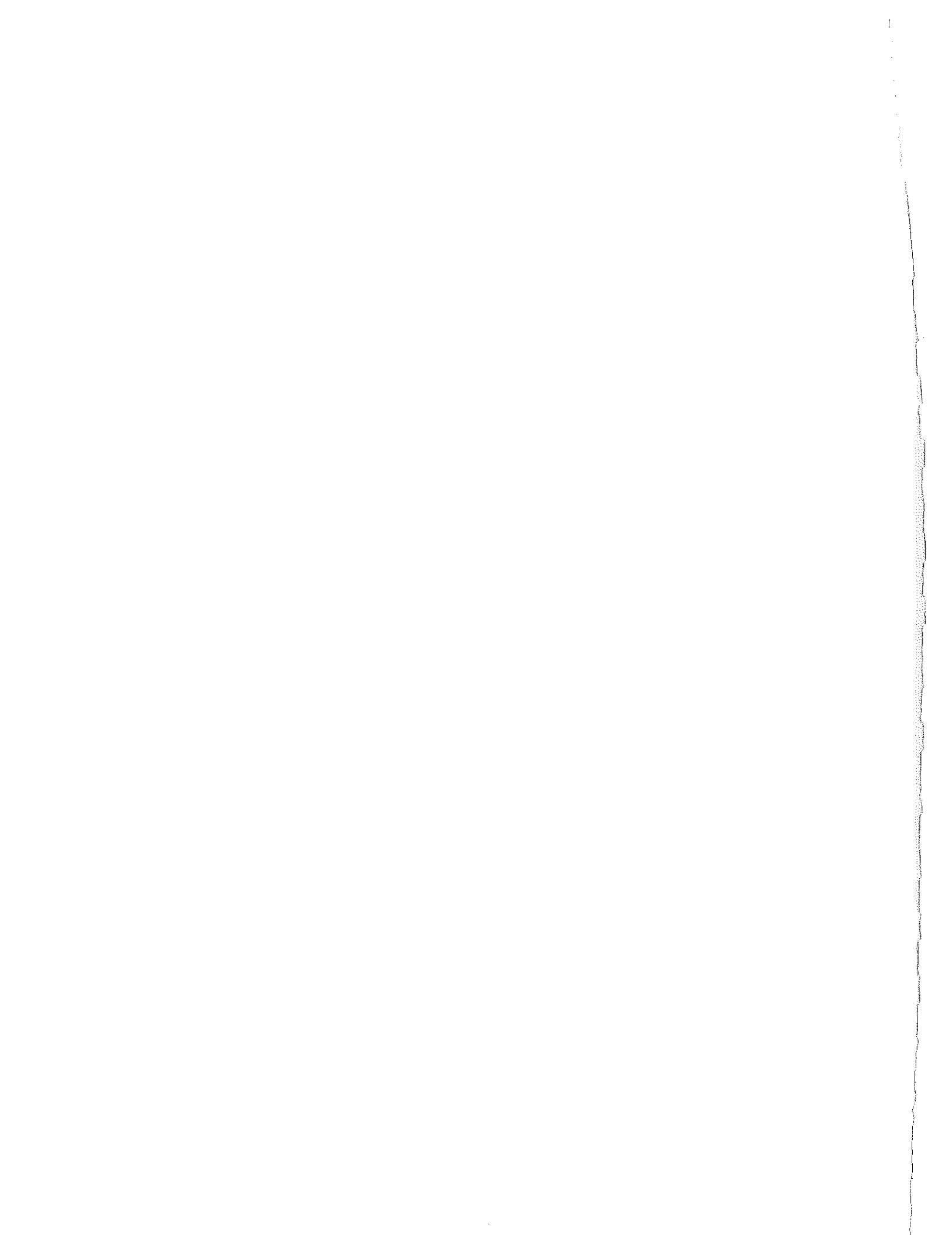
	FIXED COSTS		VARIABLE COSTS			
	OC11	OC12	OC11	OC12	OC21	OC23
FY 09 Projects						
Public Affairs					0	
Racial Disparities in Healthcare Access and Outcomes (Briefing and Briefing Report)	119,853	29,963			0	400
Fair Housing Initiative (Statutory Report)	345,370	86,343	0	0	0	2,770
Emerging Issue Report	64,598	35,318			0	100
Fair Housing Initiative (Briefing)	76,675					300
National Civil Rights Conference	381,627	95,407	0	0	0	0
Use of Disparate Impact Theory	111,716	27,929	0	0	260	400
School Choice as a Civil Right?	106,143	26,536			200	400
Library Administration						37,470
RPCU Functions					0	
Connecticut Report	18,346	4,586			0	3,910
District of Columbia Report	18,346	4,586			0	125
Delaware Project	18,346	4,586			0	125
Massachusetts Project	18,346	4,586			0	955
Maine Project	18,346	4,586			0	955
Maryland Project	4,462	1,116			0	1,230
New Hampshire Project	4,462	1,116			0	955
New Jersey Project	4,462	1,116			0	3,950
New York Project	4,462	1,116			0	980
Pennsylvania Project	4,462	1,116			0	4,010
Rhode Island Project	7,414	1,854			0	3,950
Vermont Project	7,414	1,854			0	955
Virginia Project	7,414	1,854			0	2,995
West Virginia Project	7,414	1,854			0	1,017
Alabama SAC Summary Briefing Report or SAC Statement	12,014	3,004	0	0	0	
Arkansas SAC Summary Briefing Report or SAC Statement	12,014	3,004	0	0	0	250
Mississippi SAC Summary Briefing Report or SAC Statement	6,972	1,743	0	0	0	250
Nebraska SAC Summary Briefing Report or SAC Statement	5,042	1,261	0	0	0	250
Oklahoma SAC Summary Briefing Report or SAC Statement	5,042	1,261	0	0	0	250
Missouri Briefing Summary Report or SAC Statement	13,944	3,486	0	0	0	250
Kansas Briefing Summary Report or SAC Statement	8,901	2,225			0	250
Alaska	3,596	899			0	1,900
Arizona	3,596	899			0	1,900
California	3,596	899			0	1,900
Hawaii	3,596	899			0	1,900
Idaho	3,596	899			0	1,900
Nevada	3,596	899			0	1,900
Oregon	1,798	449			0	1,900
Texas	3,596	899			0	1,900
Washington	1,798	449			0	1,900
FL SAC Fair Housing	13,821	3,455	0	0	0	1,900
GA SAC Immigrant Equal Employment Opportunity	13,821	3,455	0	0	0	1,900
KY SAC Immigrant Equal Employment Opportunity	13,821	3,455	0	0	0	1,900
NC SAC Immigrant Equal Employment Opportunity	13,821	3,455	0	0	0	1,900
SC SAC Fair Housing	13,821	3,455	0	0	0	1,900
TN SAC Fair Housing	13,821	3,455	0	0	0	1,900
Confronting Discrimination in Reservation Border Town	54,884	13,721	0	0	0	2,070
SAC Member Recruitment/Recharters					0	200
Illinois FY 2010 Statutory Report	13,031	3,258	0	0	0	1,505
Indiana FY 2010 Statutory Report	13,031	3,258	0	0	838	1,480
Michigan FY 2010 Statutory Report	13,031	3,258	0	0	956	1,480
Minnesota FY 2010 Statutory Report	13,031	3,258	0	0	1,016	1,380
Ohio FY 2010 Statutory Report	13,031	3,258	0	0	1,008	1,380
Wisconsin FY 2010 Statutory Report	13,031	3,258	0	0	760	1,380
FY07 Statutory Report Follow-Up	16,308	4,077				
EEO	24,763	6,191				
Campus Anti-Semitism Campaign	10,710	2,678				
Other Functions						
Legal Sufficiency Reviews	61,015	15,254				
Agency Legal Services: Employment	48,575	12,144				
Agency Legal Services: General	97,992	24,498				
Editorial Reviews	105,881	26,470	0	0		25
Miscellaneous Administration	1,777,782	444,446	0	0	147,962	1,523,666
Compliant Processing and Referral	94,053	23,513	0	0		200
Monitoring	46,828	11,707	0	0	0	
Rechartering	8,000	2,000	0	0	0	100
National Project Support	6,855	1,714	0	0		
Ethics	140,557	35,139			100	

UNITED STATES COMMISSION ON CIVIL RIGHTS
FY 2009
PROJECT OBLIGATION PLAN BY OBJECT CLASS

	OC24	VARIABLE COSTS OC25	OC26	OC31	TOTAL
FY 09 Projects					
Public Affairs		0	0		0
Racial Disparities in Healthcare Access and Outcomes (Briefing and Briefing Report)	9,500	4,480	2,250		166,446
Fair Housing Initiative (Statutory Report)	15,700	2,000	4,075		456,258
Emerging Issue Report	0	2,480	2,250		104,746
Fair Housing Initiative (Briefing)	9,500				86,476
National Civil Rights Conference	0	50,766	0	0	527,800
Use of Disparate Impact Theory	9,500	4,480	2,250		156,536
School Choice as a Civil Right?	9,500	4,480	2,250		149,508
Library Administration	1,000	262,030	56,500		357,000
RPCU Functions		6,000			6,000
Connecticut Report	165	3,100			30,107
District of Columbia Report	165	3,150			26,372
Delaware Project	165	3,650			26,872
Massachusetts Project	165	3,150			27,202
Maine Project	165	150			24,202
Maryland Project	165	150			7,123
New Hampshire Project	165	3,150			9,848
New Jersey Project	165	3,150			12,843
New York Project	165	3,250			9,973
Pennsylvania Project	165	3,150			12,903
Rhode Island Project	165	2,500			15,883
Vermont Project	165	1,350			11,738
Virginia Project	165	3,000			15,428
West Virginia Project	165	2,050			12,500
Alabama SAC Summary Briefing Report or SAC Statement		500	250		15,768
Arkansas SAC Summary Briefing Report or SAC Statement		500			15,768
Mississippi SAC Summary Briefing Report or SAC Statement		500			9,465
Nebraska SAC Summary Briefing Report or SAC Statement		500			7,053
Oklahoma SAC Summary Briefing Report or SAC Statement		500			7,053
Missouri Briefing Summary Report or SAC Statement		500			18,180
Kansas Briefing Summary Report or SAC Statement		500			11,877
Alaska	0	678	400		7,473
Arizona	0	678	400		7,473
California	0	678	400		7,473
Hawaii	0	678	400		7,473
Idaho	0	1,078	400		7,873
Nevada	0	1,078	400		7,873
Oregon	0	1,078	400		5,625
Texas	0	1,078	400		7,873
Washington	0	1,078	400		5,625
FL SAC Fair Housing	0	678	400		20,255
GA SAC Immigrant Equal Employment Opportunity	0	678	400		20,255
KY SAC Immigrant Equal Employment Opportunity	0	678	400		20,255
NC SAC Immigrant Equal Employment Opportunity	0	678	400		20,255
SC SAC Fair Housing	0	678	400		20,255
TN SAC Fair Housing	0	678	400		20,255
Confronting Discrimination In Reservation Border Town		2,500	240		73,415
SAC Member Recruitment/Recharters			225		425
Illinois FY 2010 Statutory Report	165	3,900	100		21,959
Indiana FY 2010 Statutory Report	165	3,850	100		22,722
Michigan FY 2010 Statutory Report	165	3,850	100		22,840
Minnesota FY 2010 Statutory Report	165	3,850	100		22,800
Ohio FY 2010 Statutory Report	165	3,850	100		22,792
Wisconsin FY 2010 Statutory Report	165	3,850	100		22,544
FY07 Statutory Report Follow-Up					20,385
EEO		7,000			37,953
Campus Anti-Semitism Campaign					13,388
Other Functions					
Legal Sufficiency Reviews					76,269
Agency Legal Services: Employment			1,000		61,719
Agency Legal Services: General			5,000		127,489
Editorial Reviews			170		132,546
Miscellaneous Administration	9,776	959,030	89,200	160,000	5,111,862
Complainant Processing and Referral		0	3,020		120,787
Monitoring			1,000		59,535
Rechartering					10,100
National Project Support					8,568
Ethics					175,797

UNITED STATES COMMISSION ON CIVIL RIGHTS
FY 2009
PROJECT OBLIGATION PLAN BY OBJECT CLASS

	FTE ON BOARD	NEW HIRE
FY 09 Projects		
Public Affairs		
Racial Disparities in Healthcare Access and Outcomes (Briefing and Briefing Report)	1.47	
Fair Housing Initiative (Statutory Report)	3.68	0.00
Emerging Issue Report	1.37	
Fair Housing Initiative (Briefing)		
National Civil Rights Conference	3.45	0.00
Use of Disparate Impact Theory	0.77	0.00
School Choice as a Civil Right?	0.67	
Library Administration		
RPCU Functions		
Connecticut Report	0.20	
District of Columbia Report	0.20	
Delaware Project	0.20	
Massachusetts Project	0.20	
Maine Project	0.20	
Maryland Project	0.05	
New Hampshire Project	0.05	
New Jersey Project	0.05	
New York Project	0.05	
Pennsylvania Project	0.05	
Rhode Island Project	0.07	
Vermont Project	0.07	
Virginia Project	0.07	
West Virginia Project	0.07	
Alabama SAC Summary Briefing Report or SAC Statement	0.16	0.00
Arkansas SAC Summary Briefing Report or SAC Statement	0.15	0.00
Mississippi SAC Summary Briefing Report or SAC Statement	0.10	0.00
Nebraska SAC Summary Briefing Report or SAC Statement	0.05	0.00
Oklahoma SAC Summary Briefing Report or SAC Statement	0.05	0.00
Missouri Briefing Summary Report or SAC Statement	0.20	0.00
Kansas Briefing Summary Report or SAC Statement	0.15	
Alaska	0.13	
Arizona	0.13	
California	0.13	
Hawaii	0.13	
Idaho	0.13	
Nevada	0.13	
Oregon	0.09	
Texas	0.13	
Washington	0.09	
FL SAC Fair Housing	0.18	0.00
GA SAC Immigrant Equal Employment Opportunity	0.18	0.00
KY SAC Immigrant Equal Employment Opportunity	0.18	0.00
NC SAC Immigrant Equal Employment Opportunity	0.18	0.00
SC SAC Fair Housing	0.18	0.00
TN SAC Fair Housing	0.18	0.00
Confronting Discrimination in Reservation Border Town	0.70	0.00
SAC Member Recruitment/Recharterers		
Illinois FY 2010 Statutory Report	0.17	0.00
Indiana FY 2010 Statutory Report	0.17	0.00
Michigan FY 2010 Statutory Report	0.17	0.00
Minnesota FY 2010 Statutory Report	0.17	0.00
Ohio FY 2010 Statutory Report	0.17	0.00
Wisconsin FY 2010 Statutory Report	0.17	0.00
FY07 Statutory Report Follow-Up		
EEO	0.25	
Campus Anti-Semitism Campaign	0.10	
Other Functions		
Legal Sufficiency Reviews	0.38	
Agency Legal Services: Employment	0.20	
Agency Legal Services: General	0.45	
Editorial Reviews	0.96	0.00
Miscellaneous Administration	22.73	0.00
Complainant Processing and Referral	1.57	0.00
Monitoring	0.62	0.00
Rechartering	0.18	0.00
National Project Support	0.16	0.00
Ethics	0.98	



UNITED STATE COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2009
DRAFT BUDGET OPERATING PLAN

OC	CE		OSD	CAU	PAU	OM	AS/CD	LIB	HRD	BFD
11		Salaries	1,503,131	0	0	167,401	335,795	0	153,983	79,116
	001	On-Board (Full-time Permanent)	1,503,131	0	0	167,401	335,795	0	153,983	47,365
	001	New Hires (Full-time Permanent)		0	0	0	0	0	0	31,751
12		Benefits	281,878	0	0	41,850	83,949	0	68,496	19,779
		On-Board	281,878	0	0	41,850	83,949	0	68,496	11,841
		New Hires		0	0	0	0	0	0	7,938
21		Travel	100,000	0	0	2,200	0	0	0	1,900
	110	Program Travel - Commissioners	73,932	0	0	0	0	0	0	0
	110	Program Travel - Commissioner Assistants	12,676	0	0	0	0	0	0	0
	112	Other Local Transportation	180	0	0	0	0	0	0	0
	113	Administrative Travel	4,906	0	0	950	0	0	0	0
	114	Travel - Training	300	0	0	1,250	0	0	0	1,900
	117	Meeting & Conferences	8,006	0	0	0	0	0	0	0
23		Rent, Communications and Utilities	1,700	0	0	0	1,517,666	37,470	0	0
	311	Fed Express/ Express Mail	1,200	0	0	0	30,000	4,000	0	0
	312	United Parcel Services (UPS)	0	0	0	0	4,000	0	0	0
	373	Space Rental Rent	0	0	0	0	1,300,166	0	0	0
	380	Local Telephone	0	0	0	0	110,000	0	0	0
	381	Long Distance Telephone	0	0	0	0	30,000	0	0	0
	383	Postage & Fees	500	0	0	0	24,000	30,970	0	0
	384	Data Transmissions	0	0	0	0	10,000	0	0	0
	388	Other Communication Service	0	0	0	0	9,500	0	0	0
	390	Rental Operating Equipment	0	0	0	0	0	0	0	0
	391	Rental Reproduction Equipment	0	0	0	0	0	0	0	0
	399	Mail Meters Rental	0	0	0	0	0	2,500	0	0
24		Printing and Reproduction	4,276	0	0	0	5,000	1,000	0	0
	410	Printing Publications	147	0	0	0	0	0	0	0
	411	Printing Forms	0	0	0	0	0	0	0	0
	413	Printing Other	1,500	0	0	0	5,000	0	0	0
	414	Copier Reproduction	825	0	0	0	0	1,000	0	0
	418	Graphic Design	0	0	0	0	0	0	0	0
	450	Photographic Services	0	0	0	0	0	0	0	0
	451	Federal Register and CFRS	1,804	0	0	0	0	0	0	0
25		Other Contractual Services	27,630	0	0	500	842,274	262,030	89,200	50,000
	511	Consultant Contract Advisory Only	0	0	0	0	0	0	0	0
	514	Contract Labor	0	0	0	0	0	0	0	0
	515	Protection	0	0	0	0	10,000	0	0	0
	516	Contractual Service - Other	3,640	0	0	0	198,000	262,030	82,700	50,000
	517	Membership	0	0	0	0	0	0	0	0
	518	Transcripts	15,840	0	0	0	6,000	0	0	0
	526	Medical Care	0	0	0	0	0	0	0	0
	527	Operation & Maintenance of Equipment	0	0	0	0	80,000	0	0	0
	529	Purchase of Goods & Services from Gov't	0	0	0	0	16,500	0	0	0
	535	Payments to GSA Funds	0	0	0	0	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	0	0	448,974	0	0	0
	540	Software and Hardware Contracts	1,500	0	0	0	61,800	0	0	0
	551	Courier Services	2,000	0	0	0	10,000	0	0	0
	561	Printing Equipment	0	0	0	0	0	0	0	0
	563	Other Operating Equipment	0	0	0	0	0	0	0	0
	921	Training Commercial Provider	0	0	0	0	0	0	0	0
	922	GSA Training	0	0	0	0	0	0	0	0
	923	Training Interagency	4,650	0	0	500	11,000	0	6,500	0
26		Supplies and Materials	2,500	0	0	0	85,250	56,500	0	0
	610	Office Supplies - Government	2,500	0	0	0	54,000	0	0	0
	611	General Operating Supplies	0	0	0	0	0	0	0	0
	612	Newspapers & Periodicals	0	0	0	0	0	0	0	0
	616	IT Supplies and Materials	0	0	0	0	6,250	5,000	0	0
	619	Office Supplies - Commercial	0	0	0	0	25,000	51,500	0	0
31		Equipment	0	0	0	0	39,700	0	0	0
	971	Expensed Admin OFC Furnishing	0	0	0	0	0	0	0	0
	972	Expensed Adminstrative Software	0	0	0	0	23,200	0	0	0
	973	Expensed Admin Automated Info Equipment	0	0	0	0	16,500	0	0	0
	975	Expensed Admin IT Hardware Equip	0	0	0	0	0	0	0	0
		TOTAL	\$1,921,115	\$0	\$0	\$211,951	\$2,909,634	\$357,000	\$311,679	\$150,795

UNITED STATE COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2009
DRAFT BUDGET OPERATING PLAN

OC	CE		HDDTRS	RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO
11		Salaries	2,239,426	115,317	290,496	139,438	44,950	174,352	148,965	145,42
	001	On-Board (Full-time Permanent)	2,207,675	115,317	290,496	139,438	44,950	174,352	148,965	145,42
	001	New Hires (Full-time Permanent)	31,751		0					
12		Benefits	495,952	28,829	72,624	34,860	11,238	43,588	37,241	36,35
		On-Board	488,014	28,829	72,624	34,860	11,238	43,588	37,241	36,35
		New Hires	7,938	0	0	0	0	0	0	0
21		Travel	104,100	2,000	2,000	5,000	5,000	5,000	5,000	5,000
	110	Program Travel - Commissioners	73,932	0	0	5,000	5,000	0	5,000	422
	110	Program Travel - Commissioner Assistants	12,676	0	0	0	0	0	0	0
	112	Other Local Transportation	180	0	0	0	0	0	0	0
	113	Administrative Travel	5,856	2,000	0	0	0	5,000	0	4,578
	114	Travel - Training	3,450	0	0	0	0	0	0	0
	117	Meeting & Conferences	8,006	0	2,000	0	0	0	0	0
23		Rent, Communications and Utilities	1,556,836	0	26,112	2,500	17,200	11,400	13,575	9,405
	311	Fed Express/ Express Mail	35,200	0	0	2,000	2,700	1,800	2,275	800
	312	United Parcel Services (UPS)	4,000	0	0	0	0	0	0	0
	373	Space Rental Rent	1,300,166	0	150	0	0	0	3,300	0
	380	Local Telephone	110,000	0	0	0	0	0	0	200
	381	Long Distance Telephone	30,000	0	0	0	0	0	5,350	200
	383	Postage & Fees	55,470	0	14,935	500	5,500	3,600	2,650	2,900
	384	Data Transmissions	10,000	0	0	0	0	0	0	0
	388	Other Communication Service	9,500	0	9,252	0	9,000	6,000	0	4,980
	390	Rental Operating Equipment	0	0	1,775	0	0	0	0	325
	391	Rental Reproduction Equipment	0	0	0	0	0	0	0	0
	399	Mail Meters Rental	2,500	0	0	0	0	0	0	0
24		Printing and Reproduction	10,276	0	2,310	500	0	0	0	990
	410	Printing Publications	147	0	0	0	0	0	0	0
	411	Printing Forms	0	0	0	0	0	0	0	0
	413	Printing Other	6,500	0	0	500	0	0	0	0
	414	Copier Reproduction	1,825	0	0	0	0	0	0	0
	418	Graphic Design	0	0	0	0	0	0	0	0
	450	Photographic Services	0	0	0	0	0	0	0	0
	451	Federal Register and CFRS	1,804	0	2,310	0	0	0	0	990
25		Other Contractual Services	1,271,634	6,000	34,950	7,500	8,102	4,068	6,700	19,711
	511	Consultant Contract Advisory Only	0	0	0	0	0	0	0	0
	514	Contract Labor	0	0	0	0	0	0	0	0
	515	Protection	10,000	0	0	0	0	0	0	0
	516	Contractual Service - Other	596,370	0	7,450	0	4,752	3,168	6,500	5,150
	517	Membership	0	0	0	0	0	0	0	0
	518	Transcripts	21,840	0	27,500	3,500	900	600	0	14,50
	526	Medical Care	0	0	0	0	0	0	0	0
	527	Operation & Maintenance of Equipment	80,000	0	0	0	450	300	0	0
	529	Purchase of Goods & Services from Gov't	16,500	0	0	0	0	0	0	0
	535	Payments to GSA Funds	0	0	0	0	0	0	0	0
	536	Payments to Other Gov't Funds	448,974	0	0	0	0	0	0	0
	540	Software and Hardware Contracts	63,300	6,000	0	1,000	0	0	0	0
	551	Courier Services	12,000	0	0	0	0	0	0	0
	561	Printing Equipment	0	0	0	1,000	0	0	0	0
	563	Other Operating Equipment	0	0	0	0	0	0	0	0
	921	Training Commercial Provider	0	0	0	0	0	0	0	0
	922	GSA Training	0	0	0	2,000	0	0	0	0
	923	Training Interagency	22,650	0	0	0	2,000	0	0	200
26		Supplies and Materials	144,250	0	0	250	3,600	2,400	4,360	1,12
	610	Office Supplies - Government	56,500	0	0	0	2,700	1,800	1,970	92
	611	General Operating Supplies	0	0	0	250	300	600	500	20
	612	Newspapers & Periodicals	0	0	0	0	0	0	440	
	616	IT Supplies and Materials	11,250	0	0	0	0	0	0	200
	619	Office Supplies - Commercial	76,500	0	0	0	600	0	0	1,250
31		Equipment	39,700	0	0	0	0	0	0	0
	971	Expensed Admin OFC Furnishing	0	0	0	0	0	0	0	0
	972	Expensed Administrative Software	23,200	0	0	0	0	0	0	0
	973	Expensed Admin Automated Info Equipment	16,500	0	0	0	0	0	0	0
	975	Expensed Admin IT Hardware Equip	0	0	0	0	0	0	0	0
		TOTAL	5,862,174	\$152,146	\$428,492	\$190,048	\$90,090	\$240,808	\$215,841	\$218,00

**UNITED STATE COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2009
DRAFT BUDGET OPERATING PLAN**

OC	CE		REGIONS	OGC	OCRE	PROJECTS	FY09 TOTAL PLAN
11		Salaries	1,058,941	325,423	661,760	987,183	4,285,550
	001	On-Board (Full-time Permanent)	1,058,941	325,423	591,996	917,419	4,184,035
	001	New Hires (Full-time Permanent)	0	0	69,764	69,764	101,515
12		Benefits	264,735	81,356	165,440	246,796	1,007,483
		On-Board	264,735	81,356	147,999	229,355	982,104
		New Hires	0	0	17,441	17,441	25,379
21		Travel	29,000	10,000	10,000	20,000	153,100
	110	Program Travel - Commissioners	15,422	9,540	5,128	14,668	104,022
	110	Program Travel - Commissioner Assistants	0	0	0	0	12,676
	112	Other Local Transportation	0	460	800	1,260	1,440
	113	Administrative Travel	11,578	0	0	0	17,434
	114	Travel - Training	0	0	0	0	3,450
	117	Meeting & Conferences	2,000	0	4,072	4,072	14,078
23		Rent, Communications and Utilities	80,192	800	1,400	2,200	1,639,228
	311	Fed Express/ Express Mail	9,575	600	1,200	1,800	46,575
	312	United Parcel Services (UPS)	0	0	0	0	4,000
	373	Space Rental Rent	3,450	0	0	0	1,303,616
	380	Local Telephone	200	0	0	0	110,200
	381	Long Distance Telephone	5,550	200	0	200	35,750
	383	Postage & Fees	30,085	0	200	200	85,755
	384	Data Transmissions	0	0	0	0	10,000
	388	Other Communication Service	29,232	0	0	0	38,732
	390	Rental Operating Equipment	2,100	0	0	0	2,100
	391	Rental Reproduction Equipment	0	0	0	0	0
	399	Mail Meters Rental	0	0	0	0	2,500
24		Printing and Reproduction	3,800	19,000	34,700	53,700	67,776
	410	Printing Publications	0	0	13,700	13,700	13,847
	411	Printing Forms	0	0	0	0	0
	413	Printing Other	500	15,000	15,000	30,000	37,000
	414	Copier Reproduction	0	0	0	0	1,825
	418	Graphic Design	0	4,000	6,000	10,000	10,000
	450	Photographic Services	0	0	0	0	0
	451	Federal Register and CFRS	3,300	0	0	0	5,104
25		Other Contractual Services	87,031	3,960	66,063	70,023	1,428,688
	511	Consultant Contract Advisory Only	0	0	0	0	0
	514	Contract Labor	0	0	0	0	0
	515	Protection	0	0	0	0	10,000
	516	Contractual Service - Other	27,020	0	55,103	55,103	678,493
	517	Membership	0	0	0	0	0
	518	Transcripts	47,061	3,960	3,960	7,920	76,821
	526	Medical Care	0	0	0	0	0
	527	Operation & Maintenance of Equipment	750	0	0	0	80,750
	529	Purchase of Goods & Services from Gov't	0	0	0	0	16,500
	535	Payments to GSA Funds	0	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	0	0	448,974
	540	Software and Hardware Contracts	7,000	0	0	0	70,300
	551	Courier Services	0	0	0	0	12,000
	561	Printing Equipment	1,000	0	0	0	1,000
	563	Other Operating Equipment	0	0	0	0	0
	921	Training Commercial Provider	0	0	7,000	7,000	7,000
	922	GSA Training	2,000	0	0	0	2,000
	923	Training Interagency	2,200	0	0	0	24,850
26		Supplies and Materials	11,730	11,000	11,500	22,500	178,480
	610	Office Supplies - Government	7,390	0	0	0	63,890
	611	General Operating Supplies	1,850	11,000	11,500	22,500	24,350
	612	Newspapers & Periodicals	440	0	0	0	440
	616	IT Supplies and Materials	200	0	0	0	11,450
	619	Office Supplies - Commercial	1,850	0	0	0	78,350
31		Equipment	0	0	0	0	39,700
	971	Expensed Admin OFC Furnishing	0	0	0	0	0
	972	Expensed Adminstrative Software	0	0	0	0	23,200
	973	Expensed Admin Automated Info Equipment	0	0	0	0	16,500
	975	Expensed Admin IT Hardware Equip	0	0	0	0	0
		TOTAL	\$1,535,429	\$451,539	\$950,863	\$1,402,402	8,800,005

Congressional Budget

House \$0.00

\$8,800,004.50



US Commission on Civil Rights
Proposed Alignment of Organizational Units Across Strategic Goals for FY 2009

Strategic Goal 1: Shaping a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Obj. 1.1 Reinvigorate the Commission's State Advisory Committees (SACs), consistent with our budgetary resources.
[RPCU, RO, OSD]

Obj. 1.2 Energize the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.
[OSD, RPCU, RO, OCRE]

Obj. 1.3 Commission a multi-state report and requesting that individual SACs identify civil rights priorities facing their states/regions.
[RPCU, RO, OSD]

Obj. 1.4 Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.
[OSD, PAU, OGC, OCRE, OM/ASCD]

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Obj. 2.1 Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.
[OCRE, OGC]

Obj. 2.2 Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.
[This objective calls for the execution of a MOU by FY 2011. No specific action is planned during FY 2009.]

Obj. 2.3 Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

[This objective calls for the development of a new complaint database by FY 2011. No specific action is planned during FY 2009.]

Obj. 2.4 Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.
[OCRE, OGC, OSD, CAU]

Obj. 2.5 Promote public awareness of current civil rights laws, remedies and enforcement agencies.
[PAU, OSD, OCRE, OGC, OM/ASCD]

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Obj. 3.1 Strengthen the quality and objectivity of the Commission's reports.
[OSD, OGC, OCRE, RPCU, RO]

Obj. 3.2 Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.
[OCRE, OGC]

Obj. 3.3 Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.
[OGC, OCRE]

US Commission on Civil Rights
Proposed Alignment of Organizational Units Across Strategic Goals for FY 2009

Obj. 3.4 Conduct original social scientific research that brings new or unique information to the civil rights policy debate.
[OCRE]

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Obj. 4.1 Adhere to integrated budgeting, planning, and performance management.
[OM/BFD, OSD]

Obj. 4.2 Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.
[OM/BFD, OM/ASCD, OM/IT, OSD]

Obj. 4.3 Continue implementation of adopted GAO and OPM recommendations.
[OSD, OM/ASCD]

Obj. 4.4 Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.
[This objective calls for the development of a new Web site by FY 2012. No specific action is planned during FY 2009.]

Enabling/Administrative Support: In addition to the administrative offices noted above (i.e., OM and its components), other administrative and/or support resources are distributed across each strategic goal including but not limited to external accounting and procurement services.

US Commission on Civil Rights FY 2009 Performance Targets		
Annual Performance Measure ¹	Lead Component(s)	FY 2009 Target
Increase the # of SACs re-chartered ² 1.1(a)	RO, RPCU, OSD	Increase # of chartered SACs to 90%
Eliminate the backlog of un-chartered SACs ³ 1.1(b)	RO, RPCU, OSD	Reduce backlog by 50%
Achieve an average re-charter time of 60-days ⁴ 1.1(c)	RO, RPCU, OSD	60-day average recharter time for SACs with charters that expired after January 30, 2007
Obtain input from SACs as a part of national program planning 1.2(a)	OSD, RPCU, RO,	Once annually (by October 31)
Conduct a joint national office and SAC project every two years and issue a report within 12 to 18 months following initiation of each project 1.2(a)	RO, RPCU, OSD, OCRE	Complete a joint report in FY 2009
Solicit SAC ideas for SAC follow-up activities on national office projects 1.2 (c)	OSD, RPCU, RO	Once annually (during October)
Complete a multi-state SAC report 1.3	RPCU, OSD, RO	Complete and issue a 1 multi-state report
Convene a national civil rights conference 1.4(a)	OSD, PAU, OCRE, OGC, OM/ASCD	Secure attendance of 100 civil rights practitioners, experts and others at the national civil rights conference
Produce a report that addresses how civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies 2.1	OCRE, OGC	Once annually (statutory report by Sept. 30)
Issue guidance to the executive branch on civil rights enforcement efforts 2.4(b)	OCRE, OGC, OSD	TBD (Baseline Year)

¹ The strategic goals and their associated performance measures from the Commission's *Strategic Plan for FY 2008 -2013* are listed immediately following each measure. For example, the designation "1.1(a)" means strategic goal #1, performance measure 1(a).

² FY 2007 baseline is 17 chartered SACs or 33%.

³ FY 2007 baseline is 34 unchartered SACs or 67%. The backlog is composed of SACs with charters that expired on or before January 30, 2007.

⁴ 60 days refers to approval by the staff director.

US Commission on Civil Rights FY 2009 Performance Targets		
Annual Performance Measure ¹	Lead Component(s)	FY 2009 Target
Establish congressional contacts and provide substantive input on proposed civil rights legislative agenda items 2.4(e)	CAU, OSD	At least 3 congressional contacts based on substantive civil rights input ⁵
Host public briefings or hearings annually on civil rights issues 2.5(a)	OCRE, OGC	5 hearings or briefings
Issue press releases related to civil rights issues and Commission activities 2.5(b)	PAU, OSD	Issue 10 press releases (annually)
Hold press conference on the Commission's statutory report or other significant activity/publication 2.5(c)	PAU, OSD	Hold 1 press conference (annually)
Post all public Commission meeting and briefing transcripts, and approved reports, on the USCCR Web site 2.5(d)	OSD, OGC, OCRE, OM/ASCD	21 transcripts and reports posted on the Web site
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service 2.5(e)	OCRE	Maintain 30-day average complaint response time
Increase participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies 2.5(f)	OSD	Participate in at least 1 public symposium or other venue concerning civil rights ⁶
Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability 3.1(a)	OCRE, OGC, OSD, RPCU, RO	Adverse decisions under agency information quality guidelines of less than _____% by FY 2013 (FY 2009 is a Baseline Year) Less than _____% of agency decisions are reversed on appeal under information quality guidelines (FY 2009 is a Baseline Year)

⁵ FY 2007 baseline is two and the FY 2009 target is baseline + 40%.

⁶ FY 2007 baseline is zero and the FY 2009 target is baseline + 2%.

US Commission on Civil Rights FY 2009 Performance Targets		
Annual Performance Measure ¹	Lead Component(s)	FY 2009 Target
Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline 3.1(b)	OSD	100 percent compliance with Commission adopted GAO recommendations
Issue a report(s) and conduct follow-up research, where necessary, that involves the collection of data on disparities 3.2	OCRE, OGC	Issue 2 reports that include disparities data
Issue a report(s) and conduct follow-up research, where necessary, assessing claims of systemic or pervasive discrimination 3.3	OCRE, OGC	Issue 2 reports assessing claims of systemic or pervasive discrimination
Incorporate original social scientific research into Commission reports 3.4	OCRE	Issue 1 report containing original research data
Full compliance with OMB A-11 by FY2010 Budget Cycle 4.1(a)	BFD, OM, OSD	Timely submit budget materials; Create and post agency annual performance plan; Revise budget and priorities based on actual appropriation; Post CJ Materials ⁷
Receive a PART score of at least "moderately effective" 4.1(b)	OSD, OM/ BFD	Participate in Scheduled PART Updates; Request Reassessment for 2010
Receive a "clean" or unqualified financial statement audit 4.2(a)	OM/BFD, OM/ASCD	Receive clean audit opinion on financial statements
Full compliance with laws and regulations respecting the stewardship of tax dollars 4.2(b)	OM/BFD, ASCD/ IT	Resolve previously identified FISMA weaknesses; Timely complete financial audit
Evaluate the agency's organizational structure to support increased effectiveness and improved efficiency 4.2(c)	OSD	Complete an assessment
Conduct an assessment of the effectiveness and efficiency of the Commission's current administrative structure 4.2(d)	OSD	Develop a plan of action for achieving increased agency effectiveness and efficiency
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures 4.3	OSD, OM/HR	Submit a performance budget that integrates program activities and costs

⁷ FY 2008 is the baseline year.

UNITED STATES
COMMISSION ON CIVIL RIGHTS



REQUEST FOR CONGRESSIONAL APPROPRIATION
FOR FISCAL YEAR 2010



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

May 14, 2009

The Honorable Alan Mollohan
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
U.S. House of Representatives
H-310, The Capitol
Washington, DC 20515

Dear Chairman Mollohan:

Consistent with the President's budget request, the United States Commission on Civil Rights seeks an appropriation of \$9.4 million for fiscal year (FY) 2010. We base all our tables and charts on this requested appropriation.

Long hailed as the conscience of the nation on civil rights matters, the Commission's FY 2010 appropriation integrates budget and performance in a manner that reflects the agency's direction as rooted in its FY 2008 through FY 2013 strategic plan. This direction seeks to place the agency at the forefront of civil rights for the 21st century. Included among the proposed initiatives and activities supported by our \$9.4 million budget request are:

- Supporting a larger number of chartered state advisory committees;
- Informing our strategic and annual program planning by examining the results of our national civil rights conference;
- Issuing an annual report, as a part of our statutory mandate, on federal civil rights enforcement that addresses how federal agencies can enhance their effectiveness;
- Improving our use of technology by developing a new Web-site that will serve as a clearinghouse for civil rights information, continuing to invest in FISMA and COOP upgrades, and investing in technology to track and improve performance and increase our Program Assessment Rating Tool (PART) score;
- Providing the public several opportunities to hear civil rights experts, researchers, advocates, and others discuss and debate issues of discrimination and disparities by conducting public briefings; and
- Supporting sound program and financial management practices.

Some of the projected outcomes of these initiatives include:

- Maintaining an average re-charter time of 60-days or less for state advisory committees with charters expiring on or after January 2007;¹
- Ensuring that 95% of our advisory committees are chartered during FY 2010;
- Completing and distributing a high quality report on the results of our national civil rights conference that will shape a 21st civil rights agenda, and inform our annual and long-term program planning;
- Publishing and distributing reports on the substance of Commission briefings that include findings and recommendations for future action by various civil rights stakeholders;
- Increasing Commission participation in public policy symposia and other venues as substantive experts on civil rights issues;
- Demonstrating project efficiency by increasingly meeting established report completion deadlines and issuing reports in a timely fashion; and
- Obtaining another in a series of clean financial audits.

Coordination with Other Agencies

We have reviewed the appropriate sections of OMB Circular A-11 concerning consideration of the appropriate roles for Federal, State, and local governments, as well as the private sector, in conducting the Commission's related activities.² The Commission believes that it is in compliance with OMB Circular A-11.

Section 1108(c) Certification

As required by Section 1108(c) of Title 31, United States Code, I am reporting that all statements of obligations submitted to OMB in connection with the United States Commission on Civil Rights' FY 2010 budget estimate are valid as defined in Section 1501(a) of that title.

Sincerely,



MARTIN DANNENFELSER
Staff Director

¹ This period begins with charter expiration and concludes with approval by the staff director.

² This includes Section 31, Compliance with Administration Policies and other General Requirements.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

May 14, 2009

The Honorable Barbara Mikulski
Chairman
Senate Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies
S-128, The Capitol
Washington, D.C. 20510

Dear Chairman Mikulski:

Consistent with the President's budget request, the United States Commission on Civil Rights seeks an appropriation of \$9.4 million for fiscal year (FY) 2010. We base all our tables and charts on this requested appropriation.

Long hailed as the conscience of the nation on civil rights matters, the Commission's FY 2010 appropriation integrates budget and performance in a manner that reflects the agency's direction as rooted in its FY 2008 through FY 2013 strategic plan. This direction seeks to place the agency at the forefront of civil rights for the 21st century. Included among the proposed initiatives and activities supported by our \$9.4 million budget request are:

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- Informing our strategic and annual program planning by examining the results of our national civil rights conference;
- Issuing an annual report, as a part of our statutory mandate, on federal civil rights enforcement that addresses how federal agencies can enhance their effectiveness;
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- Providing the public several opportunities to hear civil rights experts, researchers, advocates, and others discuss and debate issues of discrimination and disparities by conducting public briefings; and
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Some of the projected outcomes of these initiatives include:

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- Ensuring that 95% of our advisory committees are chartered during FY 2010;
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- Publishing and distributing reports on the substance of Commission briefings that include findings and recommendations for future action by various civil rights stakeholders;
- Increasing Commission participation in public policy symposia and other venues as substantive experts on civil rights issues;
- Demonstrating project efficiency by increasingly meeting established report completion deadlines and issuing reports in a timely fashion; and
- Obtaining another in a series of clean financial audits.

Coordination with Other Agencies

We have reviewed the appropriate sections of OMB Circular A-11 concerning consideration of the appropriate roles for Federal, State, and local governments, as well as the private sector, in conducting the Commission's related activities.² The Commission believes that it is in compliance with OMB Circular A-11.

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Sincerely,



MARTIN DANNENFELSER
Staff Director

¹ This period begins with charter expiration and concludes with approval by the staff director.

² This includes Section 31, Compliance with Administration Policies and other General Requirements.

FY 2011 Congressional Justification Distribution List

The Honorable David R. Obey
Chairman
Committee on Appropriations
H-218, The Capitol
Washington, DC 20515

The Honorable Jerry Lewis
Ranking Member
Committee on Appropriations
1016 Longworth House Office Bldg.
Washington, DC 20515
(202) 225-3481

The Honorable Alan Mollohan
Chairman
House Appropriations
Subcommittee on Commerce, Justice,
Science and Related Agencies
Room H-310, The Capitol
Washington, DC 20515
Phone: (202) 225-3351

The Honorable Frank R. Wolf
Ranking Member
House Appropriations
Subcommittee on Commerce, Justice,
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The Honorable John Conyers Jr.
Chairman
Committee on the Judiciary
2138 Rayburn House Building
Washington, DC 20515
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The Honorable Lamar Smith
Ranking Member
Committee on the Judiciary
2138 Rayburn House Building
Washington, DC 20515

The Honorable Jerrold Nadler
Chairman
Subcommittee on the Constitution, Civil
Rights, and Civil Liberties
2138 Rayburn House Building
Washington, DC 20515

The Honorable F. James Sensenbrenner,
Jr.
Ranking Member
Subcommittee on the Constitution, Civil
Rights, and Civil Liberties
2138 Rayburn House Building
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The Honorable Daniel K. Inouye
Chairman
Senate Appropriations Committee
S-128, The Capitol
Washington, D.C.20510

The Honorable Thad Cochran
Ranking Member
Senate Appropriations Committee
S-128, The Capitol
Washington, D.C.20510

The Honorable Barbara Mikulski
Chairman
Senate Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies
S-128, The Capitol
Washington, D.C.20510

The Honorable Richard Shelby
Ranking Member
Senate Appropriations
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Science, and Related Agencies
S-128, The Capitol
Washington, D.C.20510

The Honorable Patrick J. Leahy
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jeff Sessions
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Russ Feingold
Chairman
Subcommittee on the Constitution
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Coburn
Ranking member
Subcommittee on the Constitution
224 Dirksen Senate Office Building
Washington, DC 20510

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UNITED STATES COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Request for Congressional Appropriation for FY 2010.....	\$9,400,000
Program Change Relative to FY 2009 Request	\$8,800,000
Variance.....	\$600,000

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

MISSION

The Civil Rights Act of 1957 created the U.S. Commission on Civil Rights.¹ Since then, Congress has reauthorized or extended the legislation creating the Commission several times; the last reauthorization was in 1994 by the Civil Rights Commission Amendments Act of 1994.² Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

On a day-to-day basis, we accomplish this mission with fewer than 50 national and regional office staff, and a network of state advisory committees. Our commissioners, national and regional office staff of civil rights analysts, social scientists, attorneys, administrative personnel, and our volunteer state advisory committee members are all critical to executing our mission.

FY 2010 PROGRAM PRIORITIES

Our \$9.4 million budget request will help support a new civil rights agenda for America and the promise of equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It allows the Commission not only to be a civil rights watchdog, but to support, advise and collaborate with the President, Congress, and other federal agencies when necessary and appropriate. It will also allow us to continue providing the public access to critical civil rights information.

Our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress and the public benefit from our mandate³ of keeping all informed regarding civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national

¹ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957). See United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ____ Stat. ____ (1991).

² Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

³ We have six specific statutory responsibilities: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

origin, or in the administration of justice. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

Our strategic vision is rooted in four goals that call for us to:

- Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.
- Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.
- Serve as an authoritative national clearinghouse and repository of civil rights data and information.
- Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Throughout FY 2010 we will focus on these long-term goals. The following section identifies the objectives or planned outcomes related to each goal.

FY 2008-FY 2013 STRATEGIC PLAN GOALS AND OBJECTIVES

Our *Strategic Plan for FY 2008-FY 2013* has four statements of agency-wide aims or goals. As mentioned, we made significant progress on our goals and objectives and we believe we are positioned to continue this progress during FY 2010 despite clear budgetary challenges.

Strategic Goal 1: Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Strategic Objectives

Objective 1: Reinvigorating the Commission's State Advisory Committees (SACs), consistent with our budgetary resources.

Objective 2: Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.

Objective 3: Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

Objective 4: Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Strategic Objectives

Objective 1: Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Objective 2: Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

Objective 3: Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

Objective 4: Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Objective 5: Promote public awareness of current civil rights laws, remedies and enforcement agencies.

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Strategic Objectives

Objective 1: Strengthen the quality and objectivity of the Commission's reports.

Objective 2: Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

Objective 3: Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.

Objective 4: Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Strategic Objectives

Objective 1: Adhere to integrated budgeting, planning, and performance management.

Objective 2: Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.

Objective 3: Continue implementation of adopted GAO and OPM recommendations.

Objective 4: Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.

The next two sections of this appropriation request provide a brief overview of our FY 2008 performance, set forth our FY 2010 performance plan, and present the funding needed for these planned activities.

FY 2010 NATIONAL OFFICE PROGRAMMING: BUILDING ON THE ACCOMPLISHMENTS OF FY 2008

Led by eight commissioners,⁴ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2010 by continuing to align our program activities with the goals and objectives in our new strategic plan. We will measure performance against established targets, and report on our challenges and successes. In short, we will hold ourselves accountable for results.

We will serve these goals and continue the tradition of being the nation's conscience on civil rights matters in several ways, one of which is through our fact-finding activities. Our national briefings use various subject matter experts, with different views, opinions, and perspectives, to discuss and examine civil rights issues. Researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination are all included among the experts. We publish reports on our briefing topics examining the issues, data, and recommendations, if any, raised during the briefings. These reports also reflect our supplemental research, independent analyses, and our recommendations for future action by policymakers and Federal civil rights enforcement agencies. Examples of our civil rights work in FY 2008 include completing three reports containing a total of 52 findings and recommendations, on topics gathering public attention during the year:⁵ These reports are:

⁴ Four commissioners are presidential appointees and four are congressional appointees, all serve six-year terms.

⁵ The census report was scheduled for approval in FY 2007. Our voter fraud report, based on a FY 2007 briefing, was scheduled for approval in FY 2008.

- *Voter Fraud and Voter Intimidation,*
- *Racial Categorization in the 2010 Census, and*
- *Enforcing Religious Freedom in Prison.*

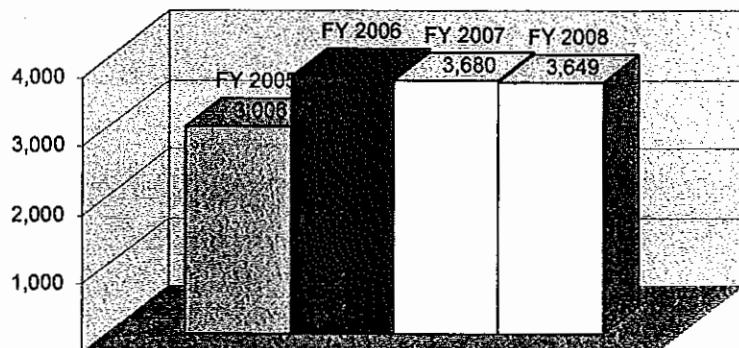
During FY 2008 we organized six public briefings on existing and emerging civil rights issues. These civil rights policy briefings included 45 experts, researchers, academicians, and advocates discussing various aspects of civil rights policy. These national office activities are opportunities for our advisory committees to propose and develop future follow-up activities that focus on national issues from the state and local perspectives. The annual enforcement report energizes the advisory committees by providing them an opportunity to participate in a national office civil rights project. After the Commission approved religious discrimination and prisoner rights as a topic, the commissioners adopted a motion requesting that chartered advisory committees and our regional offices also take up the issue.⁶ Their research complements the research of our national and regional office staff and strengthens the final report.

In addition to serving our stakeholders through our reports and briefings, we provide a complaint referral service that allows us to provide a public service as well as to informally partner with other federal agencies. Complaints received by our headquarters office most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. In FY 2008, we received 3,649 complaints and requests for assistance from the public and members of Congress. Furthermore, we made 700 referrals to other federal agencies with civil rights enforcement authority. Of these, 87 percent were referrals to the Department of Justice (DOJ) and 6 percent to the Equal Employment Opportunity Commission (EEOC). More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice; Education, Housing, Labor, State, Transportation, and Defense. While there are no out-of-pocket expenses associated with our complaint referral activity in FY 2010 the estimated personnel cost is \$69,048.

Looking forward, we propose evolving this complaint referral service into a national database that allows us to identify existing and emerging civil rights issues and areas needing concentrated enforcement efforts. OCRE will lead this project and the anticipated result is the publication of data that will inform the decision-making of other agencies with respect to identifying their civil rights enforcement priorities. Our FY 2010 funding requests does not support the cost of this proposed initiative.

⁶ Memorandum to Regional Directors, Office of the Staff Director, Kenneth L. Marcus (July 7, 2006).

Annual Number of Complaints



The national office FY 2010 program activities that comprise our proposed annual plan are identified in the below chart. The strategic goal and its associated performance measures from the Commission's *Strategic Plan for FY 2008 -2013* are listed immediately following each performance measure. For example, the designation "1.2.2(a)" means strategic goal 1, objective 2, and performance measure 2(a).

Performance Measures	Lead Component(s)	Performance Targets
Obtain input from SACs as a part of national program planning 1.2.2(a)	OSD, RPCU, RO,	Once annually (by October 31)
Solicit SAC ideas for SAC follow-up activities on national office projects 1.2.2 (c)	OSD, RPCU, RO	Once annually (during October)
Issue a report on the national civil rights conference 1.4.4(b)	OSD, OCRE, OGC	Conference report on emerging civil rights issues, and civil rights in the 21 st century
Identify civil rights issues and research topics appropriate for incorporation into the Commission's program planning cycles held each year beginning FY 2010 through FY 2012 1.4.4(c)	OSD	Identify 3 topics/issues resulting from the national conference
Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011 1.4.4(d)	OSD	Identify 3 areas resulting from the national conference
Identify areas where the Commission's powers and mission should be expanded to respond to emerging challenges and publish these by FY 2011 1.4.4(e)	OSD, OGC	Identify 3 areas resulting from the national conference
Produce a report that addresses how civil rights agencies	OCRE, OGC	Once annually (statutory report)

Performance Measures	Lead Component(s)	Performance Targets
might enhance their effectiveness, including conducting exit or follow-up activities with agencies 2.1.1		
Issue guidance to the executive branch on civil rights enforcement efforts 2.4.4(b)	OCRE, OGC, OSD	TBD (FY 2009 is the baseline year)
Participate in at least one inter-agency working group responsible for developing civil rights policy 2.4.4(d)	OCRE	Join 1 working group responsible for developing civil rights policy
Establish congressional contacts and provide substantive input on proposed civil rights legislative agenda items 2.4.4(e)	CAU, OSD	At least 3 congressional contacts based on substantive civil rights input ⁷
Host public briefings or hearings annually on civil rights issues 2.5.5(a)	OCRE, OGC	5 hearings or briefings
Issue press releases related to civil rights issues and Commission activities 2.5.5(b)	PAU, OSD	Issue 10 press releases (annually)
Hold press conference on the Commission's statutory report or other significant activity/publication 2.5.5(c)	PAU, OSD	Hold 1 press conference (annually)
Post all public Commission meeting and briefing transcripts, and approved reports, on the USCCR Web site 2.5.5(d)	OSD, OGC, OCRE, OM/ASCD	21 transcripts and reports posted on the Web site
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service 2.5.5(e)	OCRE	Maintain 30-day average complaint response time
Increase participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies 2.5.5(f)	OSD	Participate in at least 1 public symposium or other venue concerning civil rights
Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability 3.1.1(a)	OCRE, OGC, OSD, RPCU, RO	Adverse decisions under agency information quality guidelines of less than ____% by FY 2013 (FY 2009 is a Baseline Year)
Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline 3.1.1(b)	OSD	Less than ____% of agency decisions are reversed on appeal under information quality guidelines (FY 2009 is a Baseline Year)
Issue a report(s) and conduct follow-up research, where necessary, that involves the collection of data on disparities 3.2.2	OCRE, OGC	Issue 2 reports that include disparities data
Issue a report(s) and conduct follow-up research, where necessary, assessing claims of systemic or pervasive discrimination 3.3.3	OCRE, OGC	Issue 2 reports assessing claims of systemic or pervasive discrimination

⁷ FY 2007 baseline is two and the FY 2010 target is baseline + 50%.

Performance Measures	Lead Component(s)	Performance Targets
Incorporate original social scientific research into Commission reports 3.4.4	OCRE	Issue 1 report containing original research data
Full compliance with OMB A-11 by FY 2010 Budget Cycle 4.1.1(a)	BFD, OM, OSD	Timely submit budget materials; Create and post agency annual performance plan; Revise budget and priorities based on actual appropriation; Post CJ Materials
Receive a PART score of at least "moderately effective" 4.1.1(b)	OSD, OM/ BFD	Improve PART reassessment score
Receive a "clean" or unqualified financial statement audit 4.2.2(a)	OM/BFD, OM/ASCD	Receive clean audit opinion on financial statements
Full compliance with laws and regulations respecting the stewardship of tax dollars 4.2.2(b)	OM/BFD, ASCD/ IT	Resolve previously identified FISMA weaknesses; Timely complete financial audit
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures 4.3.3	OSD, OM/HR	Submit a performance budget that integrates program activities and costs

OGC and OCRE, the two headquarters offices primarily responsible for our civil rights briefings, research and reports have a combined operating budget of \$1,361,356. During FY 2010 these offices should conduct five briefings, publish four briefing reports, and issue a report on our FY 2009 national civil rights conference findings and recommendations.

FY 2010 Headquarters Program Office Costs by Budget Object Category (projected)	
Salaries	1,008,305
Benefits	252,076
Travel	19,164
Rent, Communications and Utilities	4,675
Printing and Reproduction	47,800
Other Contractual Services	18,700
Supplies and Materials	10,636
Equipment	0
TOTAL	1,361,356

FY 2010 REGIONAL PROGRAMMING: REINVIGORATING REGIONAL OPERATIONS AND STATE ADVISORY COMMITTEES

During FY 2008, our regional offices successfully increased the percentage of chartered state advisory committees to 51 percent from 33 percent. We also exceeded our target level of performance for reducing the number of state advisory committees in our backlog. Our backlog is composed of advisory committees with charters that expired on or before January 30, 2007.

We have a backlog baseline of 34 advisory committees and we reduced our baseline by 13 percent in FY 2007. We planned a 25 percent reduction in the baseline backlog by FY 2008 and exceeded this goal by reducing baseline by 50 percent.⁸ In spite of these successes, ongoing staffing shortages in our regional offices continue to make re-chartering a challenge.

By law, our SACs are unable to operate unless they have active charters. Reducing our backlog of expired SAC charters and renewing newly expiring charters within 60 days of expiration are key agency priorities supported by this FY 2010 funding request.⁹

For newly expiring SACs our target is to have the charter and member appointments approved within 60 days. This means we have 60 days from charter expiration to obtain staff director review and approval, and to submit the charter and appointment recommendations to the commissioners for a vote. During FY 2008, our average renewal time was 24 days as a result of renewing two of three expiring committee charters before their charters actually expired.

Our regional operation has a projected budget of \$1,386,935. This amount funds advisory committee re-chartering and member appointment, meetings and fact-finding activities, required Federal Advisory Committee Act reporting, and staff evaluation and referral of citizen civil rights complaints.

The following is the annual plan for our regional operations. As with the national office plan, the strategic goal and its associated performance measures from the Commission's *Strategic Plan for FY 2008 -2013* are listed immediately following each performance measure. For example, the designation "1.1.1(a)" means strategic goal 1, objective 1, and performance measure 1(a).

Performance Measures	Lead Component(s)	Performance Targets
Increase the # of SACs re-chartered ¹⁰ 1.1.1(a)	RO, RPCU, OSD	Increase # of chartered SACs to 95%
Eliminate the backlog of un-chartered SACs ¹¹ 1.1.1(b)	RO, RPCU, OSD	Reduce backlog by 75%
Achieve an average re-charter time of 60- days ¹² 1.1.1(c)	RO, RPCU, OSD	60-day average re-charter time for SACs with charters that expired after January 30, 2007

⁸ We re-chartered four advisory committees in our backlog during FY 2007 and thirteen committees during FY 2008. This brings our total reduction to seventeen.

⁹ "Renewing" as used here means obtaining staff director approval for submission of the appointment/re-charter package to the eight appointed commissioners for final approval.

¹⁰ FY 2007 baseline is 17 chartered SACs or 33%.

¹¹ FY 2007 baseline is 34 unchartered SACs or 67%. The backlog is composed of SACs with charters that expired on or before January 30, 2007.

¹² 60 days refers to approval by the staff director.

FUNDING REQUEST BY OFFICE AND DIVISION

There are seven offices and units in our national office, and six regional offices. Of the national offices, two are primarily responsible for civil rights-related research and study—the Office of Civil Rights Evaluation and the Office of General Counsel. Descriptions of the key functions for each Commission office and division are below.

Headquarters

Commissioner and Commissioner Special Assistants

The Commission has eight commissioners. Their responsibilities include establishing Commission policy on civil rights issues, adopting program plans, goals and priorities, approving national office project proposals, and adopting the agency's budget. The staff director, appointed by the President with the concurrence of a majority of the commissioners, is the administrative head of the agency.

Estimated commissioner-related costs constitute 14.5 percent of our FY 2010 budget request. This includes three additional hires; specifically, three new commissioner assistants. We are requesting funding in the amount of \$1,369,689 to support eight commissioners and seven full-time commissioner assistants. This is an increase of 34.7 percent or \$476,513 over our requested FY 2009 budget.

Budget Estimate Commissioners and Commissioner Special Assistants			
	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries¹³	694,851	720,378	1,044,510
Benefits	79,523	86,190	190,794
Travel	110,994	86,608	133,875
Transportation of Things	0	0	0
Rent, Communications and Utilities	0	0	510
Printing and Reproduction	1,000	0	0
Other Contractual Services	17,287	0	0
Supplies and Materials	0	0	0
Equipment	0	0	0
TOTAL	\$903,655	\$893,176	\$1,369,689

¹³ Commissioners are not full-time government employees. Salary assumptions: 1) the maximum billable hours currently allowed by our statute for each commissioner (600 billable hours for each commissioner estimated at \$42,000 per commissioner, with the exception of the chairperson who is permitted 1,000 billable hours estimated at approximately \$70,000), 2) the salary of all full-time special assistants is assumed to be at the GS-13 level (\$68,625 to \$89,217), and 3) salary calculations include locality pay adjustments.

In FY 2011, we propose hiring the eight and final special assistant to completely staff each of our eight commissioners.

Office of the Staff Director

This office, through the Staff Director, oversees the overall operation and management of our agency including:

- disseminating policies established by the commissioners to our staff,
- recommending program activities or projects for approval by the commissioners,
- managing agency-wide performance and evaluating program results,
- overseeing and coordinating the completion of the substantive civil rights work,
- ensuring that the budget is executed in a manner consistent with established priorities, and
- serving as liaison for the Commission with the Executive Office of the President, the Congress, and other federal agencies.

This office also oversees all agency program activities and initiatives. OSD staff currently includes a staff director, as the administrative head of the agency, and an associate deputy staff director, solicitor, a career attorney advisor, and two administrative support specialists (secretaries).¹⁴ Thus far, unfilled positions in FY 2009 include a deputy staff director, four vacant Schedule C positions for special assistants to the staff director at GS-11/13, an attorney advisor,¹⁵ a congressional affairs specialist, and a public affairs specialist both at the GS-13 level.

We are seeking funding in FY 2010 to support a new deputy staff director (career SES). The operating budget for this office is an estimated \$1,182,083. This is a projected increase of 13 percent or \$154,142 over our requested FY 2009 budget.

Proposed FY 2010 funding would support, among other things:

- the hiring of a deputy staff director,
- the publication of the agency's national civil rights conference report,
- the agency's FOIA and ethics programs,
- the oversight of four or five civil rights briefings conducted by OGC and OCRC,
- the supervision of the completion of four civil rights reports for commissioner review and approval,
- the management of regional office activities, including reviewing and approving proposed state advisory committee charters and member appointments,
- the oversight of the agency's information quality program, and

¹⁴ The staff director supervises the chief of the Regional Programs Coordination Unit. In several prior budget requests the RPCU chief position was considered an OSD vacancy. RPCU, as represented by our organizational chart, is a separate organizational unit. Consequently, the position of chief of RPCU is included in the budget for regional operations to better represent the costs and budgetary needs of our regional programs.

¹⁵ The staff director, beginning in FY 2005, hired one or more attorney advisors in lieu of Schedule C special assistant to the staff director.

- the implementation and evaluation of various performance management initiatives.

OSD STAFFING					
FY 2006 (actual)	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)	
7	7	7	6	7	

Budget Estimate Office of The Staff Director (excluding Commissioners and Commissioner Assistants)				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	726,688	728,937	782,754	918,055
On-Board (Full-time Permanent)				750,426
New Hires (Full-time Permanent)				167,629
Benefits	178,911	180,922	195,689	229,514
On-Board (Full-time Permanent)				187,607
New Hires (Full-time Permanent)				41,907
Travel	143	5,194	13,392	1,000
Transportation of Things	0	0	0	0
Rent, Communications and Utilities	0	0	1,700	5,484
Printing and Reproduction	18,228	17,470	4,276	13,950
Other Contractual Services	20,282	15,145	27,630	14,080
Supplies and Materials	976	40,204	2,500	0
Equipment	87,408	2,707	0	0
TOTAL	\$1,032,636	\$990,579	\$1,027,941	\$1,182,083

Office of the General Counsel

The Office of the General Counsel (OGC) provides the legal expertise and advice required to support our fact-finding, and ensures the legal integrity of our written products. During FY 2010 it will conduct briefings and issue civil rights reports containing findings and recommendations for future action by the responsible federal agencies and other stakeholders. The commissioners determine the topic or subject matter for these activities quarterly throughout FY 2010.

This office supports the lawful operation of the agency and advises agency leadership and career managers on a range of administrative law matters. The general counsel and a staff of two attorney advisors represent the agency in administrative hearings before the Equal Employment Opportunity Commission and the Merit System Protection Board, defend the agency in contract protests, and review and advise on numerous other matters with legal implications for the agency.

The proposed operating budget for this office is \$560,576 and it includes, among other things:

- the hiring of one administrative assistant to support the general counsel and two attorney advisors,
- the completion of two or three civil rights briefings,
- the completion of two civil rights briefing reports, and
- the completion of four legal sufficiency reviews on commission reports to ensure legal accuracy and the absence of defame and degrade issues.

OFFICE OF THE GENERAL COUNSEL STAFF				
FY 2006 (actual)	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
4	3	3	3	4

The proposed FY 2010 budget represents an increase of 19.4 percent (or \$109,037) over the requested FY 2009 budget.

Budget Estimate Office of the General Counsel				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	437,426	324,285	325,423	411,701
On-Board (Full-time Permanent)				369,303
New Hires (Full-time Permanent)				42,398
Benefits	105,096	80,488	81,356	102,925
On-Board (Full-time Permanent)				92,326
New Hires (Full-time Permanent)				10,600
Travel	1,973	1,179	10,000	10,250
Transportation of Things	0	0	0	0
Rent, Communications and Utilities	0	0	800	2,700
Printing and Reproduction	43,928	6,395	19,000	20,000
Other Contractual Services	5,792	55,870	3,960	7,500
Supplies and Materials	2,571	200	11,000	5,500
Equipment	666	0	0	0
TOTAL	\$597,452	\$415,063	\$451,539	\$560,576

Office of Civil Rights Evaluation

The Office of Civil Rights Evaluation (OCRE) provides the subject matter and analytical expertise required to prepare social-scientific evaluations of civil rights issues. It is staffed with social scientists and civil rights analysts and provides critical social scientific analysis in our civil rights reports. Consistent with agency resources, this office monitors the activities of numerous federal agencies as well as national and regional

civil rights trends. Based on information gathered through monitoring and other sources, this office develops concepts for civil rights studies and projects. It also conducts these studies and issues reports; handles briefings on issues of current interest and emerging issues; receives, researches, analyzes, and refers civil rights complaints; and responds to public and Congressional inquiries.

We are seeking \$800,780 to support the work of this office. At this funding level OCRE would conduct several core mission activities, among them are:

- conducting two civil rights briefings,
- completing one civil rights briefing report,
- preparing the Commission's required annual enforcement report in FY 2010, and
- continuing our complaint referral service at its current level.

OFFICE OF THE CIVIL RIGHTS EVALUATION STAFF						
FY 2005 (actual)	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)	
9	5	6	6	6	6	

FY 2010 spending is less than our FY 2009 request for this office by 15.7 percent or \$150,083 but is slightly higher than actual FY 2008 spending by 12.2 percent or \$87,342.

Budget Estimate Office of Civil Rights Evaluation				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	513,970	526,684	661,760	596,604
On-Board (Full-time Permanent)				596,604
New Hires (Full-time Permanent)				0
Benefits	117,022	130,723	165,440	149,151
Travel	5,956	13,194	10,000	8,914
Transportation of Things	0	0	0	0
Rent, Communications and Utilities	0	0	1400	1,975
Printing and Reproduction	22,719	18,509	34,700	27,800
Other Contractual Services	46,960	22,302	66,063	11,200
Supplies and Materials	383	2,026	11,500	5,136
Equipment	0	0	0	0
TOTAL	\$707,010	\$713,438	\$950,863	\$800,780

Office of Management

The Office of Management (OM) provides administrative support to all our offices and divisions. The organizational units/components reporting to the director of management are the:

- Budget and Finance Division (BFD)
- Human Resources Division (HRD)

- Administrative Services and Clearinghouse Division (ASCD)¹⁶

This office supports all the agency's strategic goals and objectives by ensuring that human and financial capital are available, and that logistical support is in place to support the agency's mission. For example, this office supports our civil rights-related goals and objectives in FY 2010 in several ways, including ensuring that:

- reports are designed, edited, published and made available to the public online and in our public library,
- reports are distributed to interested parties by mail and other distribution means,
- the agency's Web site has timely information about Commission reports, briefings, and other activities, and that transcripts and press releases are promptly posted once they are provided by PAU/OSD,
- the agency's Web site uses the latest technology to support our outreach and public outreach and awareness campaign,
- goods and services are promptly procured in a manner consistent with applicable law and regulations,
- the agency completes an annual financial audit and complies with applicable laws and regulations related to sound financial management,
- recruitment and hiring are undertaken with an awareness of the agency's mission and the skills and abilities that support mission success, and in a manner consistent with OPM rules and regulations, and
- a human capital and accountability system that links individual employee performance to achieving the agency's mission and strategic goals is developed and executed.

We are seeking funding to support a budget director in FY 2010. The estimated combined operating budget for OM is \$3,895,481 and, for example, supports:

- one new hire, specifically, a budget director,
- FISMA, COOP and HSPD-12 compliance related expenses,
- agency Web site maintenance,
- IT systems maintenance,
- accounting and financial audit services,
- agency telephone and internet access,

¹⁶ The Administrative Services and Clearinghouse Division is responsible for Information Technology, Procurement and Acquisition, Robert Rankin National Civil Rights Library, Copying/Printing, and Mail Services/Distribution.

- basic national civil rights library functions such as maintaining Westlaw online legal research functionality, renewing select subscriptions, continuing agency participation in an Inter-Library Loan program, GPO storage space, and
- contract or temporary workers (e.g., administrative support, procurement expertise, copy editors).

A significant portion of our budget is devoted to operational and administrative functions. This includes, for example, rent, information technology and telecommunications, office supplies, contract services, and interagency agreements for various services. These basic administrative costs, as highlighted below, are estimated to exceed \$ 2.1 million in FY 2010.

Examples of Significant Operational/Administrative Expenses in FY 2010	
Items	Cost (projected)
External Accounting Services	370,923
E-Travel Services	3,000
IT Contractor/Consultant	75,000
IT Improvements/Upgrades	101,000
Web Site Maintenance Contract	51,000
Independent Auditing Services	106,125
Human Resources-Related Services (Non-Salary Related)	40,700
Office Space Rental	1,214,770
Printing/Design/Reproduction	70,500
Telephone (Local And Long Distance)	120,470
TOTAL	\$2,153,488

The FY 2010 OM benefits calculation includes agency-wide personnel related expenses (e.g., worker's compensation, unemployment, within grade increases, promotions and lump sum payments), as well as benefits directly related to projected OM new hires.

Budget Estimate Office of Management (all components)				
	FY 2007 ¹⁷ (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	975,631	665,907	736,295	826,144
On-Board (Full-time Permanent)				
New Hires (Full-time Permanent)				105,680
Benefits	239,163	174,127	214,074	317,786
New Hires (Full-time Permanent)				26,420
Travel	103,298	3,061	4,100	1,600
Transportation of Things	2,000	15,000	0	2,000
Rent, Communications and Utilities	1,145,909	1,137,847	1,555,136	1,465,679
Printing and Reproduction	23,079	8,896	6,000	8,750
Other Contractual Services	1,157,690	1,090,763	1,244,004	1,173,272
Supplies and Materials	81,708	269,173	141,750	69,500
Equipment	309,250	35,719	39,700	30,750
TOTAL	\$4,037,728	\$3,400,493	\$3,941,059	\$3,895,481

Office of Management Staff					
	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
OM	1	1	1	1	1
BED	2	2	3	2	1
HR			3	3	3
ASCD			4	4	4
LIBRARY	2	1	1	1	1

Equal Employment Opportunity (EEO) Programs

This office is responsible for the overall management of our EEO complaint system. This system affords applicants for employment and employees of the Commission who believe that they are victims of discrimination based on race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities, a means of review and appeal through which to seek appropriate relief. This office currently has no full-time staff; an OCRE staff member serves as the director of our EEO office as a collateral duty. The director has a direct reporting relationship with the head of the agency.

The \$10,850 requested for FY 2010 supports mandatory training and contract investigative services.

¹⁷ In FY 2007 and FY 2008, Travel, Transportation of Things, Rent, Communication and Utilities, Printing, Other Services, Supplies, and Equipment expenditures were not only assigned to specific offices but also to a "Central" account. Therefore, for FY 2007 and FY 2008, "Central" expenses in these categories are included in the OM actual budget. Beginning in FY 2009, the agency discontinued its use of a "Central" or general account.

Budget Estimate Equal Opportunity Programs Office				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	0	0	0	0
On-Board (Full-time Permanent)				
New Hires (Full-time Permanent)				
Benefits	0	0	0	0
Travel	0	0	0	4,150
Rent, Communications and Utilities	0	0	0	0
Printing and Reproduction	0	0	0	0
Other Contractual Services	0	0	7,000	6,500
Supplies and Materials	0	0	0	200
Equipment	0	0	0	0
TOTAL	0	0	\$7,000	\$10,850

Congressional Affairs Unit

The Congressional Affairs Unit (CAU) serves as our liaison with Congress, responding to requests for specific information, identifying opportunities for our commissioners and others to provide testimony and information to congressional members and their staff on civil rights matters, and ensuring the distribution of our studies and reports to all members. CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. As in prior years, all staff positions in CAU will be vacant in FY 2010. An attorney advisor in the Office of the Staff Director will handle basic duties for this office.

CAU has no FY 2010 operating budget.

Public Affairs Unit

The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the public knows about our activities and publications. It also coordinates and carries out such activities as briefing reporters, holding press conferences, issuing press releases, seeking out and arranging press interviews and speaking engagements for commissioners and approved staff, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations. As in prior years, all staff positions in PAU will be vacant in FY 2010. Some basic duties, such as preparing press releases, and special projects will be handled on an "as-needed" basis by an attorney advisor in the Office of the Staff Director.

We are requesting \$34,216 for public affairs activity. With this funding, OSD proposes to:

- renew a subscription to PR News Wire to continue our ability to distribute press releases, and
- subscribe to a news clipping service.

Budget Estimate Public Affairs Unit				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	0	0	0	0
On-Board (Full-time Permanent)				
New Hires (Full-time Permanent)				
Benefits	0	0	0	0
Travel	0	0	0	1,080
Rent, Communications and Utilities	0	0	0	150
Printing and Reproduction	0	0	0	0
Other Contractual Services	0	0	0	32,936
Supplies and Materials	0	0	0	50
Equipment	0	0	0	0
TOTAL	0	0	0	\$34,216

Regional Programs

Regional Programs Coordination Unit

The chief of the Regional Programs Coordination Unit (RPCU) coordinates the activities of the Commission's six regional offices.

The Regional Programs Coordination Unit, located in headquarters and reporting to the staff director, ensures that individual regional programs are sufficiently coordinated across regions and within headquarters. The chief of RPCU ensures that headquarters provides support and guidance, where appropriate, to the regional offices and the state advisory committees. When fully staffed, RPCU, through its writer-editor, also provides support in the finalization and publication of headquarters-developed and regional office reports and studies. We hired a full-time chief of RPCU in FY 2008, though no other unit staff will be onboard through FY 2010. The chief has no supervisory relationship with regional office staff.

Our budget request of \$159,390 supports the activities of this unit, specifically, salary, benefits, and limited regional travel.

Budget Estimate Regional Programs Coordination Unit (excluding regional offices)				
	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (projected)	FY 2010 (projected)
Salaries	0	110,363	115,317	124,312
On-Board (Full-time Permanent)				
New Hires (Full-time Permanent)				
Benefits	0	27,392	28,829	31,078
Travel	0	0	2000	4,000

Rent, Communications and Utilities	0	0	0	0
Printing and Reproduction	0	0	0	0
Other Contractual Services	0	0	6,000	0
Supplies and Materials	0	0	0	0
Equipment	0	0	0	0
TOTAL	0	\$137,755	\$152,146	\$159,390

Regional Offices: Organization and State Alignment

The six regional offices provide critical support to the 51 state advisory committees required by our statute. A regional director leads each office and, for several years, each office typically has one or more civil rights analysts and a secretary. These offices coordinate the Commission's operations in their regions and assist the state advisory committees in their activities. Regional directors are also responsible for the day-to-day administration of their office and the supervision of office staff.

Our request of \$1,386,935 supports our regional offices and advisory committees. Fifteen percent of the agency's FY 2010 proposed budget is allocated to regional office and advisory committee operation; this is not significantly different than the 16 percent proposed in FY 2009. In fact, FY 2010 represents a slight actual dollar increase over the prior year. Our FY 2008 actual spending totaled 18.6 percent.

Presented below is our regional alignment.

- *Central Region* (CRO): Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.
- *Eastern Region* (ERO): Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- *Western Region* (WRO): Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- *Southern Region* (SRO): Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- *Rocky Mountain Region* (RMRO): Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- *Midwestern Region* (MWRO): Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Attrition over the past four years has left numerous regional positions vacant. In FY 2008 the Commission promoted internal candidates, then serving as regional civil rights analysts, to

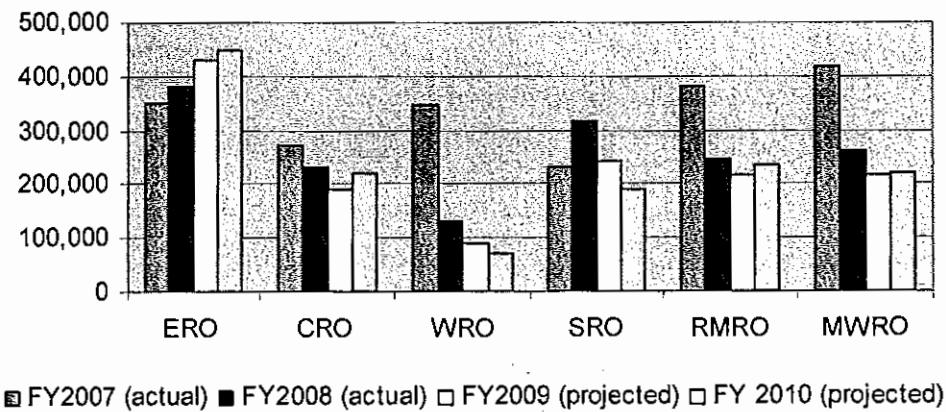
regional director positions. Our staffing plan allots three positions to each regional office; however, we have not been able to backfill the resulting vacancies. We present our current and projected regional office staffing levels below.

	FY 2008	FY 2009	FY 2010 (projected)
Eastern Region	3	3	3
Central Region	2	2	2
Western Region	1	1	1
Southern Region	2	2	1
Midwestern Region	2	2	2
Rocky Mountain Region	2	2	2
TOTAL STAFFING	12	12	11

Budget Estimate Regional Offices FY 2010 (excluding RPCU)							
	ERO	CRO	WRO	SRO	RMRO	MWRO	TOTAL
Salaries	328,459	159,484	48,757	132,684	170,950	167,399	1,007,733
Onboard							
New Hires							
Benefits	82,115	39,871	12,189	33,171	42,738	41,850	251,934
New Hire (Full-time Permanent)							
Travel	9,465	6,203	4,200	5,503	6,146	5,886	37,493
Transportation of Things	500	0	0	0	250	0	750
Rent, Communications and Utilities	10,000	5,000	4,000	4,520	5,990	6,493	36,003
Printing and Reproduction	0	0	0	0	0	0	0
Other Contractual Services	15,000	5,800	1,500	13,188	8,150	0	43,638
Supplies and Materials	575	2,300	2,000	2,300	2,300	0	9,475
Equipment	0	0	0	0	0	0	0
Total	446,114	218,658	72,646	191,366	236,524	221,628	

The below chart depicts our regional office funding for four years.

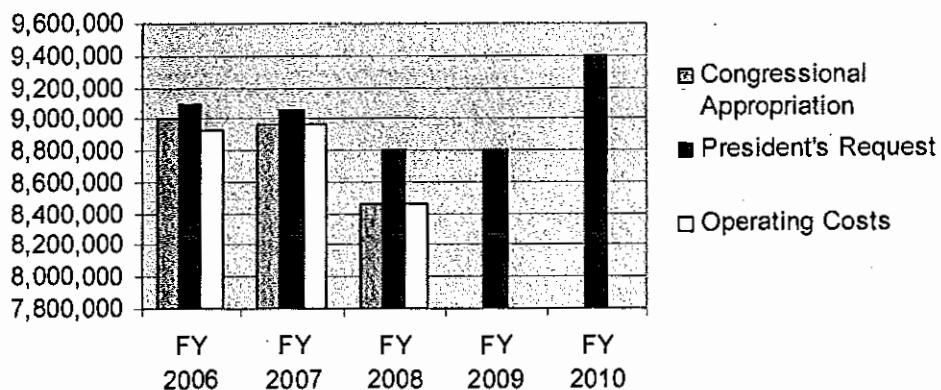
Regional Office Spending By FY



ANNUAL USCCR FUNDING TRENDS

Our 5-year funding pattern shows that our budget has remained essentially the same; however, the FY 2010 appropriation request is higher in non-adjusted dollars than in previous years.

5-Year Funding Pattern



This request for appropriation supports our baseline operations for FY 2010 and a few enhanced activities related to our 5-year strategic plan goals.¹⁸ Our FY 2010 request is a \$600,000 increase over the FY 2009 request and will support core mission-related activities, included among them are:

- conducting four or five public briefings on current and emerging civil rights issues,
- publishing at least four fact-finding reports, including our mandated annual statutory report, and
- re-chartering and otherwise supporting 95% of our authorized state advisory committees.

This request also supports the staffing of three management, operational and administrative positions that have been vacant for numerous years. Accordingly, the FY 2010 budget request supports:

- hiring a deputy staff director,
- hiring a budget director,
- hiring administrative support for the Office of the General Counsel (OGC), and
- continuing to retain external accounting services.

We will also hire at least three additional full-time special assistants to support seven of the agency's eight commissioners; this increases the number of special assistants from four to seven in FY 2010.

In FY 2010, personnel expenses account for 66 percent of our budget compared to the 61 percent projected for FY 2009. This includes salaries, benefits and COLAs. Our FY 2010 personnel cost may exceed the prior year projections by \$909,212.

Our next largest expense category is rent, communications and utilities. This category includes expenses such as our office space leases, Federal Express, UPS and courier service, local and long distance telephone service, conference calling services, postage and fees, Blackberry service, support and maintenance, and internet access. We project that these costs will absorb 16 percent of our budget compared to 19 percent projected for FY 2009. We project decreasing spending in this category by \$126,727 compared to FY 2009 projections.

¹⁸ It also includes baseline funding projections through 2019 that are consistent with the assumptions provided by the Office of Management and Budget.

	5-Year Comparison of Spending				
	FY 2006 (actual)	FY 2007 ¹⁹ (actual)	FY 2008 ²⁰ (actual)	FY 2009 ²¹ (projected)	FY 2010 (projected)
Salaries	4,022,935	4,273,526	4,103,486	4,285,546	4,929,059
Benefits	1,000,414	1,022,416	1,037,582	1,007,482	1,273,181
Travel	160,854	197,505	175,371	153,100	202,272
Transportation of Things (shipping/mailing/delivery)		2,000	15,200		2,750
Rent & Utilities (office space)	1,275,392	1,275,973	1,277,194	1,303,066	1,214,770
Rent (other)	0	166,276 ²²	0	5,150	15,991
Communications	222,069 ²³	0	151,195	331,012	281,740
Printing	106,097	107,415	52,270	67,776	70,500
Other Services	1,064,496	1,287,315	1,222,583	1,428,688	1,289,126
Supplies	72,168	102,413	328,818	178,480	89,861
Equipment	233,607	415,987	41,051	39,700	30,750
TOTAL	\$8,158,032	\$8,850,826	\$8,404,750	\$8,800,000	9,400,000

The chart below represents our actual and projected agency spending patterns from FY 2007 to FY 2010.

¹⁹ FY 2007 actual data is based on the agency's *Budgeted/Actual Obligations Report* as of September 27, 2007 as prepared by GSA External Services Division and the USCCR Budget and Finance Division staff. The personnel costs reported are those listed in the budgeted column of this report.

²⁰ FY 2008 actual data is based on the agency's *Budget/Actual Obligations Report* as of September 30, 2008 as prepared by GSA External Services Division and the USCCR Budget and Finance Division staff. The personnel costs reported are those listed in the budgeted column of this report.

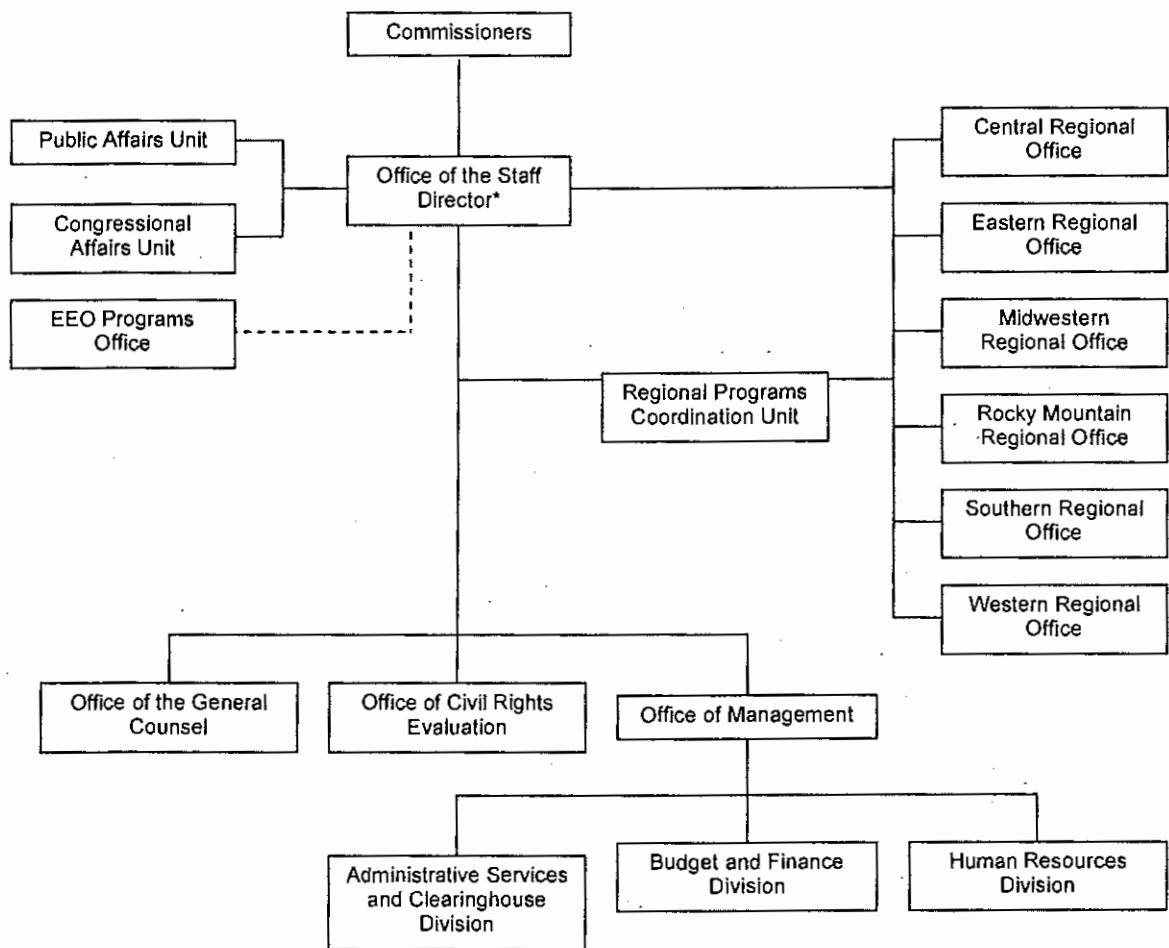
²¹ FY 2009 projections are based on the agency's *FY 2009 Congressional Request for Appropriation* in the amount of \$8.8 million; a final FY 2009 appropriation was not approved as of the date of the FY 2010 submission.

²² The FY 2007 Rent (other) number includes communication expenses.

²³ The FY 2006 Communications number includes Rent (other), Transportation of Things, and Communications costs. The agency did not disaggregate this information in FY 2006.

Attachment 1: Organizational Chart

Organizational Structure
US Commission on Civil Rights



* Although current agency regulations describe an "Office of the Deputy Staff Director," the Commission eliminated that office and the position of Deputy Staff Director has been transferred to the Office of the Staff Director.

Attachment 2: Five-Year Strategic Plan Goals, Objectives/Outcomes, and Measures

Strategic Goal 1:	
<i>Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.</i>	
Objectives:	Performance Measures:
1. Reinvigorate the Commission's State Advisory Committees (SACs).	1(a). Increase the number of SACs re-chartered annually. 1(b). Eliminate the backlog of SACs with charters that expire on or before January 30, 2007 by FY 2011. 1(c). Re-charter SACs with charters expiring after January 30, 2007 within 60 days of charter expiration.
2. Energize the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.	2(a). Obtain input from SACs as a part of the program planning cycle annually by October 31st. 2(b). Conduct a joint national office and SAC project every two years (i.e., biennially) and issue a report within 12 to 18 months following initiation of each project. 2(c). Solicit SAC ideas for SAC follow-up activities on Commission (national office) projects at the regional, state, and local levels annually during October.
3. Commission a multi-state report, requesting the Commission's individual SACs to identify civil rights priorities facing their states/regions.	3. Complete the multi-state report by FY 2009.
4. Convene a national conference in FY 2009 to elicit diverse, multidisciplinary and bipartisan perspectives on civil rights in the 21 st century.	4(a). Attract at least 100 civil rights practitioners, experts and others to the conference. 4(b). Issue a report based on the findings of the conference entitled "Civil Rights Priorities for the 21 st Century" during FY 2010. 4(c). Identify 6 civil rights issues and research topics appropriate for incorporation into the Commission's programmatic planning cycles for FY 2010 through FY 2012. 4(d). Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011. 4(e). Identify areas where the Commission's powers and mission need to be expanded to respond to emerging challenges and publish these areas by FY 2011.
Strategic Goal 2:	
<i>Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.</i>	
Objectives:	Performance Measures:
1. Study the role and effectiveness of the different federal	1. Produce one report per fiscal year that addresses how

enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.	particular civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies.
2. Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.	2. Implement Memoranda of Understanding (MOUs) with one or more federal agencies.
3. Partner with other civil rights agencies to collect and analyze data on various civil rights topics.	3. Collect data from other agencies on complaint types to identify discrimination issues and/or trends (e.g., information on types of complaints nationally, geographic areas experiencing increases in types of complaints or number of complaints, etc. over time) to identify for agencies, policy-makers, and the public areas requiring concentrated enforcement efforts.
4. Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.	<p>4(a). Participate in at least one major civil rights working groups established in the executive branch.</p> <p>4(b). Issue guidance to the executive branch on civil rights enforcement efforts.</p> <p>4(c). Cooperate and coordinate with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.</p> <p>4(d). Participate in inter-agency working groups responsible for developing and proposing civil rights policy as substantive experts.</p> <p>4(e). Establish Congressional contacts that provide substantive insight and direction on proposed civil rights legislative agenda items.</p>
5. Promote public awareness of current civil rights laws, remedies and enforcement agencies.	<p>5(a). Host 5 public briefings or hearings annually on civil rights issues.</p> <p>5(b). Issue 10 press releases annually related to civil rights issues and Commission activities.</p> <p>5(c). Hold one press conference annually announcing the issuance of the Commission's statutory report or other significant Commission publication or activity.</p> <p>5(d). Post all Commission meeting and briefing transcripts, and approved reports, on the USCCR website.</p> <p>5(e). Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service.</p> <p>5(f). Increase Commission participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies.</p>

Strategic Goal 3: <i>Serve as an authoritative national clearinghouse and repository of civil rights data and information.</i>	
Objectives:	Performance Measures:
1. Strengthen the quality and objectivity of the Commission's reports.	1(a). Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability. 1(b). Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline.
2. Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.	2. Issue report(s) and conduct follow-up research where necessary.
3. Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.	3. Issue report(s) and conduct follow-up research where necessary.
4. Conduct original social scientific research that brings new or unique information to the civil rights policy debate.	4. Incorporate original social scientific research into Commission reports.
Strategic Goal 4: <i>Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.</i>	
Objectives:	Performance Measures:
1. Adhere to integrated budgeting, planning, and performance management.	1(a). Fully comply with OMB A-11 guidance for integrated budget by FY 2010. 1(b). Receive an OMB PART Program Management assessment score of at least "moderately effective" by FY 2010.
2. Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations	2(a). Maintain a "clean" or unqualified financial audit status each fiscal year beginning in FY 2008. 2(b). Full compliance with laws and regulations respecting the stewardship of tax dollars. 2(c). Complete an evaluation the Commission's organizational structure and operations by FY 2009 to identify and implement changes necessary to support increased effectiveness and improved efficiency in light of existing fiscal and human capital resources. 2(d). Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission's current administrative structure and, based on the results, develop during FY 2009 a plan of action for achieving increased agency effectiveness and efficiency. 2(e). Execution of workforce planning and human capital accountability systems by FY 2008.

3. Continue implementation of adopted GAO and OPM recommendations.	3. Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures.
4. Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.	4. Establish web-site similar to Firstgov.com. by FY 2012.

Attachment 3: Proposed Annual Performance Plan

US Commission on Civil Rights FY 2010 Performance Measures and Targets		
Annual Performance Measure²⁴	Lead Component(s)	FY 2010 Target
Increase the # of SACs re-chartered 1.1.1(a)	RO, RPCU, OSD	Increase # of chartered SACs to 95%
Eliminate the backlog of un-chartered SACs 1.1.1(b)	RO, RPCU, OSD	Reduce backlog by 75%
Achieve an average re-charter time of 60-days ²⁵ 1.1.1(c)	RO, RPCU, OSD	60-day average re-charter time for SACs with charters that expired after January 30, 2007
Obtain input from SACs as a part of national program planning 1.2.2(a)	OSD, RPCU, RO,	Once annually (by October 31)
Solicit SAC ideas for SAC follow-up activities on national office projects 1.2.2 (c)	OSD, RPCU, RO	Once annually (during October)
Issue a report on the national civil rights conference 1.4.4(b)	OSD, OCRE, OGC	Conference report on emerging civil rights issues, and civil rights in the 21 st century
Identify civil rights issues and research topics appropriate for incorporation into the Commission's program planning cycles held each year beginning FY 2010 through FY 2012 1.4.4(c)	OSD	Identify 3 topics/issues resulting from the national conference
Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011 1.4.4(d)	OSD	Identify 3 areas resulting from the national conference
Identify areas where the Commission's powers and mission should be expanded to	OSD, OGC	Identify 3 areas resulting from the national conference

²⁴ The strategic goals and their associated objective and performance measures from the Commission's *Strategic Plan for FY 2008 -2013* are listed immediately following each measure. For example, the designation "1.1.1(a)" means strategic goal 1, objective 1, and performance measure 1(a).

²⁵ 60 days refers to approval by the staff director.

US Commission on Civil Rights FY 2010 Performance Measures and Targets
Annual Performance Measure²⁴ **Lead** **FY 2010 Target**
Component(s)

respond to emerging challenges and publish
these by FY 2011 1.4.4(e)

Produce a report that addresses how civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies 2.1.1	OCRE, OGC	Once annually (statutory report)
Issue guidance to the executive branch on civil rights enforcement efforts 2.4.4(b)	OCRE, OGC, OSD	TBD (FY 2009 is the baseline year)
Participate in at least one inter-agency working group responsible for developing civil rights policy 2.4.4(d)	OCRE	Join 1 working group responsible for developing civil rights policy
Establish congressional contacts and provide substantive input on proposed civil rights legislative agenda items 2.4.4(e)	CAU, OSD	At least 3 congressional contacts based on substantive civil rights input
Host public briefings or hearings annually on civil rights issues 2.5.5(a)	OCRE, OGC	5 public hearings or briefings
Issue press releases related to civil rights issues and Commission activities 2.5.5(b)	PAU, OSD	Issue 10 press releases (annually)
Hold press conference on the Commission's statutory report or other significant activity/publication 2.5.5(c)	PAU, OSD	Hold 1 press conference (annually)
Post all public Commission meeting and briefing transcripts, and approved reports, on the USCCR Web site 2.5.5(d)	OSD, OGC, OCRE, OM/ASCD	21 transcripts and reports posted on the Web site
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service 2.5.5(e)	OCRE	Maintain 30-day average complaint response time
Increase participation in public policy	OSD	Participate in at least 1 public symposium or other venue

US Commission on Civil Rights FY 2010 Performance Measures and Targets

Annual Performance Measure²⁴	Lead Component(s)	FY 2010 Target
4.2.2(b) Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures	OSD, OM/HR 4.3.3	Submit a performance budget that integrates program activities and costs

UNITED STATES COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2010
DRAFT BUDGET OPERATING PLAN
As of February 20, 2009

OC	CE		OSD	Comms & Assts	CAU	PAU	OM	AS/CD	EEO
11		Salaries	918,055	1,044,510	0	0	145,032	363,131	0
	001	On-Board (Full-time Permanent)	750,426	776,214	0	0	145,032	363,131	0
	001	New Hires (Full-time Permanent)	167,629	268,296	0	0	0	0	0
12		Benefits	229,514	190,794	0	0	36,258	90,783	0
		On-Board	187,607	123,720	0	0	36,258	90,783	0
		New Hires	41,907	67,074	0	0	0	0	0
21		Travel	1,000	133,875	0	1,080	1,600	0	4,150
	110	Program Travel	0	133,875	0	800	0	0	0
	112	Other Local Transportation	0	0	0	280	100	0	0
	113	Administrative Travel	0	0	0	0	0	0	0
	114	Travel - Training	0	0	0	0	1,500	0	4,150
	117	Meeting & Conferences	1,000	0	0	0	0	0	0
22		Transportation of Things	0	0	0	0	0	2,000	0
	210	Materials & Equipment	0	0	0	0	0	2,000	0
23		Rent, Communications and Utilities	5,484	510	0	150	0	1,462,026	0
	311	Fed Express/ Express Mail	1,332	500	0	150	0	17,000	0
	312	United Parcel Services (UPS)	0	0	0	0	0	4,000	0
	370	Space Rental Commercial	0	0	0	0	0	11,256	0
	373	Space Rental Rent	0	0	0	0	0	1,214,770	0
	380	Local Telephone	0	0	0	0	0	100,000	0
	381	Long Distance Telephone	1,480	0	0	0	0	0	0
	383	Postage & Fees	272	10	0	0	0	35,000	0
	384	Data Transmissions	0	0	0	0	0	49,000	0
	388	Other Communication Service	2,400	0	0	0	0	31,000	0
	390	Rental Operating Equipment	0	0	0	0	0	0	0
	391	Rental Reproduction Equipment	0	0	0	0	0	0	0
	395	Rental Program Equipment	0	0	0	0	0	0	0
	396	Equipment Rental commercial	0	0	0	0	0	0	0
	399	Mail Meters Rental	0	0	0	0	0	0	0
24		Printing and Reproduction	13,950	0	0	0	0	8,750	0
	410	Printing Publications	11,750	0	0	0	0	0	0
	411	Printing Forms	0	0	0	0	0	0	0
	413	Printing Other	0	0	0	0	0	8,000	0
	414	Copier Reproduction	0	0	0	0	0	0	0
	418	Graphic Design	2,200	0	0	0	0	0	0
	450	Photographic Services	0	0	0	0	0	0	0
	451	Federal Register and CFRS	0	0	0	0	0	750	0
25		Other Contractual Services	14,080	0	0	32,936	4,000	385,500	6,500
	511	Consultant Contract Advisory Only	0	0	0	0	0	0	0
	514	Contract Labor	0	0	0	0	0	0	0
	515	Protection	0	0	0	0	0	40,000	0
	516	Contractual Service - Other	14,000	0	0	32,936	0	0	4,500
	517	Membership	0	0	0	0	0	0	0
	518	Transcripts	0	0	0	0	0	15,000	0
	526	Medical Care	0	0	0	0	0	0	0
	527	Operation & Maintenance of Equipment	0	0	0	0	0	208,500	0
	529	Purchase of Goods & Services from Gov't	0	0	0	0	0	0	0
	535	Payments to GSA Funds	0	0	0	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	0	0	0	51,000	0
	540	Software and Hardware Contracts	0	0	0	0	0	71,000	0
	551	Courier Services	80	0	0	0	0	0	0
	561	Printing Equipment	0	0	0	0	0	0	0
	563	Other Operating Equipment	0	0	0	0	0	0	0
	921	Training Commercial Provider	0	0	0	0	4,000	0	2,000
	922	GSA Training	0	0	0	0	0	0	0
	923	Training Interagency	0	0	0	0	0	0	0
26		Supplies and Materials	0	0	0	50	2,000	63,000	200
	610	Office Supplies - Government	0	0	0	50	0	24,000	0
	611	General Operating Supplies	0	0	0	0	0	0	200
	612	Newspapers & Periodicals	0	0	0	0	1,000	0	0
	616	IT Supplies and Materials	0	0	0	0	0	5,000	0
	619	Office Supplies - Commercial	0	0	0	0	1,000	34,000	0
31		Equipment	0	0	0	0	0	30,750	0
	971	Expensed Admin OFC Furnishing	0	0	0	0	0	0	0
	972	Expensed Adminstrative Software	0	0	0	0	0	750	0
	973	Expensed Admin Automated Info Equipment	0	0	0	0	0	30,000	0
	975	Expensed Admin IT Hardware Equip	0	0	0	0	0	0	0
		TOTAL	\$1,182,083	\$1,369,689	\$0	\$34,216	\$188,890	\$2,405,940	\$10,850

**UNITED STATES COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2010
DRAFT BUDGET OPERATING PLAN
As of February 20, 2009**

OC	CE		LIB	HRD	BFD	HDQTRS
11		Salaries	0	212,301	105,680	2,788,709
	001	On-Board (Full-time Permanent)	0	212,301	0	2,247,104
	001	New Hires (Full-time Permanent)	0	0	105,680	541,605
12		Benefits	0	164,325	26,420	738,094
		On-Board	0	164,325	0	602,693
		New Hires	0	0	26,420	135,401
21		Travel	0	0	0	141,705
	110	Program Travel	0	0	0	134,675
	112	Other Local Transportation	0	0	0	380
	113	Administrative Travel	0	0	0	0
	114	Travel - Training	0	0	0	5,650
	117	Meeting & Conferences	0	0	0	1,000
22		Transportation of Things	0	0	0	2,000
	210	Materials & Equipment	0	0	0	2,000
23		Rent, Communications and Utilities	3,653	0	0	1,471,823
	311	Fed Express/ Express Mail	0	0	0	18,982
	312	United Parcel Services (UPS)	0	0	0	4,000
	370	Space Rental Commercial	0	0	0	11,256
	373	Space Rental Rent	0	0	0	1,214,770
	380	Local Telephone	0	0	0	100,000
	381	Long Distance Telephone	0	0	0	1,480
	383	Postage & Fees	3,653	0	0	38,935
	384	Data Transmissions	0	0	0	49,000
	388	Other Communication Service	0	0	0	33,400
	390	Rental Operating Equipment	0	0	0	0
	391	Rental Reproduction Equipment	0	0	0	0
	395	Rental Program Equipment	0	0	0	0
	396	Equipment Rental commercial	0	0	0	0
	399	Mail Meters Rental	0	0	0	0
24		Printing and Reproduction	0	0	0	22,700
	410	Printing Publications	0	0	0	11,750
	411	Printing Forms	0	0	0	0
	413	Printing Other	0	0	0	8,000
	414	Copier Reproduction	0	0	0	0
	418	Graphic Design	0	0	0	2,200
	450	Photographic Services	0	0	0	0
	451	Federal Register and CFRS	0	0	0	750
25		Other Contractual Services	206,200	50,700	526,872	1,226,788
	511	Consultant Contract Advisory Only	0	0	0	0
	514	Contract Labor	0	0	0	0
	515	Protection	0	0	0	40,000
	516	Contractual Service - Other	204,400	40,700	526,872	823,408
	517	Membership	0	0	0	0
	518	Transcripts	0	0	0	15,000
	526	Medical Care	0	0	0	0
	527	Operation & Maintenance of Equipment	0	0	0	208,500
	529	Purchase of Goods & Services from Gov't	0	0	0	0
	535	Payments to GSA Funds	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	0	51,000
	540	Software and Hardware Contracts	0	0	0	71,000
	551	Courier Services	0	0	0	80
	561	Printing Equipment	0	0	0	0
	563	Other Operating Equipment	0	0	0	0
	921	Training Commercial Provider	0	0	0	6,000
	922	GSA Training	0	0	0	0
	923	Training Interagency	1,800	10,000	0	11,800
26		Supplies and Materials	0	3,000	1,500	69,750
	610	Office Supplies - Government	0	0	0	24,050
	611	General Operating Supplies	0	0	0	200
	612	Newspapers & Periodicals	0	1,000	500	2,500
	616	IT Supplies and Materials	0	0	0	5,000
	619	Office Supplies - Commercial	0	2,000	1,000	38,000
31		Equipment	0	0	0	30,750
	971	Expensed Admin OFC Furnishing	0	0	0	0
	972	Expensed Adminstrative Software	0	0	0	750
	973	Expensed Admin Automated Info Equipment	0	0	0	30,000
	975	Expensed Admin IT Hardware Equip	0	0	0	0
		TOTAL	\$209,853	\$430,326	\$660,472	6,492,319

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UNITED STATES COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2010
DRAFT BUDGET OPERATING PLAN
As of February 20, 2009

C	CE		RPCU	ERO	CRO	WRO	SRO	RMRO	MWRO	REGIONS
11		Salaries	124,312	328,459	159,484	48,757	132,684	170,950	167,399	1,132,045
	001	On-Board (Full-time Permanent)	124,312	328,459	159,484	48,757	132,684	170,950	167,399	1,132,045
	001	New Hires (Full-time Permanent)	0	0	0	0	0	0	0	0
2		Benefits	31,078	82,115	39,871	12,189	33,171	42,738	41,850	283,011
		On-Board	31,078	82,115	39,871	12,189	33,171	42,738	41,850	283,011
		New Hires	0	0	0	0	0	0	0	0
21		Travel	4,000	9,425	6,203	4,200	5,503	6,146	5,886	41,363
	110	Program Travel	0	1,300	0	4,200	4,813	2,368	3,087	15,768
	112	Other Local Transportation	0	0	2,000	0	0	0	0	2,000
	113	Administrative Travel	4,000	4,263	500	0	0	0	2,799	11,562
	114	Travel - Training	0	0	1,503	0	0	0	0	1,503
	117	Meeting & Conferences	0	3,862	2,200	0	690	3,778	0	10,530
2		Transportation of Things	0	500	0	0	0	250	0	750
	210	Materials & Equipment	0	500	0	0	0	250	0	750
23		Rent, Communications and Utilities	0	10,000	5,000	4,000	4,520	5,990	6,493	36,003
	311	Fed Express/ Express Mail	0	1,800	1,200	1,370	1,200	1,900	0	7,470
	312	United Parcel Services (UPS)	0	0	0	0	0	0	0	0
	370	Space Rental Commercial	0	0	470	0	0	0	3,730	4,200
	375	Space Rental Rent	0	0	0	0	0	0	0	0
	380	Local Telephone	0	0	0	0	0	0	0	0
	381	Long Distance Telephone	0	6,600	3,330	2,330	2,120	2,590	1,220	18,190
	383	Postage & Fees	0	1,600	0	300	1,200	1,500	1,008	5,608
	384	Data Transmissions	0	0	0	0	0	0	0	0
	388	Other Communication Service	0	0	0	0	0	0	0	0
	390	Rental Operating Equipment	0	0	0	0	0	0	150	150
	391	Rental Reproduction Equipment	0	0	0	0	0	0	0	0
	395	Rental Program Equipment	0	0	0	0	0	0	330	330
	396	Equipment Rental commercial	0	0	0	0	0	0	55	55
	399	Mail Meters Rental	0	0	0	0	0	0	0	0
24		Printing and Reproduction	0	0	0	0	0	0	0	0
	410	Printing Publications	0	0	0	0	0	0	0	0
	411	Printing Forms	0	0	0	0	0	0	0	0
	413	Printing Other	0	0	0	0	0	0	0	0
	414	Copier Reproduction	0	0	0	0	0	0	0	0
	418	Graphic Design	0	0	0	0	0	0	0	0
	450	Photographic Services	0	0	0	0	0	0	0	0
	451	Federal Register and CFRS	0	0	0	0	0	0	0	0
25		Other Contractual Services	0	15,000	5,800	1,500	13,228	8,150	0	43,678
	511	Consultant Contract Advisory Only	0	0	0	0	0	0	0	0
	514	Contract Labor	0	0	0	0	0	0	0	0
	515	Protection	0	0	0	0	0	3,150	0	3,150
	516	Contractual Service - Other	0	0	0	600	12,724	1,000	0	14,324
	517	Membership	0	0	0	0	0	0	0	0
	518	Transcripts	0	15,000	5,000	900	0	4,000	0	24,900
	526	Medical Care	0	0	0	0	0	0	0	0
	527	Operation & Maintenance of Equipment	0	0	0	0	0	0	0	0
	529	Purchase of Goods & Services from Gov't	0	0	0	0	0	0	0	0
	535	Payments to GSA Funds	0	0	0	0	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	300	0	504	0	0	804
	540	Software and Hardware Contracts	0	0	0	0	0	0	0	0
	551	Courier Services	0	0	0	0	0	0	0	0
	561	Printing Equipment	0	0	0	0	0	0	0	0
	563	Other Operating Equipment	0	0	0	0	0	0	0	0
	921	Training Commercial Provider	0	0	0	0	0	0	0	0
	922	GSA Training	0	0	0	0	0	0	0	0
	923	Training Interagency	0	0	500	0	0	0	0	500
26		Supplies and Materials	0	575	2,300	2,000	2,300	2,300	0	9,475
	610	Office Supplies - Government	0	240	2,100	1,100	0	200	0	3,640
	611	General Operating Supplies	0	335	0	900	0	200	0	1,435
	612	Newspapers & Periodicals	0	0	200	0	0	200	0	400
	616	IT Supplies and Materials	0	0	0	0	0	150	0	150
	619	Office Supplies - Commercial	0	0	0	0	0	2,300	1,550	0
		Equipment	0	0	0	0	0	0	0	0
	971	Expensed Admin OFC Furnishing	0	0	0	0	0	0	0	0
	972	Expensed Administrative Software	0	0	0	0	0	0	0	0
	973	Expensed Admin Automated Info Equipment	0	0	0	0	0	0	0	0
	975	Expensed Admin IT Hardware Equip	0	0	0	0	0	0	0	0
		TOTAL	\$159,390	\$446,074	\$218,658	\$72,646	\$191,406	\$236,524	\$221,628	\$1,546,325

2/16/13
2/13/11

UNITED STATES COMMISSION ON CIVIL RIGHTS
SUMMARY
FY 2010
DRAFT BUDGET OPERATING PLAN
As of February 20, 2009

OC	CE		OGC	OCRE	PROJECTS	FY10 TOTAL PLAN
11		Salaries	411,701	596,604	1,008,305	4,929,059
	001	On-Board (Full-time Permanent)	369,303	596,604	966,907	4,345,056
	001	New Hires (Full-time Permanent)	42,398	0	42,398	584,003
12		Benefits	102,925	149,151	252,076	1,273,181
		On-Board	92,326	149,151	241,477	1,127,181
		New Hires	10,600	0	10,600	146,001
21		Travel	10,250	8,914	19,164	202,232
	110	Program Travel	10,250	8,074	18,324	168,767
	112	Other Local Transportation	0	840	840	3,220
	113	Administrative Travel	0	0	0	11,562
	114	Travel - Training	0	0	0	7,153
	117	Meeting & Conferences	0	0	0	11,530
22		Transportation of Things	0	0	0	2,750
	210	Materials & Equipment	0	0	0	2,750
23		Rent, Communications and Utilities	2,700	1,975	4,675	1,512,501
	311	Fed Express/ Express Mail	1,800	975	2,775	29,227
	312	United Parcel Services (UPS)	0	0	0	4,000
	370	Space Rental Commercial	0	0	0	15,456
	373	Space Rental Rent	0	0	0	1,214,770
	380	Local Telephone	100	0	100	100,100
	381	Long Distance Telephone	700	0	700	20,370
	383	Postage & Fees	100	1,000	1,100	45,643
	384	Data Transmissions	0	0	0	49,000
	388	Other Communication Service	0	0	0	33,400
	390	Rental Operating Equipment	0	0	0	150
	391	Rental Reproduction Equipment	0	0	0	0
	395	Rental Program Equipment	0	0	0	330
	396	Equipment Rental commercial	0	0	0	55
	399	Mail Meters Rental	0	0	0	0
24		Printing and Reproduction	20,000	27,800	47,800	70,500
	410	Printing Publications	0	19,400	19,400	31,150
	411	Printing Forms	0	0	0	0
	413	Printing Other	16,000	0	16,000	24,000
	414	Copier Reproduction	0	0	0	0
	418	Graphic Design	4,000	8,400	12,400	14,600
	450	Photographic Services	0	0	0	0
	451	Federal Register and CFRS	0	0	0	750
25		Other Contractual Services	7,500	11,200	18,700	1,289,166
	511	Consultant Contract Advisory Only	0	0	0	0
	514	Contract Labor	0	0	0	0
	515	Protection	0	0	0	43,150
	516	Contractual Service - Other	6,000	7,200	13,200	850,932
	517	Membership	0	0	0	0
	518	Transcripts	0	4,000	4,000	43,900
	526	Medical Care	0	0	0	0
	527	Operation & Maintenance of Equipment	0	0	0	208,500
	529	Purchase of Goods & Services from Gov't	0	0	0	0
	535	Payments to GSA Funds	0	0	0	0
	536	Payments to Other Gov't Funds	0	0	0	51,804
	540	Software and Hardware Contracts	0	0	0	71,000
	551	Courier Services	1,500	0	1,500	1,580
	561	Printing Equipment	0	0	0	0
	563	Other Operating Equipment	0	0	0	0
	921	Training Commercial Provider	0	0	0	6,000
	922	GSA Training	0	0	0	0
	923	Training Interagency	0	0	0	12,300
26		Supplies and Materials	5,500	5,136	10,636	89,861
	610	Office Supplies - Government	2,000	0	2,000	29,690
	611	General Operating Supplies	3,000	5,136	8,136	9,771
	612	Newspapers & Periodicals	500	0	500	3,400
	616	IT Supplies and Materials	0	0	0	5,150
	619	Office Supplies - Commercial	0	0	0	41,850
31		Equipment	0	0	0	30,750
	971	Expensed Admin OFC Furnishing	0	0	0	0
	972	Expensed Administrative Software	0	0	0	750
	973	Expensed Admin Automated Info Equipment	0	0	0	30,000
	975	Expensed Admin IT Hardware Equip	0	0	0	0
		TOTAL	\$560,576	\$800,780	\$1,361,356	9,400,000

\$87,375 801,264
 24

FY 2010 PROPOSED STAFFING PLAN
US COMMISSION ON
CIVIL RIGHTS
Detail of Positions
(Attachment 4)

POSITION/TITLE	FY 2010 PAY GRADE (estimated)	FY 2010 STATUS (estimated)	FY 2009 STATUS (estimated)	FY 2008 STATUS (actual)
Commissioners and Assistants				
Commissioner (Chairman)	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner	EX Level IV	Onboard	Onboard	Onboard
Commissioner Assistant	GS 13	Onboard	Onboard	Onboard
Commissioner Assistant	GS 13	Onboard	Onboard	Onboard
Commissioner Assistant	GS 13	Onboard	Onboard	Onboard
Commissioner Assistant	GS 13	Onboard	Onboard	Onboard
Commissioner Assistant	GS 13	New Hire	Vacant	Vacant
Commissioner Assistant	GS 13	New Hire	Vacant	Vacant
Commissioner Assistant	GS 13	New Hire	Vacant	Vacant
Commissioner Assistant	GS 13	Vacant	Vacant	Vacant
Office of the Staff Director				
Staff Director	ES-00	Onboard	Onboard	Onboard
Deputy Staff Director	ES-00	New Hire	Vacant	Vacant
Associate Deputy Staff Director	ES-00	Onboard	Onboard	Onboard
Special Assistant to the Staff Director	GS 11/13	Vacant	Vacant	Vacant
Special Assistant to the Staff Director	GS 11/13	Vacant	Vacant	Vacant
Special Assistant to the Staff Director	GS 11/13	Vacant	Vacant	Vacant
Special Assistant to the Staff Director	GS 11/13	Vacant	Vacant	Vacant
Solicitor	GS 15	Onboard	Onboard	Onboard
Attorney Advisor	GS 14	Vacant	Vacant	Onboard
Attorney Advisor	GS 14	Onboard	Onboard	Onboard
Secretary	GS 12	Onboard	Onboard	Onboard
Secretary	GS 9	Onboard	Onboard	Onboard

FY 2010 PROPOSED STAFFING PLAN
 US COMMISSION ON
 CIVIL RIGHTS
 Detail of Positions
 (Attachment 4)

Office of Civil Rights Evaluation				
Assistant Staff Director for Civil Rights	GS 15	Onboard	Onboard	Onboard
Social Scientist	GS 13	Onboard	Onboard	Onboard
Social Scientist	GS 13	Onboard	Onboard	Onboard
Social Scientist	GS 13	Vacant	Vacant	Vacant

POSITION/TITLE	FY 2010 PAY GRADE (estimated)	FY 2010 STATUS (estimated)	FY 2009 STATUS (estimated)	FY 2008 STATUS (actual)
Office of Civil Rights Evaluation				
Civil Rights Analyst	GS 12	Vacant	Vacant	Vacant
Civil Rights Analyst	GS 11	Onboard	Onboard	Onboard
Civil Rights Analyst	GS 14	Onboard	Onboard	Onboard
Secretary	GS 6	Onboard	Onboard	Onboard
Office of the General Counsel				
General Counsel	GS 15	Onboard	Onboard	Onboard
Attorney Advisor	GS 14	Onboard	Onboard	Onboard
Attorney Advisor	GS 14	Onboard	Onboard	Onboard
Attorney Advisor	GS 13	Vacant	Vacant	Vacant
Secretary	GS 6	New Hire	Vacant	Vacant
Office of Management				
Director	GS 15	Onboard	Onboard	Onboard
Human Resources Director	GS 14	Vacant	Vacant	Vacant
Budget Director	GS 14	New Hire	Vacant	Vacant
Budget Analyst	GS 11	Vacant	Onboard	Onboard
Budget Assistant	GS 5	Vacant	Onboard	Onboard
Human Resources Specialist	GS 13	Onboard	Onboard	Onboard
Human Resources Specialist	GS 11	Onboard	Onboard	Onboard
Human Resources Assistant	GS 6	Onboard	Onboard	Onboard
ASCD Chief	GS 14	Onboard	Onboard	Onboard
IT Specialist	GS 13	Onboard	Onboard	Onboard

FY 2010 PROPOSED STAFFING PLAN
 US COMMISSION ON
 CIVIL RIGHTS
 Detail of Positions
 (Attachment 4)

Secretary Civil Rights Analyst	GS 6 GS 9	Onboard Vacant	Onboard Vacant	Onboard Vacant
Western Regional Office				
Director Civil Rights Analyst	GS 14 GS 9	Vacant Vacant	Vacant Vacant	Vacant Vacant
Secretary	GS 6	Onboard	Onboard	Onboard

POSITION/TITLE	FY 2010 PAY GRADE (estimated)	FY 2010 STATUS (estimated)	FY 2009 STATUS (estimated)	FY 2008 STATUS (actual)
Southern Regional Office				
Director	GS 15	Onboard	Onboard	Onboard
Civil Rights Analyst	GS 9	Vacant	Vacant	Vacant
Attorney Advisor	GS 12	N/A	N/A	Onboard
Secretary	GS 6	Vacant	Vacant	Vacant
Midwestern Regional Office				
Director	GS 14	Onboard	Onboard	Onboard
Civil Rights Analyst	GS 9	Vacant	Vacant	Vacant
Secretary	GS 7	Onboard	Onboard	Onboard
Rocky Mountain Regional Office				
Director	GS 14	Onboard	Onboard	Onboard
Civil Rights Analyst	GS 9	Vacant	Vacant	Vacant
Secretary	GS 7	Onboard	Onboard	Onboard
Allotted:		76	76	76

FY 2010 PROPOSED STAFFING PLAN
US COMMISSION ON
CIVIL RIGHTS
Detail of Positions
(Attachment 4)

Filled:			46	42	44
Unfilled:			30	34	32

Identification Code: 95-1900-1-751

NOTE: These positions are currently non-career positions: Commissioner Assistants, Staff Director, and General Counsel.

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USCCR SALARIES AND EXPENSES

Congressional Appropriation Request for FY 2011	\$9,400,000
Congressional Appropriation Request for FY 2010	\$9,400,000
Congressional Appropriation for FY 2009	\$8,800,000

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

FY 2011 PROGRAM PRIORITIES

Our \$9.4 million appropriation request should support our civil rights agenda for America of promoting equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It should allow the Commission not only to be a civil rights watchdog, but to support, advise and collaborate with the President, Congress, and other federal agencies when necessary and appropriate. It should also allow us to continue providing the public access to critical civil rights information.

Our mission includes informing the development of national civil rights policy and enhancing enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress and the public benefit from our mandate¹ of keeping all informed regarding civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

¹ We have six specific statutory responsibilities: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

Our strategic vision is rooted in four goals that call for us to:

- Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.
- Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.
- Serve as an authoritative national clearinghouse and repository of civil rights data and information.
- Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Examples of proposed initiatives in the operational and managerial areas include completion of a human capital plan in FY 2010 with implementation beginning in early FY 2011. The plan will incorporate specific initiatives, to be executed according to an agreed upon timetable, that will improve challenges we face in talent, performance, and knowledge management, as well as leadership development. It will also align our human resources practices with the agency's strategic goals and objectives to optimize our opportunities for success.

During FY 2011, we propose developing follow-up activities and creating an action plan that includes improvement targets designed to increase employee satisfaction. This project, based on the results of the agency's Federal Human Capital Survey, will be consistent with OPM's human resources initiative and requirements but, at the same time, reflect a consideration of existing agency human and budgetary resources. With an experienced full-time budget director joining the agency in early FY 2010, we anticipate implementing additional procedures to improve budget-performance integration during FY 2010 and FY 2011. During this same period the budget director, working with our external accounting services provider, will also focus on improving agency project and activity cost reporting.

We will also conduct appropriate follow-up on the results of our employee wellness assessment. In FY 2009, we conducted a WellCheck Appraisal assessing employee health and wellness risks based on Healthy People 2010 indicators. Our Human Resources Division will assess the results of the appraisal, as required by the Office of Personnel Management (OPM), during FY 2010 and will develop an action plan (as determined appropriate and consistent with existing resources) during FY 2011.

The information technology (IT) office, staffed by one IT specialist, will continue ongoing initiatives and begin new initiatives during FY 2011 that include:

- ongoing implementation and revision of the agency's multi-year IT investment plan that encompasses upgrades to hardware and software,
- integrating office equipment to improve efficiency, to reduce maintenance costs, and to take advantage of the economy of scale when making future purchases,
- using cloud computing to expand our ability to gain secure remote access to agency information and data (e.g., backing up the email server), and
- developing, implementing and monitoring our response to the findings of an IT assessment commissioned by the agency in FY 2009 to determine how our IT systems could be improved or upgraded to support existing and future needs.

Throughout FY 2011, we will focus on these initiatives and continue the core fact-finding priorities manifested in our strategic goals and objectives. In addition to these, we currently propose two other high priority program goals:

- Consolidating information about civil rights enforcement efforts of other Federal agencies in one location to inform the public about their rights and the enforcement of the nation's civil rights laws.
- Coordinating and cooperating with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.

These two priorities support the Commission's Strategic Plan goal of expanding the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships. We provide a detailed discussion of the Commission's strategic plan and FY 2011 annual performance goals in subsequent sections of this budget submission; however, an overview of our most recent funding and staffing levels is first presented in the following section.

OVERVIEW OF AGENCY FUNDING

Over the last decade or more, the agency's operating budget has fluctuated within a range of \$8.4 million to \$9.0 million; however, it should be noted that inflation has reduced the real value of these dollars over time. Consequently, we use attrition-related savings to absorb increasing expenses such as cost-of-living adjustments, pay raises (within grade increases and career ladder promotions), benefits, and performance awards and bonuses. We also used attrition-related savings to fund financial and operational improvement initiatives, support infrastructure improvements such as upgrades to our information technology systems, and pay for increases in rent, accounting services and various other operational expenses.

6-Year Funding Pattern
(in millions and excluding rescissions and other
adjustments)

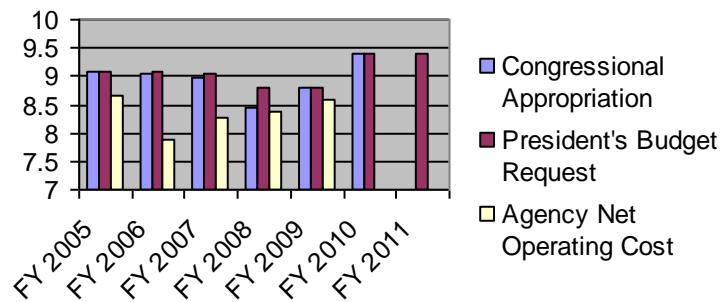


TABLE 1: AGENCY ANNUAL APPROPRIATION					
	FY 06	FY 07	FY 08	FY 09	FY 2010
President's Budget Request	\$9,096,000	\$9,048,923	\$8,800,000	\$8,800,000	9,400,000
Congressional Appropriation	\$9,000,000	\$8,972,000	\$8,460,000	8,800,000	9,400,000

TABLE 2 : USCCR NET COST OF OPERATIONS²				
FY 2005	FY 2006	FY 2007	FY 2008	FY 2009 (est.)
\$8,650,232	\$7,899,216	\$8,271,321	\$8,383,710	\$8,597,107

Our FY 2011 budget request of \$9.4 million is consistent with the President's FY 2010 request. Based on this funding level, we immediately absorb the increase in onboard personnel-related expenses.³ Overall, our personnel costs continue to account for two-thirds of the agency's budget. Throughout the years, as we continue to absorb increasing personnel costs through attrition, our actual staffing levels decline. Our staffing level in FY 1983 was 229 full-time equivalent employees (FTEs) compared to 47 FTEs in FY 2009, and projections of 46 FTEs in FY 2010 and FY 2011.

TABLE 3: EMPLOYMENT SUMMARY⁴								
	FY 2003 (actual)	FY 2004 (actual)	FY 2005 (actual)	FY 2006 (actual)	FY 2007 (actual)	FY 2008 (actual)	FY 2009 (actual)	FY 2010 (est.)
Civilian Full-time Equivalent Employment	71	63	55	46	47	44	47	46

See Table A-1, *FY 2011 Proposed Staffing Plan*, in the Appendix, for agency staffing plans by office/division, position and grade level.

Projected FY 2011 Spending Compared to Projected FY 2010 Spending

In FY 2010 the agency's appropriation was \$9.4 million, the same as our FY 2011 request. In FY 2011, we are reducing travel and other expenditures compared to our FY 2010 operating budget. Furthermore, we are reconsidering the timing of investments in several information technology (IT) items. Several larger items proposed for acquisition during FY 2011 were purchased during FY 2009 and at least one other purchase may be postponed. We estimate the Commission's IT budget savings at \$145,000 in FY 2011. Several sources of these savings include:

- the purchase of several PCs and laptops during FY 2009 instead of FY 2011,
- the release of FY 2011 funding designated for upgrades to the agency's Web site (including the proposed civil rights information Web site modeled on the "USA.gov" site) because the upgrades are already fully funded,

² As reported in the Financial Statements in the agency's annual *Performance and Accountability Reports*.

³ This is determined based on budgeted FY 2010 salaries and benefits of \$6,202,240 and projected FY 2011 personnel costs of \$6,256,881.

⁴ Staffing levels are those reported in the *Budget of the United States Government* for FY 2006 through FY 2010.

- the delay of a project to establish regional office connectivity to the agency's shared or common computer drive, and
- the postponement of the purchase of new desktop software for the regional offices.

Changes in the quantity or scope of other agency activities should result in estimated savings of \$68,000; these include:

- phasing in biometric identification tokens instead of immediate agency-wide implementation, and
- identification and reduction of redundant costs in printing, communication, and contractual services.

These actions should not compromise our current IT capacity and we still anticipate being able to upgrade our agency Web site and create a new national civil rights information Web site. This new site is proposed as a national clearinghouse database on enforcement actions, policies and information from four key departments and agencies – the departments of Labor, Education, Justice and the Equal Employment Opportunity Commission. It will also provide information about civil rights complaints filed with these and other federal agencies.

Our FY 2011 agency operating plan reduces non-personnel related spending in five of seven areas. These reductions take spending to below FY 2010 levels in order to operate within a \$9.4 million budget, as shown in Table 4, *Percent Change by Budget Category from Between FY 2010 and FY 2011*.

TABLE 4: PERCENT CHANGE BY BUDGET CATEGORY BETWEEN FY 2010 AND FY 2011			
	FY 2010	FY 2011	%Change
Salaries	4,929,059	5,039,275	2%
Benefits	1,273,181	1,217,606	-4%
Travel	202,232	194,228	-4%
Rent Communications⁵	1,512,501	1,499,509	-1%
Contractual Services⁶	1,289,166	1,255,404	-4%
Supplies⁷	\$89,861	81,792	-9%
Printing	70,500	74,686	6%
Transport of Things	2,750	0	-100%
Equipment	30,750	37,500	18%
TOTAL	9,400,000	9,400,000	N/A

⁵ Communications consist of FEDEX mail, UPS, local telephone service, long distance service, postage and fees, blackberry transmissions, and conference calls.

⁶ Contractual services include external accounting services, auditing services, electronic travel services, temporary/contract labor, IT consulting services, court reporting/transcription services, and various inter-agency agreements/contracts for goods and services.

⁷ Supplies consists of newspaper subscriptions, general office and operating supplies, and IT supplies and materials.

The Commission, for example, is spending less in invitational and other travel for hearing witnesses and briefing presenters. We are also reducing spending on telecommunications, contractual services, transportation of things or shipping, and basic office supplies.

OVERVIEW OF AGENCY PERFORMANCE AND ACCOMPLISHMENTS

The performance section of this submission highlights several FY 2009 program accomplishments and activities, reviews elements of the agency's strategic plan and the FY 2011 annual performance plan, and discusses agency performance associated with a FY 2011 budget of \$9.4 million.

Led by eight commissioners,⁸ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2011 by continuing to improve the degree to which we align our program activities with the goals and objectives in our new strategic plan. We will measure performance against established targets, and report on our challenges and successes. In short, we will hold ourselves accountable for results.

We will serve these goals and continue the tradition of being the nation's conscience on civil rights matters in several ways, one of which is through our fact-finding activities. Our national briefings use various subject matter experts, with different views, opinions, and perspectives, to discuss and examine civil rights issues. Researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination are all included among the experts. We publish reports on our briefing topics examining the issues, data, and recommendations, if any, raised during the briefings. These reports also reflect our supplemental research, independent analyses, and our recommendations for future action by policymakers and Federal civil rights enforcement agencies. Examples of our civil rights work in FY 2009 include approving five reports for publication on civil rights topics such as:

- minorities in special education,
- election monitoring by the Department of Justice during the 2008 presidential election,
- civil rights implications of the mortgage crisis (annual enforcement report),
- Supplemental Educational Services under the No Child Left Behind Act, and
- Title IX Athletics.

During FY 2009, we organized public briefings on existing and emerging civil rights issues. These civil rights policy briefings featured experts, researchers, academicians, and advocates discussing various aspects of civil rights policy. The Commission, through these briefings, highlighted several relevant and timely civil rights issues including healthcare disparities between minorities and non-minorities, English as the common language in the workplace, and the mortgage crisis. The Commission's FY 2009 statutory report was on the mortgage crisis.

Aside from reports and briefings, the Commission stayed engaged on timely civil rights matters by sending policy letters to the President, members of Congress and other policymakers and offering Congressional testimony, both collectively and in their individual capacities, on a variety of civil rights issues. For example, the Commission commented on both federal and state bills with implications for civil rights during FY 2009, including the Matthew Shepard Hate Crimes Prevention

⁸ Four commissioners are presidential appointees and four are congressional appointees, all serve six-year terms.

Act, the Native Hawaiian Government Reorganization Act, and Ohio State Bill 146.⁹ In a June 2009 letter to Congress, the Commission criticized hate crimes legislation that did little to protect individuals against those motivated by racial or other prohibited animus and raised civil liberties concerns.¹⁰ In August 2009, we again advised members of Congress on the reintroduced Native Hawaiian Government Reorganization Act, reiterating our opposition to the use of racial or ethnic categories by federal or state government. We opposed the legislation because it permits Hawaii to use racial or ethnic categories when distributing benefits and burdens and establishes a harmful precedent by establishing a separate sovereign for an ethnic group within a state.¹¹ Commissioners Gail Heriot and Michael Yaki offered testimony in their capacities as members of the Commission to the House Committee on Natural Resources on the Native Hawaiian Government Reorganization Act of 2009.¹² Commissioners also sent several letters expressing their concerns over the implications of the Department of Justice's dismissal of voter intimidation charges against members of the New Black Panthers Party in Philadelphia.¹³ Those early letters involving the case have formed the basis of the Commission's FY 2010 enforcement report project. (The Commission's policy letters are not coordinated with or approved by the White House or OMB, reflecting its unique role as an agency charged in part with independently appraising federal laws and policies with respect to discrimination or denial of equal protection because of race, color, religion, sex, age, disability or national origin or in the administration of justice).

In addition to serving our stakeholders through our reports and briefings, we provide a complaint referral service that allows us to provide a public service as well as informally collaborate with other federal agencies. Complaints received by our headquarters office most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. In FY 2009, we received 3,786 complaints and requests for assistance from the public and members of Congress.¹⁴ This is an increase of about 4 percent over FY 2008. The majority of these complaints were referred to other federal agencies with civil rights enforcement authority. Of these, approximately 87 percent were referrals to the

⁹ Letter of Commission to Ohio State Senator Ray Miller (July 21, 2009), available at <http://www.usccr.gov/correspd/NativeHawaiianReorganization82809.pdf> (last visited Oct. 14, 2009).

¹⁰ Letter of the Commission to the President and Several Members of the Senate Regarding S. 909 (June 16, 2009), available at <http://www.usccr.gov/correspd/SenateHateCrimes06-16-09.pdf> (last visited Oct. 14, 2009).

¹¹ Letter of the Commission to Members of Congress on the Native Hawaiian Government Reorganization Act (Aug. 28, 2009), <http://www.usccr.gov/correspd/NativeHawaiianReorganization82809.pdf> (last visited Oct. 14, 2009).

¹² Copies of the testimony are available on the Commission's website and on the website of the House Natural Resources Committee.

¹³ Letter of the Commission to Loretta King, Acting Assistant Attorney General of the Civil Rights Division, United States Department of Justice (June 16, 2009), available at

<http://www.usccr.gov/correspd/VoterIntimidation2008LetterDoJ.pdf> (last visited Oct. 14, 2009) Letter of Vice Chair Thernstrom and Commissioner Taylor to Loretta King, Acting Assistant Attorney General of the Civil Rights Division, United States Department of Justice (June 22, 2009), available at

http://www.usccr.gov/correspd/Thernstrom_TaylorLetter2008.pdf (last visited Oct. 14, 2009); Letter of the

Commission to United States Attorney General Eric Holder (Aug. 10, 2009), available at <http://www.usccr.gov/correspd/Follow-upVoterIntimidation.pdf>, (last visited Oct. 14, 2009); Letter of the

Commission to United States Attorney General Eric Holder (Sept. 30, 2009), available at <http://www.usccr.gov/correspd/VoterIntimidationNBPP093009.pdf> (last visited Oct. 14, 2009). Commissioners Melendez and Yaki were not signatories to these letters.

¹⁴ The headquarters received 3,006 complaints while our regional offices received a combined 780 complaints.

Department of Justice (DOJ) and 6 percent to the Equal Employment Opportunity Commission (EEOC). More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. Non-personnel related expenses are not associated with our complaint referral activity in FY 2011.

In FY 2009, our Office of Civil Rights Evaluation began constructing a proposal for evolving this complaint referral service into a national complaint database. This should allow us to identify existing and emerging civil rights issues and areas needing concentrated enforcement efforts. The anticipated result is the publication of data that should inform the decision-making of other agencies with respect to identifying their civil rights enforcement priorities. Our FY 2011 funding request does not include additional funds for this project due to OCRA preliminarily determining that it could create the database using existing agency resources.

Our regional offices have made significant headway in meeting the agency's strategic goals in reinvigorating and effectively utilizing our State Advisory Committees. Our regional offices began FY 2009 with 26 of 51 state advisory committees possessing active charters. We ended the fiscal year with 33 actively chartered SACs. By the end of FY 2010, it is currently projected that we will increase the percentage of our advisory committees having active charters and all our committees will have active charters in FY 2011.

We continue our efforts to reduce the backlog of advisory committees with charters that expired on or before January 30, 2007. FY 2009 ended with a backlog of 17 advisory committees; we anticipate having nine committees ready for a Commission vote during early FY 2010 and eliminating the backlog in FY 2011.

By law, our SACs are unable to operate unless they have active charters. Reducing our backlog of expired SAC charters and renewing newly expiring charters within 60 days of expiration are key agency priorities supported by this FY 2011 funding request.¹⁵

The Commission continues to demonstrate success in improving its policies and procedures regarding its internal financial controls. For example, in FY 2009, we received an unqualified opinion for the fourth consecutive year from independent auditors. Prior to FY 2006, the Commission had not received a single clean audit. The Commission also worked to manage its internal control environment. Based on a review of agency-wide materials and an assessment by its managers, the agency's management and financial controls under the Federal Managers' Financial Integrity Act (FMFIA) were determined to be sound in FY 2009.

Based on our performance successes and challenges during FY 2009, we view FY 2010 and FY 2011 as opportunities to further our progress on our long-term strategic goals and objectives.

A. Strategic Plan Goals and Objectives and the FY 2011 Annual Performance Plan

We reflect upon our strategic plan goals and objectives during the agency's program planning and budget formulation cycles. Our *Strategic Plan for FY 2008-FY 2013* has four statements of agency-wide aims or goals, and several objectives. During any given year, we incorporate a combination of

¹⁵ "Renewing" as used here means obtaining staff director approval for submission of the appointment/re-charter package to the eight appointed commissioners for final approval.

these goals and objectives into the agency-level annual performance plan. We ask individual offices and divisions to create office/division level annual performance plans that execute the agency's performance plan.

Strategic Goal 1: Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

Strategic Objectives

Objective 1: Reinvigorating the Commission's State advisory committees (SACs), consistent with our budgetary resources.

Objective 2: Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.

Objective 3: Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

Objective 4: Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Strategic Objectives

Objective 1: Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Objective 2: Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

Objective 3: Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

Objective 4: Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Objective 5: Promote public awareness of current civil rights laws, remedies and enforcement agencies.

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Strategic Objectives

Objective 1: Strengthen the quality and objectivity of the Commission's reports.

Objective 2: Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.

Objective 3: Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.

Objective 4: Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Strategic Objectives

Objective 1: Adhere to integrated budgeting, planning, and performance management.

Objective 2: Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations.

Objective 3: Continue implementation of adopted GAO and OPM recommendations.

Objective 4: Modernize the agency's information technology infrastructure and improve IT management to enhance program efficiency.

The FY 2011 program activities comprising our proposed annual performance plan are identified in the below table. Executing the performance measures and achieving our performance targets require the full effort and support of multiple offices and divisions, including regional offices and state advisory committees. Therefore, the alignment of the performance measures with the responsible offices and divisions is also represented in the below table. We, as well, identify the specific strategic goals and objectives associated with each performance measure immediately following each performance measure. For example, the designation "1.1.1(a)" means strategic goal 1, objective 1, and performance measure 1(a).

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

Performance Measures	Lead Component(s)	Performance Targets
Increase the # of SACs re-chartered. ¹⁶	1.1.1(a) RO, RPCU, OSD	Increase # of chartered SACs to 100%
Eliminate the backlog of un-chartered SACs. ¹⁷	1.1.1(b) RO, RPCU, OSD	Reduce backlog by 100%
Achieve an average re-charter time of 60-days. ¹⁸	1.1.1(c) RO, RPCU, OSD	60-day average re-charter time for SACs with charters that expired after January 30, 2007

¹⁶ FY 2007 baseline is 17 chartered SACs or 33%.

¹⁷ FY 2007 baseline is 34 unchartered SACs. The backlog is composed of SACs with charters that expired on or before January 30, 2007.

¹⁸ 60 days refers to approval by the staff director and not the vote by the commissioners.

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

Performance Measures	Lead Component(s)	Performance Targets
Conduct a joint national office and advisory committee project. 1.2.2(b)	OSD, RPCU, RO	Issue a report within 12 to 18 months after initiation of the project
Obtain input from SACs as a part of national program planning. 1.2.2(a)	OSD, RPCU, RO	Once annually (by October 31)
Solicit SAC ideas for SAC follow-up activities on national office projects. 1.2.2 (c)	OSD, RPCU, RO	Once annually (during October)
Issue a report on the national civil rights conference currently planned for FY 2010. 1.4.4(b)	OSD, OCRE, OGC	Complete and distribute a national civil rights conference report on emerging civil rights issues, and civil rights in the 21 st century
Identify civil rights issues and research topics appropriate for incorporation into the Commission's program planning cycles held each year beginning FY 2010 through FY 2012. 1.4.4(c)	OCRE, OGC OSD	Identify 6 topics/issues resulting from the national conference
Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011. 1.4.4(d)	OSD	Identify 4 topics/issues resulting from the national conference
Identify areas where the Commission's powers and mission should be expanded to respond to emerging challenges and publish these by FY 2011. 1.4. 4(e)	OSD, OGC	Identify 4 areas resulting from the national conference Publish a "white paper" or other document on the topic/areas
Produce a report that addresses how civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies. 2.1.1	OCRE, OGC	Once annually (statutory report)
Partner with at least one other federal agency to focus on raising public awareness of civil rights laws, remedies, and enforcement agencies. 2.2	OSD/PAU, OGC	Execute one MOU
Collect complaint data to identify trends and issues in civil rights. 2.3	OCRE	Launch a new database based on complaint data from other federal agencies and USCCR information
Issue guidance to the executive branch on civil rights enforcement efforts. 2.4.4(b)	OCRE, OGC, OSD	Issue 3 letters or other substantive civil rights guidance to an executive branch agency (FY 2009 is the baseline year)
Establish congressional contacts and provide substantive input on proposed civil rights legislative agenda items. 2.4.4(e)	CAU, OSD	At least 3 congressional contacts based on substantive civil rights input
Host public briefings or hearings annually on civil rights issues. 2.5.5(a)	OCRE, OGC	4 hearings or briefings
Issue press releases related to civil rights issues and Commission activities. 2.5.5(b)	PAU, OSD	Issue 10 press releases (annually)
Hold press conference on the Commission's statutory	PAU, OSD	Hold 1 press conference (annually)

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

Performance Measures	Lead Component(s)	Performance Targets
report or other significant activity/publication. 2.5.5(c)		
Post all public Commission meeting and briefing transcripts, and approved reports, on the USCCR Web site. 2.5.5(d)	OSD, OGC, OCRE, OM/ASCD	21 transcripts and reports posted on the Web site
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service. 2.5.5(e)	OCRE, RO	Maintain 30-day average complaint response time
Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability. 3.1.1(a)	OCRE, OGC, OSD, RPCU, RO	Maintain a record of no adverse decisions under agency information quality guidelines through FY 2013
		Maintain a record of no reversals of agency decisions on appeal under the information quality guidelines
Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline. 3.1.1(b)	OSD	Full compliance with previously adopted recommendations
Issue a report(s) and conduct follow-up research, where necessary, that involves the collection of data on disparities. 3.2.2	OCRE, OGC	Issue 2 reports that include disparities data (each report may satisfy one or more plan goal and measure)
Issue a report(s) and conduct follow-up research, where necessary, assessing claims of systemic or pervasive discrimination. 3.3.3	OCRE, OGC	Issue 2 reports assessing claims of systemic or pervasive discrimination (each report may satisfy one or more plan goal and measure)
Incorporate original social scientific research into Commission reports. 3.4.4	OCRE	Issue 1 report containing original research data
Full compliance with OMB A-11 by FY 2010 budget cycle. 4.1.1(a)	BFD, OM, OSD	Timely submit budget materials; Create and post agency annual performance plan; Revise budget and priorities based on actual appropriation; Post CJ materials on the agency Web site
Receive a PART score of at least “moderately effective”. 4.1.1(b)	OSD, OM/ BFD	Improve PART reassessment score to at least “moderately effective” (subject to a decision in FY 2010 to seek reassessment by OMB)
Receive a “clean” or unqualified financial statement audit. 4.2.2(a)	OM/BFD, OM/ASCD	Receive clean audit opinion on financial statements
Full compliance with laws and regulations respecting the stewardship of tax dollars. 4.2.2(b)	OM/BFD, ASCD/ IT	Resolve previously identified FISMA weaknesses; Timely complete financial audit
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures. 4.3.3	OSD, OM/HR	Submit a performance budget that integrates program activities and costs

Presently, we believe that the FY 2011 budget estimate supports the above agency performance measures and targets. The following two subsections focus on the unique roles national and regional operations play in executing our agency's annual plan.

B. FY 2011 National Office Programming

The agency's FY 2011 funding supports our proposed national office annual performance plan. This plan includes, among other program activities and outcomes:

- Conducting twelve public Commission business and fact-finding meetings (e.g., hearings and briefings) of the Commission,
- Publishing all public Commission meeting transcripts on the agency's Web site for public access,
- Publishing three fact-finding reports,
- Publishing a report on the Commission's national civil rights conference that is currently scheduled for FY 2010,
- Completing and publishing the annual report on agency performance and accountability,
- Timely completing an annual financial audit and receiving a "clean" audit opinion,
- Renewing the agency's external accounting services contract to timely produce financial statements and support our objective of a "clean" financial audit,
- Renewing the agency's press/news wire services to issue no less than 10 press releases annually,
- Continuing staff evaluations and referrals of citizen civil rights complaints to provide a service to the public,
- Creating and launching of a new national complaint database that analyzes complaint data from other federal agencies,
- Entering the final stages of launching the agency's new Web site that will serve as a clearinghouse of federal civil rights information,¹⁹ and
- Upgrading, supporting, and maintaining our IT system.

Table A-2 of the Appendix, *Alignment of National Office Activities with Strategic Plan Goals*, clearly presents the alignment of national office activities with the agency's strategic goals. The table below, however, summarizes our national office operating plans for FY 2011 that support these activities and achieve these planned outcomes. Annual operating plans represent the Commission's proposed annual spending by budget category.²⁰ As with any plan, actual spending may vary.

¹⁹ Work began on this project in FY 2009 and should continue throughout FY 2010 and FY 2011. We anticipate completing this effort in FY 2012.

²⁰ As with any plan, actual spending may vary so budgeted/planned spending versus actual spending is discussed in various sections of this document.

TABLE 6: NATIONAL OFFICE OPERATING PLANS BY FY

	FY 2008 (actual)	FY 2009 (actual)	FY 2010 (est.)	FY 2011 (est.)
Salaries	3,117,511	3,266,045	3,797,014	4,020,447
Benefits	676,324	752,606	990,170	962,896
Travel	148,637	120,100	160,869	135,439
Transport of Things	17,752	0	2,000	0
Rent, Utilities, Communications	1,098,431	1,243,385	1,476,498	1,483,403
Printing and Reproduction	98,226	76,976	70,500	68,190
Other Contractual Services	1,245,557	1,351,467	1,245,488	1,229,244
Supplies	71,427	142,377	80,386	74,632
Equipment	10,344	39,700	30,750	37,500
TOTAL	\$6,484,209	\$6,992,656	\$7,853,675	\$8,011,751

The national office operating budget is projected to increase by 2 percent compared to FY 2010. Our FY 2011 operating budget should decrease in five of seven non-personnel budget categories for a total decrease estimated at more than \$50,000.²¹ As shown in the above table, the national office plans to eliminate all spending on transportation of goods/things and take the following other reductions:

- 16 percent decrease in national office travel budget,
- 3 percent decrease in the national office printing and reproduction budget,
- 1 percent decrease in the national office contractual services budget, and
- 7 percent decrease in the national office supply budget.

We project national office personnel-related costs to account for 62 percent of our FY 2011 operating budget while operations and programming account for 38 percent. The national office operating budget accounts for 85 percent of the agency's total request for appropriation.

C. FY 2011 Regional Office Programming

Our FY 2011 request funds several key regional functions, including:

- Eliminating the remaining backlog of unchartered state advisory committees,
- Ensuring that all 51 state advisory committees have active charters,

²¹ Our budget reflects a less than 1 percent increase in rent, utilities and communications and an 18 percent increase in the equipment budget. These increases total an estimated \$13,655 in FY 2011. Personnel costs in FY 2011 are estimated at \$4,983,343 while non-personnel related costs are estimated at \$3,028,408 for national office programming and operations.

- Recruiting advisory committee members,
- Completing a projected five advisory committee reports and statements, and
- Conducting more advisory committee meetings and fact-finding events than in previous years.

Table 7: REGIONAL OPERATING PLANS FY 2008 to FY 2011				
	FY 2008	FY 2009	FY 2010	FY 2011
Salaries	1,064,090	1,042,906	1,132,045	1,017,779
Benefits	264,107	260,727	283,011	254,445
Travel	102,700	48,595	41,363	58,789
Transport of Things	5,000	0	750	0
Rent, Utilities and Communications²²	407,161	338,124	36,003	16,106
Printing and Reproduction	42,368	4,800	0	6,496
Other Contractual Services	43,447	101,788	43,678	26,160
Supplies	11,919	10,405	9,475	7,160
Equipment	0	0	0	0
TOTAL	\$1,940,791	\$1,807,344	\$1,546,325	\$1,386,935

The proposed regional operating budget of \$1,386, 935 maintains regional office staffing at the FY 2010 level. The position of chief of the regional programs coordination unit (RPCU) is being filled on an acting basis by the Southern Regional Office director. The former RPCU chief was reassigned in FY 2009 to a senior attorney advisor position in OSD and continues to assist the staff director on regional matters. The acting RPCU chief will continue to supervise the Western Regional Office as it clears its backlog and generates activity in the regional SACs.

Though we are proposing additional funds in FY 2011 for regional office and SAC travel and printing to support SAC chartering and meetings, we expect to realize some savings in contractual services, office supplies, and rent, utilities and communication. The amount of the projected these savings is described below.

- 40 percent decrease in contractual services such as court reporters, translators, sign language interpreters,
- 24 percent decrease in office supplies, and
- 55 percent decrease in rent, utilities and communication

²² The decrease in the rent, communications, and utilities regional budget between FY 2009 and FY 2010 reflects our shifting of regional office space rent costs from the regional operating budget to the national office operating budget. This was done to be consistent with how agency rent is billed by GSA. Moreover, the drop from \$36,000 in FY 2010 to \$16,106 in FY 2011 reflects the agency's switch to Verizon as our local and long distance provider. The regional offices no longer have long distance fees because they are captured in the total amount for the national office. Those long distance fees in the regions are typically in the area of \$18,000.

The below table depicts the annual performance plan for our regional operations. As with the national office performance plan, these regional performance measures and targets are all in support of the agency's strategic goals of:

- supporting a national civil rights conversation,
- expanding the capacity of federal agencies to raise public awareness of civil rights and their enforcement responsibilities, and
- serving as an authoritative national clearinghouse and repository of civil rights data and information.

More specifically, the objectives of these goals are to:

- reinvigorate the state advisory committees, consistent with our budgetary resources,
- energize the committees by enhancing their institutional role in program planning and increasing their productivity, and
- strengthen the quality and objectivity of written work products.

Regional Office Activity/Performance Measure	Performance Targets
Increase the # of SACs re-chartered.	Increase # of chartered SACs to 100% (subject to reassessment based on staffing and funding issues)
Eliminate the backlog of un-chartered SACs.	Reduce backlog by 100%
Achieve an average re-charter time of 60 days.	60-day average re-charter time for SACs with charters that expired after January 30, 2007
Participate in a joint national office and advisory committee project. Obtain input from SACs as a part of national program planning.	Report to be issued within 12 to 18 months after initiation of the project Once annually (by October 31)
Solicit SAC ideas for SAC follow-up activities on national office projects.	Once annually (during October)
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service.	Maintain 30-day average complaint response time
Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability.	Maintain a record of no adverse decisions under agency information quality guidelines through FY 2013
	Maintain a record of no reversals of agency decisions on appeal under the information quality guidelines

Regional personnel-related costs are projected at 92 percent of the FY 2011 regional operating budget; operations and programming account for the remainder of the budget. The regional operating budget accounts for 15 percent of the agency's total request for appropriation.

CONSIDERATION OF THE ADMINISTRATION'S BUDGET PRIORITIES

This submission highlights ways in which our budget supports the following top priorities and goals of the administration:

- using technology,
- encouraging economic growth,
- investing in the future, and
- governing the Nation responsibly.

Though our average annual IT spending is well under a million dollars, and we have only one IT specialist on staff, the Commission continues to see the value of using today's technology to improve performance and efficiency, reach larger and more diverse audiences, and secure information and data.

We have identified several areas where performance improvement is necessary if we are to meet or exceed all our performance targets. We must further increase the number of active advisory committees, formally document our solicitations of advisory committees for ideas for follow-up activities to national office projects, complete our projects within a 12 to 17 calendar month timeframe, and complete briefing reports (including publication and distribution) within 8 ½ calendar months from the date of the briefing.²³ Currently, we have projects and reports that fall outside these established parameters, and we cannot accurately determine other project and report lifecycles due to inadequate tracking and reporting. The installation of project management software began during FY 2009 and, once fully deployed, should support improvement in both these areas.²⁴ The desktop software, along with a Web-based component, includes support for managing staff time, assigning duties and responsibilities, setting and meeting project milestones, conducting project risk assessments, proposing risk mitigation strategies, and submitting required status reports. We propose acquiring similar software in subsequent years to track and monitor regional office performance related to the advisory committee management, to the extent it is consistent with our budgetary resources.

We propose using technology to support the proposed FY 2010 national civil rights conference and expand our stakeholder lists. To this end, we anticipate using Web-based registration to make registration easier for the public and to develop a database of contacts for future Commission outreach and follow-up.

As mentioned previously, the Commission plans to create a new Web site to serve as a clearinghouse for civil rights information. As envisioned, this site is loosely modeled on the "USA.gov" or "FirstGov" site. Our expectation is that the proposed new site will be a gateway that makes it easier for the public to locate and use civil rights-related information. This multi-faceted effort should include the posting of copies of actual complaints received by other agencies, and an analysis of civil rights complaint data from with various agencies. This information, when made available, should

²³ The Commission expanded the original 7 1/2 month timeframe by 30 days to accommodate a new 30-day rebuttal or response period adopted by the commissioners in FY 2009. U.S. Commission on Civil Rights, meeting, Washington, DC, April 17, 2009, transcript, pp. 164-175. During FY 2010, we will review these timeframes as a part of our MS Project deployment.

²⁴ During FY 2010, we should complete full deployment of MS Project 2007, including staff training.

aid agencies with enforcement authority and others in identifying trends and areas needing concentrated attention. The launch of the clearinghouse site is currently planned for FY 2012; however, we may make aspects of its content available prior to its formal launch.

Agency compliance with applicable federal IT requirements, especially those surrounding security and data management, continues to be a part of our IT focus. We are investing in technology to support our continuity of operations (COOP) planning, increase cyber security by encrypting email and using digital signatures, making improvements to our network infrastructure to comply with cyber security and Internet Protocol version 6 (IPv6) standards, and implementing biometric identification for information technology. Biometrics is a method of identification that manages access and control of information. Beginning in FY 2010, we plan to provide our six regional offices with access to the headquarters shared computer drive to facilitate information sharing and efficiency.

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



**REQUEST FOR CONGRESSIONAL APPROPRIATION
FOR FISCAL YEAR 2012**

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USCCR BUDGET REQUEST FOR SALARIES AND EXPENSES

Congressional Appropriation Request for FY 2012.....	\$9,429,000
Congressional Appropriation Request for FY 2011	\$9,400,000
Congressional Appropriation for FY 2010	\$9,400,000

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,429,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

FY 2012 PROGRAM OBJECTIVES AND PRIORITIES

Our \$9.429 million appropriation request will support our civil rights agenda of promoting equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It will allow the Commission to serve as a civil rights “watchdog,” advise and collaborate with the President, Congress, and other federal agencies, and provide the public access to critical civil rights information.

Our mission includes informing the development of national civil rights policy and enhancing enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress, and the public benefit from our mandate¹ of keeping all informed regarding civil rights issues, including discrimination or denial

¹ We have six specific statutory responsibilities: (1) investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; (2) study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; (3) appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; (4) serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race,

of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

Our strategic vision is rooted in four goals that call for us to:

- Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.
- Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.
- Serve as an authoritative national clearinghouse and repository of civil rights data and information.
- Normalize the Commission's financial and operational controls and modernize its information technology management and dissemination.

The key goals and objectives that we will focus on during FY 2012 are in the following table.

FY 2012 KEY USCCR GOALS AND OBJECTIVES
Reinvigorating and energizing a network of 51 state advisory committees.
Improving the ability of federal agencies to execute their civil rights enforcement responsibilities through issuing an annual assessment report on federal enforcement efforts, engaging in strategic partnerships, and advising the President and Congress on substantive civil rights matters.
Raising public awareness of civil rights by promoting awareness of civil rights laws, remedies, and federal enforcement agencies.
Serving as an authoritative clearinghouse and repository of civil rights information by issuing reports, analyzing data on disparities and assessing claims of systemic discrimination, and strengthening the quality and objectivity of the Commission's reports.
Normalizing financial controls by promoting sound financial management and being good stewards of our resources.
Normalizing operational controls by implementing a sound and relevant human capital management system that includes employee development and accountability.
Modernizing the use of information technology to improve effectiveness and efficiency.

A more detailed discussion of the Commission FY 2012 Key Goals and Objectives is in the FY 2012 Proposed Agency Annual Performance Plan section of this document.

color, religion, sex, age, disability, or national origin; (5) submit reports, findings, and recommendations to the President and Congress; and (6) issue public service announcements to discourage discrimination or denial of equal protection of the laws.

REVIEW OF THE AGENCY'S FY 2012 FUNDING REQUEST

Our FY 2012 Appropriation Request of \$9.429 million is slightly higher than our FY 2011 Appropriation Request. However, this request actually reflects a 5 percent reduction in our baseline budget, and a one-time increase of \$540,000 for office relocation costs. Our FY 2012 budget request will fund 44 full-time equivalent positions, a decrease of 3 FTE from FY 2011.

A. Budget Request by Object Class

At \$9.429 million, our budget request reflects both increases and decreases to most object classes. The following table provides a summary of the Commission's Budget Request:

Budget Object Classes	FY 2012 Projected TOTALS	FY 2011 Congressional Request TOTALS	Variance	% Change
Salaries	4,595,946	4,987,302	-391,356	-7.90%
Benefits	1,164,530	1,205,969	-41,439	-3.50%
Travel	194,696	194,228	468	0.30%
Rent, Communications & Utilities	1,578,961	1,499,509	79,452	5.30%
Printing & Reproduction	72,162	74,686	-2,524	-3.40%
Other Contractual Services	1,722,673	1,319,014	403,659	30.70%
Supplies and Materials	80,532	81,792	-1,260	-1.60%
Equipment	19,500	37,500	-18,000	-48.00%
TOTAL	9,429,000	9,400,000	29,000	0.31%

The largest decrease between our FY 2012 and FY 2011 budget requests is a reduction of \$432,795 in Salary and Benefits. The budget request eliminates four previously funded positions and funds one vacant position. The Commission will eliminate the Deputy Staff Director, Solicitor, and Eastern Regional Office Secretary positions. The Commission will also eliminate the Associate Deputy Staff Director position to fund an eighth commissioner assistant. Our statute provides for one assistant for each Commissioner. While one commissioner declined an assistant in the past few years, we anticipate filling all eight commissioner assistant positions in FY 2012.

The largest increase between our FY 2012 and FY 2011 budget requests is \$403,659 in Other Contractual Services. The increase is primarily due to relocation move costs of \$540,000. The Commission's current lease is expiring. The lessor has notified the Commission that they are not interested in extending the lease. GSA estimates that our move will cost between \$540,000 and \$600,000. GSA uses the usable square footage needs, the number of people moving, and the number of moves per person to estimate costs. To offset the move costs, the Commission is reducing Financial Management Support Services provided by GSA's External Services Branch. This is possible due to efficiencies and process improvements realized after hiring an experienced budget chief.

Rent, Communications, and Utilities costs increase by \$79,452 between FY 2011 and FY 2012. This increase is primarily due to increases in annual rent payments to GSA for anticipated regional office moves and increases in property tax escalation. To offset rent increases, the Commission is taking steps to reduce other communication costs such as Federal Express and telecommunication services. The Commission is also reducing printing and reproduction, supplies and materials, and IT equipment purchases.

B. Budget Request by Organization

The Commission's FY 2012 request supports both our Headquarters Organization and Regional Program Offices. The following table provides a summary of the Commission's Budget Request by major organization components:

	FY 2012 (est.)	As % of the FY 2012 Budget	FY 2011 (est.)	As % of the FY 2011 Budget
National Program Offices	\$1,193,303	13%	\$1,196,488	13%
Regional Program Offices	\$1,298,879	14%	\$1,375,306	15%
Commissioners and Commissioner Assistants	\$1,546,571	16%	\$1,379,575	15%
<u>Library</u> ²	\$323,658	3%	\$212,950	2%
Operations & Administrative	\$5,066,589	54%	\$5,235,681	56%
Total Operating Budget	\$9,429,000	100%	\$9,400,000	100%

The National Program Offices consist of the Office of General Counsel (OGC) and Office of Civil Rights Evaluation (OCRE). The Office of the General Counsel provides legal expertise

² In FY 2012, Library staff salary and benefits are in the Library budget instead of the Operations and Administrative budget.

and advice to support our fact-finding and ensure the legal integrity of our written products. The Office of Civil Rights Evaluation provides subject matter and analytical expertise required to prepare social scientific evaluations of civil rights issues. Their combined budget is \$1,193,303. The National Program Offices are 13 percent of the Commission's budget in both the FY 2012 and FY 2011 budget requests.

The Regional Program Offices provide critical support to the 51 state advisory committees required by our statute. The Regional Program Offices' combined budget in FY 2012 is \$1,298,879. The Regional Program Offices decreased slightly due to the elimination of a secretary position and travel reductions. The Regional Program Office's budget is 14 percent of the Commission's budget request.

The Commissioners and Commissioner Assistants request covers the salary, benefits, and travel for Commissioners and their Assistants. The FY 2012 budget request of \$1,546,571 is higher than FY 2011 due to an addition of one Commissioner Assistant. The Commissioners and Commissioner Assistants budget is 16 percent of the Commission's budget request.

The Library is an information source for Commission staff, government agencies, private organizations, and individuals worldwide. The FY 2012 budget request for the Library is \$323,658. The increase between FY 2011 and FY 2012 is due to reporting library staff salary and benefits under the Library budget and increasing costs for library services, warehousing, and mailing.

The Operations and Administrative budget request covers headquarters rent, human resources, financial management, information technology, office of staff director, and various other management functions. The FY 2012 budget request of \$5,066,589 is 54 percent of the Commission's budget request. The decrease between FY 2011 and FY 2012 is primarily due to the elimination of the Associated Deputy Staff Director to pay for an additional commissioner assistant.

C. Description of Budget Increases and Decreases

Increases to Maintain Current Services:

Rent - \$100,913

The annual rent payment to GSA is the agency's most significant fixed cost. This will fund annual rent increases, rent increases for anticipated regional office moves, and increases in property tax rates.

Other Contract Services - \$34,000

This increase provides for the renewal of multiple library services including West Publishing Corp; AOBC-ILL Fee Payment Service; OCLC Online Computer and Wolper Subscription Service. This increase also provides funding for warehousing, mailing, and storage of agency reports.

Program Increases:

Personnel Compensation and Benefits - \$131,514/ 1 FTE

This increase will pay for an eighth commissioner assistant. Each commissioner is entitled to an assistant. Previously one commissioner did not request an assistant.

Benefits - \$56,400/ 0 FTE

This increase is the result of a reclassification of transit subsidy between object classes. There is a corresponding decrease in other contractual services.

Other Contractual Services - \$540,000

In Fiscal Year 2012, the Commission's headquarters will move to a new location. The Commission is working with GSA to develop moving cost estimates and obtain a new lease. This increase will pay for the moving costs. Moving costs include moving furniture and files, purchasing and installing new furniture, purchasing and installing information technology, and project management support. This will also pay for moving the Commission's civil rights library and hearing room.

Other Contractual Services - \$54,689

This increase will pay for additional meeting transcripts, extend the life of equipment, continue the agency's compliance with Homeland Security Presidential Directive 12 (HSPD-12) requirement for the use of smart cards by federal employees, increase storage for COOP, improve agency intranet, and increase training of agency personnel in support of the agency's human capital plan.

Equipment - \$4,000

This increase will provide for additional firewall protection.

Program Decreases

Personnel Compensation and Benefits - (\$620,709)/ 4 FTE

This decrease results from the removal of four positions. The positions eliminated are the Deputy Staff Director, Associate Deputy Staff Director, Solicitor, and Eastern Regional Office Secretary. The Commission will use one FTE to hire an additional commissioner assistant.

Rent, Communication, and Utilities – (\$20,550)

This decrease is due to the elimination of an offsite test of the agency's Continuity of Operations Plan, and reduction in Federal Express, United Parcel Services (UPS), and telecommunication services.

Printing and Reproduction – (\$2,500)

This decrease is due to reductions in printing and graphic design costs.

Other Contractual Services – (\$63,610)

If Congress does not reduce the Commission's FY 11 appropriation for the pay freeze, the Commission will use the savings to pay for move preparation costs. These costs include

inventory of furniture and equipment; analysis of the library collection to reduce the library footprint; and disposal of excess furniture, equipment, and library material. The new facility will have significantly less office and library space.

Other Contractual Services – (\$105,487)

Due to efficiencies and process improvements gained through the addition of a Budget Chief, the Commission can reduce financial management support services provided by GSA's External Services Branch.

Other Contractual Services – (\$56,400)

This decrease is the result of a reclassification of transit subsidy between object classes. There is a corresponding increase in benefits.

Supplies and Materials – (\$1,260)

This decrease is a reduction in supplies and materials for headquarters offices.

Equipment – (\$22,000)

This decrease eliminates the purchase of all new information technology hardware including the purchase of five laptops for each region to support the agency's COOP.

FY 2010 PERFORMANCE HIGHLIGHTS

This section highlights the Commission's FY 2010 program accomplishments and activities by strategic goal. The Commission's FY 2010 Performance and Accountability Report (PAR) provides a detailed discussion of our FY 2010 performance.

Strategic Goal 1: Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.

The Commission worked diligently to increase compliance with its mandate to maintain 51 state advisory committees ("SACs"). These committees, composed of volunteer citizens with a range of civil rights and other relevant experience, bring a state and local perspective to our civil rights work. In FY 2010, the Commission increased the number of active state advisory committees and renewed more lapsed advisory committee charters for 39 active SACs. This is an 18 percent increase over from FY 2009. In FY 2010, the Commission appointed nearly 300 citizen volunteers from 20 states to serve as state advisory committee members. Our chartered advisory committee members, working with regional office staff, had 111 meetings. The SACs held 22 civil rights briefings and forums and 89 business, orientation, and subcommittee meetings. This activity far exceeds the 67 meetings held in FY 2009.

In addition to holding meetings, SACs with the assistants for regional office staff issued the five SAC reports listed below.

Advisory Committee	Report Title
Connecticut	<i>Dropouts to Diplomas</i> (September 2010)
District of Columbia	<i>The Need to Ensure Equal Access to High Quality Education for All Children</i> (January 2010)
New Jersey	<i>Overcoming the Barriers Faced by Immigrants</i> (September 2010)
New Jersey	<i>Teacher Quality: A Vital Determinant of Student Achievement</i> (September 2010)
Florida	<i>School Discipline in Florida: Discipline Practices Leave Many Children Behind</i> (September 2010)

In September 2010, the Commission held a national conference to frame a new civil rights agenda for the 21st century, recognizing that many Americans believe civil rights to be the great-unfinished business of the nation. An estimated 200 people attended and participated in this historic conference. The full-day conference, "A New Era: Defining Civil Rights in the 21st Century," included discussions about the role of family structure in perpetuating racial and ethnic disparities, new tools for a new civil rights era, education as a path forward, and the future of the Civil Rights Commission. The Commission's ultimate goal for the conference was to spur a fresh dialogue that will lead to a refashioning of the means, goals, and methods of civil rights in order to more effectively address the needs of disadvantaged Americans, a disproportionate number of whom are people of color. Among the featured panelists was keynote speaker and Pulitzer Prize winning columnist, William Raspberry, as well as James Patterson, Clarence B. Jones, Heather MacDonald, Kay Hymowitz, Robert Moses, William Stephney, Amy Wax, Carol Swain and Robert Woodson.

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

During FY 2010, the Commission held four hearings and one briefing. Our four New Black Panther Party (NBPP) hearings on voter intimidation and DOJ's dismissal of civil charges stemming from an election day incident in Philadelphia, Pennsylvania were reported by CSPAN, FOX News, MSNBC, National Public Radio and several local radio and television outlets including stations in Baltimore, California, and Detroit. We made transcripts of these public civil rights hearings available for public viewing.

We also conducted a briefing on the impact the current economic crisis has on older workers and whether potential age discrimination by employers contributes to the crisis. The list of well-known, expert, and important presenters that participated in our age discrimination briefing included Thomas Nardone, Assistant Commissioner for Current Employment Analysis, the Bureau of Labor Statistics; Dianna Johnston, Assistant Legal Counsel, EEOC; Walt Connolly, senior partner, Connolly Rodgers & Scharman; Michael Harper, Professor, Boston University School of Law; Elizabeth Milito, Senior Executive Counsel, National Federation of Independent

Business; Laurie McCann, Senior Attorney, AARP Foundation Litigation; and Cathy Ventrell-Monsees, President of Workplace Fairness.

In FY 2010, we continued our agency's complaint referral program. Our regional staff received 746 civil rights complaints from members of the public seeking to protect and enforce their rights. Our national office staff received 3,028 civil rights complaints from members of the public seeking to protect and enforce their rights. The regional offices processed complaints in one day while the national office response time was 10 days. Both regional offices and headquarters out-performed the 30-day response time goal.

Strategic Goal 3: Serve as an authoritative national clearinghouse and repository of civil rights data and information.

Commissioners approved six reports for publication during FY 2010 addressing a range of timely topics:

- encouraging minorities to pursue science, technology, engineering, and math (STEM) careers,
- assessing the educational effectiveness of historically black colleges and universities (HBCUs),
- the use of domestic wiretapping in the war on terror,
- evaluating the impact of the Multi-ethnic Placement Act (MEPA) on the number of minorities in foster care and adoption,
- identifying the effects of illegal immigration on the wages and employment of black workers, and
- assessing discrimination against Native Americans in border towns.

The Commission also offered critical civil rights analysis on pending civil rights legislation with national ramifications, including the racial preference provisions in the House and Senate versions of the health care reform bill,³ among others. For example, in a policy letter to Congress issued on September 30, 2010, the Commission opposed the Paycheck Fairness Act for the heavy burden it places on employers during these harsh economic times without ample evidence that any existing pay disparities reflect actual discrimination.⁴ One example of the burdens created is a new record-keeping requirement for the collection of pay data disaggregated by race, gender, and national origin on employers, including those with as few as two employees. The data, once gathered into a national database, would make it easier for employees to sue employers whose pay scale deviates from the norm. The result could cripple business growth during a time when our economy desperately needs more jobs. In April 2010, the Commission issued a letter to local officials in Youngstown, Ohio objecting to racially discriminatory hiring practices that penalize qualified applicants seeking employment as police officers and

³U.S. Commission on Civil Rights, *Recent Correspondence*, Letter to President Barack Obama (Dec. 11, 2009), <<http://www.usccr.gov/correspd/LetterPresidentSenatorsHealthCare12-11-09.pdf>> (last accessed Oct. 30, 2010).

⁴U.S. Commission on Civil Rights, *Recent Correspondence*, Letter to The Honorable Joseph Biden, President of the Senate, The Honorable Harry Reid, Majority Leader, U.S. Senate, et al. (Sept. 30, 2010), <http://www.usccr.gov/correspd/PayEquity_09-30-10.pdf> (last accessed Oct. 30, 2010).

firefighters on the basis of race.⁵ The Commission also unanimously opposed a Louisiana justice of the peace's refusal to grant marriage licenses to interracial couples, contributing to his resignation from the position of public trust.⁶ These are but a few examples of the Commission's policy opinions on substantive civil rights matters during the fiscal year.

Strategic Goal 4: Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

The Commission is committed to serving as the nation's conscience on civil rights matters, and also as a model of management excellence, efficiency, and accountability. This year we further integrated budget and performance in the agency budget submissions, adopted an implementable human capital strategic plan, completed a Continuity of Operations plan for headquarters, shifted our focus to monitoring and evaluating previously implemented GAO and OPM findings and recommendations, and received our fifth consecutive clean financial audit.

In addition, we successfully launched our Firstgov-style Web site, called CiviRightsUSA.gov.

FY 2012 PROPOSED AGENCY ANNUAL PERFORMANCE PLAN

Led by eight commissioners,⁷ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2012 by continuing to improve the degree to which we align our program activities with the goals and objectives in our strategic plan. We will measure performance against established targets, and report on our challenges and successes.

Our Strategic Plan for FY 2008-FY 2013 has four agency-wide goals and several objectives for each goal. To develop our annual performance plan, we incorporate a combination of these goals and objectives to create an agency-level annual performance plan. Individual offices and divisions create office/division level performance plans to execute the agency's performance plan. In FY 2012, the Commission will focus on the following key goals and objectives:

A. Reinvigorating and Energizing a Network of State Advisory Committees

Our mandate includes supporting a network of advisory committees composed of citizen volunteers in each of the 50 states and the District of Columbia. By the end of FY 2011, we fully anticipate eliminating a backlog of 34 unchartered advisory committees.⁸ We are on track to achieve this despite continued vacancies in the Western Regional Office director and Southern

⁵ U.S. Commission on Civil Rights, *Recent Correspondence*, Letter to the Mayor and City Council of Youngstown, Ohio (Apr. 20, 2010), <<http://www.usccr.gov/correspd/Youngstown-Hiring-Policies-USCCR.pdf>> (last accessed Oct. 30, 2010).

⁶ (U.S. Commission on Civil Rights, *Recent Correspondence*, Louisiana Justice of the Peace and Interracial Marriage, October 22, 2009), <http://www.usccr.gov/correspd/LAJusticePeaceInterracialMarr102209.pdf> (last accessed Oct. 30, 2010).

⁷ Four commissioners are presidential appointees and four are congressional appointees; all serve six-year terms.

⁸ The baseline backlog was identified in FY 2007 and includes advisory committees with charters that expired before January 30, 2007.

Regional Office administrative support positions. The operation of the regional offices and advisory committees continues to be an area of congressional inquiry. During FY 2012, we plan to renew 26 expiring committee charters.

With the backlog of state advisory committee charters eliminated, we will shift our focus in FY 2012 to energizing our committees to increase productivity and decrease the time it takes to renew expiring charters. Internal policies direct the staff director to approve and submit re-charter packages to the commissioners for a vote no later than 60 days after the expiration of the charter.⁹ With the charter backlog eliminated and improved network of contacts and resources to fill state advisory committees, staff will have more time for civil rights projects and fact-finding.

KEY FY 2012 REGIONAL OPERATIONS ACTIVITIES AND STRATEGIES

1. Re-chartering 26 advisory committees to meet our statutory mandate and energize the advisory committees.
2. Increasing regional productivity by completing 33 civil rights fact-finding activities that will contribute to the nation's civil rights conversation.¹⁰

B. Improving Civil Rights Enforcement by Federal Agencies

This FY 2012 budget request will allow us to show substantial achievements in reinvigorating and energizing our network of advisory committees. It also allows the Commission's national office to continue influencing federal enforcement of the nation's civil rights laws. We propose doing so in several ways; however, we may focus on three key activities and strategies during FY 2012. We review each, in turn, in this subsection.

KEY FY 2012 NATIONAL OFFICE ACTIVITES AND STRATEGIES

1. Completing a statutorily mandated annual report assessing federal civil rights enforcement efforts and making specific recommendations for future action.
2. Engaging in one or more strategic partnerships with federal stakeholders through Executive Branch working groups or task forces to strengthen enforcement and protections.
3. Advising the President and Congress on civil rights matters through letters, reports, and testimony.

i. Annual Enforcement Report

Each year our statutorily mandated annual enforcement report, usually containing findings and recommendations for future action by the President, Congress and others, is widely distributed.

⁹ Administrative Instruction 5-7, *Regional Program Development and Implementation*, section 6.02, provides for "a completed and approved charter memorandum and SAC appointments no later than 60 days after the charter's expiration date."

¹⁰ Fact-finding activities, as used here, include substantive briefings, forums, consultations, and civil rights-related reports.

Civil rights developments in the news and the courts, pending in Congress, and proposed by the administration influence the topic of the report. The Commission also solicits input from external and internal stakeholders, including state advisory committees.

The Commission cannot mandate that other agencies address the report's findings or fully implement its recommendations because our authorizing statute does not create that authority.¹¹ Nonetheless, our historic role as the conscience of the nation provides weight and credibility to our work. We use our bully pulpit to its best advantage in the absence of greater statutory authority.

ii. Engaging in Strategic Partnerships

Issuing various reports with findings and recommendations is one of several ways we influence national civil rights enforcement. Our reputation as a civil rights leader and authoritative source of information makes the Commission an attractive and productive strategic partner. Consequently, during FY 2012, we propose engaging in one or more strategic partnerships with federal stakeholders to strengthen civil rights enforcement and protections. For example, an Executive Branch working group or task force on civil rights-related issues would provide the Commission a venue for shaping policy before it becomes the subject of one of our annual enforcement reports. In this regard, we are mindful that we are an independent agency with a "watchdog" role. Our participation in these groups must not compromise our ability to critically assess and report on the likely impact of the administration's policies and programs.

In addition to pursuing these collaborative opportunities, we expect to continue working cooperatively with Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC) and various other federal agencies with enforcement responsibilities to collect, consolidate, and make available civil rights complaint data. This data is on a Commission Web site hosted by the National Technical Information Service (NTIS). This is an example of how expanding our relationships with DOJ and other agencies, and our use of the Internet, can increase the amount of information we make available. More importantly, the Commission has made it easier for the public, government agencies, and researchers to identify trends and issues that may require concentrated enforcement efforts or other attention.

iii. Advising the President and Congress

The history of the Commission is rooted in advising Presidents and Congress on seminal civil rights legislation. The Commission directly influences the course of national civil rights policy and continues to have an impact that is disproportionate to its size. The Commission's 1961 report provided the intellectual and factual foundation for the landmark 1964 Civil Rights Act. Similarly, the Commission's hearings on the disenfranchisement of black voters in the 1950s and 1960s formed the basis of the Voting Rights Act of 1965. The Commission's impact on civil rights legislation can be measured further still by its 1983 report on the challenges disabled

¹¹ Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

individuals face in their daily lives. Congress relied upon this report in enacting the Americans with Disabilities Act.

Today, the President and Congress continue to rely upon Commission reports and recommendations. By expanding our role as an authoritative source of civil rights policy analysis, we are continuing to build upon that legacy. During FY 2012, we will continue monitoring legislative proposals and issue letters or other analyses on the impact these proposals will have on civil rights protections. This will ensure that our unique voice remains heard as the key civil rights issues of our day are decided.²

C. Raising Public Awareness of Civil Rights Laws, Remedies, and Federal Enforcement

Historically, our most significant impact has been through advising the President and Congress. An equally important part of our history and mission is raising the public's awareness of civil rights enforcement and protections. We propose focusing on six key activities and strategies to promote public awareness of civil rights enforcement and protections.

KEY FY 2012 NATIONAL OFFICE ACTIVITIES AND STRATEGIES
1. Conducting substantive civil rights public briefings and hearings.
2. Completing studies and reports on substantive civil rights issues, including examining disparities and systemic discrimination.
3. Using a complaint referral service to provide access to information on civil rights protections, resources, and federal enforcement agencies.
4. Participating in public symposia and other venues where the Commission can share its civil rights views.
5. Using our library as a clearinghouse to provide civil rights publications to the public and support civil rights research.
6. Expanding the use of technology to disseminate more civil rights information.

We propose holding five substantive civil rights public briefings and hearings, and approving five studies and reports on some of the most critical civil rights issues of the day.

We will continue to provide individuals who believe that their civil rights were violated with referrals to the appropriate enforcement agencies during FY 2012. This service is part of our goal to raise public awareness of civil rights enforcement and protections. We believe it also assists the efforts of federal enforcement agencies.

We will continue to look for opportunities to participate in public symposia and other venues where the Commission can share its views concerning civil rights. This further diversifies our public awareness opportunities. At the same time, we will continue to provide the public access

¹ The Supreme Court has cited Commission reports in its decisions.

to general civil rights information through our Robert Rankin National Civil Rights Library. The library responds to requests from the public for copies of Commission publications, maintains a limited collection of books and publications on civil rights-related issues, and serves as a clearinghouse for information on civil rights issues.

Other efforts to raise awareness include expanded use of the Internet as discussed in the *Engaging in Strategic Partnerships* subsection in section B above.

D. Serving as an Authoritative Clearinghouse and Repository of Civil Rights Information by Ensuring the Quality, Transparency, and Diversity of Opinions and Perspectives are Hallmarks of our Written Work Products

The written work products of the Commission are substantive and quality products. The American public deserves no less. The Information Quality Act (IQA) requires that federal agencies create guidance for ensuring the quality, objectivity, utility, and integrity of information (including statistical information) distributed by them. The Commission's guidelines create a process for petitioning for the correction of information distributed by the agency. We have internal processes in place for ensuring the accuracy and the impartiality of the information we disseminate.

Our products undergo various levels of internal substantive reviews, as well as an external review to ensure compliance with established quality and diversity of procedures. Furthermore, consistent with our administrative policies, we document report production and the briefing process along the way to create accountability and transparency. During FY 2012, we will continue to monitor challenges to information under the IQA guidelines.¹³

E. Normalizing Financial Controls by Promoting Sound Financial Management

With our budget director and external accounting service provider, we plan to continue sound financial management practices in FY 2012.

KEY FY 2012 NATIONAL OFFICE FINANCIAL MANAGEMENT ACTIVITIES AND STRATEGIES

1. Complying with the Stewardship of Tax Dollars Act by completing a timely financial audit and having no findings of material weakness.
2. Supporting sound financial management by continuing to use external accounting services that meet all applicable standards and regulations.
3. Receiving a "clean" financial audit.

¹³ In the continued absence of challenges to information under the IQA, the Commission is reviewing whether this performance target is sufficiently ambitious and whether new or additional performance targets may be appropriate. See *Reinvigorating the Nation's Civil Rights Debate: The Strategic Plan of the United States Commission on Civil Rights for Fiscal Years 2008-2013*, APPENDIX A: Summary of the Commission's Mission and Goals, Strategic Goal 3, p. 25 (Oct. 2007).

F. Normalizing Operational Controls by Implementing a Sound and Relevant Human Capital Management System

We must manage our human capital as well as we do our financial capital. Relevant research indicates that successful companies and organizations manage their human capital well. There is little question that government agencies, like the private sector, must develop and implement strategies that address the changing workforce environment. Effectively managing human capital is of critical importance to Commission management, and the resulting benefits include creating a better, more efficient workforce. Our Human Capital Plan⁴ (HCP) includes objectives, strategies and initiatives, measures, and an implementation timetable. In FY 2012, we will continue to build upon this foundation.

KEY FY 2012 NATIONAL OFFICE HUMAN CAPITAL MANAGEMENT ACTIVITIES AND STRATEGIES
1. Providing cross-training opportunities for mission-critical positions and cross-training 50 percent of identified mission-critical positions.
2. Creating an agency system/process in FY 2012 for identifying high-potential employees.
3. Identifying high-potential employees using the established agency system/process.
4. Developing and approving new position descriptions and performance plans.
5. Creating and executing a pilot project to phase-in agency implementation of a new performance accountability system.

Over the long-term, these activities and strategies contribute to our ability to:

- recruit, retain, and develop a workforce that has the skills and competencies necessary to support completion of the agency's mission and strategic goals;
- capture and share individual and organizational knowledge to stem organizational "brain drain;"
- create leadership continuity; and
- update the Commission's performance management system to reflect new skills, performance requirements, and job expectations.

G. Modernizing the use of Information Technology to Improve Effectiveness and Efficiency

In FY 2012, we will continue to modernize our information technology infrastructure and improved IT management to enhance program efficiency.

⁴ Strategic Human Capital Plan for Fiscal Years 2010-2015, U.S. Commission on Civil Rights, March 2010.

KEY FY 2012 NATIONAL OFFICE INFORMATION TECHNOLOGY (IT) ACTIVITIES AND STRATEGIES

1. Maintaining and upgrading to the Commission's Web site.
2. Expanding a Web site developed in FY 2010 that is modeled on "USA.gov" or "Firstgov" named "Civil Rights USA".
3. Conducting a continuity of operations (COOP) desktop exercise as a first test of agency preparedness.
4. Maintaining and upgrading Commission computer and office equipment to increase capacity and efficiency.
5. Implementing HSPD-12, as required, to improve IT security.
6. Resolving identified FISMA weaknesses to improve IT security.

Among the many outcomes of these IT projects is an expansion of our use of technology to inform and educate the public through new Web portals. Our "CivilRightsUSA" web site consolidates information about civil rights enforcement efforts of other Federal agencies in one location to inform the public about their rights and the enforcement of the nation's civil rights laws. In FY 2012, we propose expanding this site to include general civil rights information and resources. The Web site will allow the public to file complaints online, stay informed with current civil rights news, and view civil rights enforcement by major agencies within the Federal government.