

**UNITED STATES  
COMMISSION ON CIVIL RIGHTS**



**REQUEST FOR CONGRESSIONAL APPROPRIATION  
FOR FISCAL YEAR 2012**

## Table of Contents

USCCR BUDGET REQUEST FOR SALARIES AND EXPENSES .....	2
APPROPRIATION LANGUAGE.....	2
FY 2012 PROGRAM OBJECTIVES AND PRIORITIES.....	2
REVIEW OF THE AGENCY’S FY 2012 FUNDING REQUEST .....	4
A.    Budget Request by Object Class .....	4
B.    Budget Request by Organization.....	5
C.    Description of Budget Increases and Decreases .....	6
FY 2010 PERFORMANCE HIGHLIGHTS.....	8
FY 2012 PROPOSED AGENCY ANNUAL PERFORMANCE PLAN .....	11
A.    Reinvigorating and Energizing a Network of State Advisory Committees .....	11
B.    Improving Civil Rights Enforcement by Federal Agencies.....	12
C.    Raising Public Awareness of Civil Rights Laws, Remedies, and Federal Enforcement	14
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.....	15
E.    Normalizing Financial Controls by Promoting Sound Financial Management .....	15
F.    Normalizing Operational Controls by Implementing a Sound and Relevant Human Capital Management System.....	16
G.    Modernizing the use of Information Technology to Improve Effectiveness and Efficiency .....	16

**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 mandate<sup>1</sup> of keeping all informed regarding civil rights issues, including discrimination or denial

---

<sup>1</sup> 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:

<b>Budget Object Classes</b>	<b>FY 2012 Projected TOTALS</b>	<b>FY 2011 Congressional Request TOTALS</b>	<b>Variance</b>	<b>% Change</b>
<b>Salaries</b>	4,595,946	4,987,302	-391,356	-7.90%
<b>Benefits</b>	1,164,530	1,205,969	-41,439	-3.50%
<b>Travel</b>	194,696	194,228	468	0.30%
<b>Rent, Communications &amp; Utilities</b>	1,578,961	1,499,509	79,452	5.30%
<b>Printing &amp; Reproduction</b>	72,162	74,686	-2,524	-3.40%
<b>Other Contractual Services</b>	1,722,673	1,319,014	403,659	30.70%
<b>Supplies and Materials</b>	80,532	81,792	-1,260	-1.60%
<b>Equipment</b>	19,500	37,500	-18,000	-48.00%
<b>TOTAL</b>	<b>9,429,000</b>	<b>9,400,000</b>	<b>29,000</b>	<b>0.31%</b>

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 and major organization components:

	FY 2012 (est.)	As % of the FY 2012 Budget	FY 2011 (est.)	As % of the FY 2011 Budget
<b>National Program Offices</b>	\$1,193,303	13%	\$1,196,488	13%
<b>Regional Program Offices</b>	\$1,298,879	14%	\$1,375,306	15%
<b>Commissioners and Commissioner Assistants</b>	\$1,546,571	16%	\$1,379,575	15%
<a href="#">Library</a> <sup>2</sup>	\$323,658	3%	\$212,950	2%
<b>Operations &amp; Administrative</b>	\$5,066,589	54%	\$5,235,681	56%
<b>Total Operating Budget</b>	<b>\$9,429,000</b>	<b>100%</b>	<b>\$9,400,000</b>	<b>100%</b>

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

<sup>2</sup> 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 Contraction 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 Wolpher 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.

<b>Advisory Committee</b>	<b>Report Title</b>
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 21<sup>st</sup> 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,<sup>3</sup> 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.<sup>4</sup> 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

---

<sup>3</sup>U.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).

<sup>4</sup>U.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](http://www.usccr.gov/correspd/PayEquity_09-30-10.pdf)> (last accessed Oct. 30, 2010).

firefighters on the basis of race.<sup>5</sup> 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.<sup>6</sup> 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,<sup>7</sup> 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.<sup>8</sup> We are on track to achieve this despite continued vacancies in the Western Regional Office director and Southern

---

<sup>5</sup>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).

<sup>6</sup> (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).

<sup>7</sup> Four commissioners are presidential appointees and four are congressional appointees; all serve six-year terms.

<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

### **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 ACTIVITIES 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.

<sup>9</sup> 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."

<sup>10</sup> 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.<sup>11</sup> 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

---

<sup>11</sup> 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.<sup>12</sup>

### **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

---

<sup>12</sup> 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.<sup>13</sup>

**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.

<sup>13</sup> 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 Plan<sup>14</sup> (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.

---

<sup>14</sup> *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.