

COMMISSION MEETING
Friday, March 10, 2006
624 Ninth Street, N.W., Rm. 540
Washington, D.C. 20425
9:30 a.m.

AGENDA

- I. Approval of Agenda
- II. Approval of Minutes of February 17, 2006 Meeting
- III. Announcements
- IV. Staff Director's Report
- V. Management and Operations
 - February 15, 2006 Letter to Senate Subcommittee on the Constitution
 - February 15, 2006 Corrective Action Plan
- VI. Program Planning
 - Voting Rights Act Statutory Report
 - Anti-Semitism Findings and Recommendations
 - Minorities in State Foster Care and Adoption
 - Annual Program Planning
- VII. Strategic Planning
 - Working Group on Strategic Planning
- VIII. Future Agenda Items

03/10/06 Motion to Amend the Agenda

I move to amend the agenda to add an item labeled "Special Assistant for Commissioner Melendez" to the agenda for Friday, March 10, 2006. Under this motion, discussion of this item would be the first subitem under Item V, "Management and Operations."

(FOR UNOFFICIAL USE UNTIL APPROVED)

U.S. COMMISSION ON CIVIL RIGHTS

MINUTES

February 17, 2006

The monthly meeting of the U.S. Commission on Civil Rights was convened at 9:30 a.m., EDT in Room 540 at 624 Ninth Street, N.W., Washington D.C., Chairman Gerald A. Reynolds presiding. Vice Chair Abigail Thernstrom, Commissioners Jennifer C. Braceras, Peter N. Kirsanow, Arlan D. Melendez, and Michael Yaki were present.

Also in attendance were: Staff Director Kenneth L. Marcus, Assistant Staff Director Terri Dickerson, Associate Deputy Staff Director Debra Carr, Christopher Byrnes, Ivy Davis, Pamela Dunston, Barbara Fontana, Patricia Jackson, Seth Jaffe, Sock-Foon McDougall, Emma Monroig, Audrey Wright, and Mireille Zieseniss.

Commissioner Assistants in attendance included: Christopher Jennings, Lisa Neuder and Kimberly Schuld.

APPROVAL OF THE AGENDA

A motion to approve the agenda, made by Chairman Reynolds, as amended by Commissioner Kirsanow, was approved unanimously. The motion, as amended, removed agenda item IX [U.S. House of Representatives Committee on the Judiciary].

APPROVAL OF THE MINUTES

The minutes from the January 20, 2006, Commission meeting were approved unanimously on a motion made by Vice Chair Thernstrom.

ANNOUNCEMENTS

Chairman Reynolds announced that on January 31, 2006, Coretta Scott King, one of the most prominent leaders of the civil rights movement for the past 50 years, passed away. The Chairman said that Mrs. King's courage, dedication and accomplishments will forever serve as a beacon to others. Chairman Reynolds announced that February is Black History Month and called upon public officials and all people of the United States to observe the month with appropriate programs and activities.

STAFF DIRECTOR'S REPORT

The Staff Director supplemented his written Staff Director's Report with additional remarks concerning recent reports on reforms by the Commission. The Staff Director reported that, in January, the Commission issued a second report on the status of agency

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reforms to the Senate Appropriations Committee as well as issuing our Performance and Accountability Report to the Office of Managements and Budget. The Staff Director recounted many of the recent reforms implemented at the Commission in an attempt address all GAO and OPM recommendations. He noted that many of the reforms had been implemented during the last fiscal year but will show up only during next fiscal year's audit. The Staff Director reported that the President's proposed budget for the Commission for fiscal year 2007 is \$9,308,000, which represents an increase of the current fiscal year post-rescission figure of \$8,932,000. He noted that the President's increase reflected both, a cost of living adjustment as well as additional funds for hiring additional attorneys for the Office of General Counsel, issuing public service announcements, and providing some modest funds for State Advisory Committee travel. The Staff Director reported that these new budgetary items are likely to cost a little more than the amount of the increased appropriation.

BRIEFING REPORTS

The Commission unanimously passed a motion made by Chairman Reynolds, as amended by Commissioners, Braceras, Kirsanow and Melendez, approving the report produced by staff on the briefing the Commission held on October 7th, 2005, on the reauthorization of the temporary provisions of the voting rights act together with written statements of Vice Chair Thernstrom, and Commissioners Melendez and Yaki. The motion indicated that the report was distributed to Commissioners on February 9, 2006 and incorporated revisions to an earlier draft distributed to the Commissioners on January 12, 2006. The Commission unanimously passed a motion made by Chairman Reynolds, tabling the motion to hire a special assistant for Commissioner Melendez during fiscal year 2006; however, the same motion directed the Staff Director to look into the possibility of having employees detailed over to the Commission. The Commission passed (4-2) a motion made by Chairman Reynolds, with Vice Chair Thernstrom and Commissioner Braceras voting against, directing the Staff Director to send a letter to the appropriate officials at the Department of Education, Office for Civil Rights, requesting the Office's position on the application of Title VI to anti-Semitic harassment on college campuses and universities. The motion stipulated that the letter give the department of Education up to ten days to respond. The Commission indicated, by consensus, that it would address the issue of findings and recommendations from the Campus anti-Semitism briefing during the March 10, 2006 Commission meeting.

MANAGEMENT AND OPERATIONS

The Commission unanimously passed a motion made by Chairman Reynolds, as amended by Vice Chair Thernstrom and Commissioner Yaki, extending the hiring freeze on additional Commissioner special assistants through fiscal year 2007 with the possible exception of hiring one special assistant for Commissioner Melendez, consistent with OMB requirements, provided that the hiring of a special assistant for Commissioner Melendez is a budget priority for 2007. The Commission unanimously (5-0), Commissioner Yaki was not present during this vote, passed a motion made by Chairman Reynolds, directing Commission staff to post the Commission's January 31, 2006 written

follow-up report to the Senate Appropriations Committee outlining the implementation of GAO and OPM recommendations from the past several years, on the Commission's web site at the earliest practicable time. The Commission unanimously passed a motion made by Chairman Reynolds, directing Commission staff to post the Commission's Performance and Accountability Report, including the fiscal year 2005 audit report of Williams, Adley & Company on the Commission's web site at the earliest practicable time. The Commission unanimously passed a motion made by Chairman Reynolds, creating a Working Group on Strategic Planning. Chairman Reynolds appointed himself, and Commissioners Kirsanow, Melendez and Taylor to the group.

STATE ADVISORY COMMITTEES

The Commission unanimously passed a motion made by Chairman Reynolds, as amended by Commissioners Braceras and Kirsanow, adopting a new policy regarding Commission consideration of reports submitted to the Commission from State Advisory Committees. The new policy (see attached motion) supersedes the policy adopted November 18, 2005 and all other previous policies. The Commission passed (4-0-2), with Commissioners Braceras and Melendez abstaining, a motion made by Chairman Reynolds, limiting the duration of State Advisory Committee Chair terms to the duration of two years and that a State Advisory Committee Chair may be reappointed for no more than two consecutive terms as chair by a vote of the Commission. The Commission unanimously passed a motion made by Chairman Reynolds directing the Commission to hold its annual planning meeting during the Commission meeting scheduled for March 10, 2006 as well as postponing until April 7, 2006, the previously approved briefing on racial categorization in the census previously scheduled for March 10, 2006. The Commission unanimously (5-0), Commissioner Kirsanow was not present for this vote, passed a motion made by Chairman Reynolds, as amended by Commissioner Braceras, approving the following Commission briefing schedule: May 5, 2006: Effectiveness of Historically Black Colleges and Universities, July 28, 2006: Voter Fraud and Voter Intimidation, September 15, 2006: Voting Rights in the U.S. Territories, November 17, 2006: School Choice, the Blaine Amendments, and Anti-Catholicism, December 14, 2006: Religious Discrimination in the Workplace, January 2007: Minorities in Special Education, February 2007: Minority Children in State Foster Care & Adoption. Commissioner Yaki expressed his concern about the unauthorized use of domestic surveillance on Americans by the administration and stated that he would like to discuss this issue during the Commission's upcoming planning meeting in March. The Commission unanimously passed a motion made by Commissioner Yaki, as amended by Commissioner Braceras, authorizing the Staff Director draft a letter to the Department of Justice, for review by Commissioners, expressing the Commission's concern over the recent church arson cases in the South.

The meeting was adjourned at 12:20 p.m., EDT.

STAFF DIRECTOR'S REPORT

January 30 – February 24, 2006

CONGRESSIONAL UNIT

OSD/CAU Activities

Report Submitted: On January 30, the Commission submitted its Performance and Accountability Report for fiscal year 2005 to Congress. This report was filed subsequent to OMB's clearance for the report to be submitted to Congress.

Report Submitted: On January 31, the Commission submitted a written follow-up report to the Senate Appropriations Committee outlining the implementation of GAO and OPM recommendations from the past several years. The Appropriations Committee required the initial report, filed on September 30, 2005, as well as this follow up report as part of its 2005 bill on the Commission's budget.

Invitation to House Oversight Committee: On February 7, the Commission invited members of the House Judiciary Committee staff to address the Commission, during the February Commission meeting, on various issues related to strategic planning.

Budget Submitted: On February 8, the Commission submitted its FY 2007 budget request, in the amount of \$9,308,923 to Congress. This amount is equal to the amount that the President requested that Congress appropriate for the Commission in FY 2007.

Response to Request from House Oversight Committee: On February 10, the Chairman responded to a request from the House Subcommittee on the Constitution requesting that the Commission describe corrective actions the Commission intends to take to update the Commission's strategic plan. The Chairman wrote the Subcommittee informing them that the Commission plans to address strategic planning matters shortly and will fully respond to the request after the Commission has the opportunity for further dialogue.

Submitted Recommendation to Senate Subcommittee on the Constitution: On, February 15, the Chairman sent a letter to the House and Senate Authorizing Subcommittees recommending that State Advisory Committee members serve for a term of four years, instead of their current two-year terms.

Response to a Request from Senator John F. Kerry: On February 21, the Commission responded to a request from Senator John F. Kerry in which he asked what measures the Commission is taking to fully utilize the procurement program for small businesses owned and controlled by service-disabled veterans.

Meeting with House Appropriations Committee Staff: On Thursday, February 23, the Staff Director and Commission staff met with House Appropriations staff in response to the Committee's request for a meeting to discuss the Commission's request for appropriations for fiscal year 2007.

OFFICE OF GENERAL COUNSEL

OGC Program Activities

Reauthorization of the Voting Rights Act: The Office of General Counsel completed an expedited legal sufficiency and defame/degrade review of the statutory enforcement report on Reauthorization of the Temporary Provisions of the Voting Rights Act.

Disparity Studies as Evidence of Discrimination in Federal Contracting: OGC conducted a legal sufficiency review of a draft report on the briefing on the use of disparity studies as evidence of discrimination in federal contracting held before the Commission in December 2005.

Campus Anti-Semitism: OGC continued to conduct the defame/degrade review of the record and transcript of the October 2005 briefing held on allegations of anti-Semitic harassment on college campuses.

Review of Elementary and Secondary School Desegregation: The Commission approved this project for OGC as the Commission's statutory report for FY07. The office is currently working on phase one (detailed outline and discovery plan) of the new Working Group on Reform procedures for Commission reports. To that end, OGC has obtained the case docket of the Department of Justice's Civil Rights Division's Educational Opportunities section. OGC has continued to review the docket to formulate a manageable proposed scope for the project.

Report on Native Hawaiian Government Reorganization Act: OGC begun drafting an executive summary of the briefing held before the Commission on January 20, 2006, concerning the Native Hawaiian Government Reorganization Act. This executive summary will be included in a briefing report which will be distributed to Commissioners for approval at a later Commission business meeting.

OGC Legal Counsel Activities

Proposed Regulation Governing Membership on State Advisory Committees: OGC submitted the final rule on the selection of State Advisory Committee members to the Federal Register. The rule was published there on February 20 and will become effective March 20. OGC also prepared a draft of non-regulatory guidance to accompany the final rule, which will be issued on March 20.

Zero-Cost Liquidation Appropriations: OGC is currently waiting for OMB to prepare a zero-cost liquidation appropriation to remedy deficiencies in the FY 2002 and FY2004 accounts.

Staffing: OGC is currently staffed with two attorney-advisors. OGC has selected summer internship applicants for interviews, which will begin the week of March 13.

PUBLIC AFFAIRS UNIT

Press Relations: During the reporting period, the predominant source of Commission-related news was coverage associated with federal contracting, which referenced the *Adarand* study.

Additionally, the unit released:

USCCR to Consider Recommendations for Enforcing Civil Rights Laws: Campus Discrimination, Voting, State Concerns Highlight Civil Rights Panel's February Agenda (February 15, 2006)

Campus Anti-Semitism: Staff is drafting material for the Commission's web site aimed at apprising students who experience or observe anti-Semitism on campuses of their rights and responsibilities, based on the Commission directive to prepare a campus and Semitism public education initiative.

Staffing: Staffing is unchanged. The unit has no employees either permanent or temporary, nor does it have student interns. The Commission's director of evaluation continues to act as public affairs chief in addition to her other duties.

OFFICE OF CIVIL RIGHTS EVALUATION

Complaints Processing: During the reporting period, OCRE received 122 written complaints, 0 congressional complaints, 5 walk-in complaints, 27 E-mail complaints, 10 facsimile complaints, and 132 telephone complaints. In total, staff processed 286 complaints during the reporting period. As of February 24, 2006, the backlog of written and telephonic complaints was zero.

Civil Rights Studies

The Department of Justice's Record of Enforcing the Temporary Voting Rights Act Provisions: OCRE staff continues to revise the statutory report, adding additional data analyses and supporting documentation per the staff director's request. Staff submitted the report for legal sufficiency and editorial reviews and incorporated feedback. Staff also sent the report to the Department of Justice for affected agency review. The staff director received oral and written comments from this review which he communicated to the staff. In addition, staff received and incorporated comments from one Commissioner pursuant to the third review opportunity. During the reporting period, the National Commission on the Voting Rights Act issued a report analyzing, in part, Justice Department enforcement data. Staff reviewed the report and on the staff director's instructions, is adding pertinent information to explain differences in counting methods each utilized.

Toward Greater Equality: African American, Hispanic, and White Employment, Income, and Wealth Clearinghouse Report: Staff will return to this effort upon completing other assignments.

Voting Rights Act Briefing Report: OCRE received and incorporated final changes to the Voting Rights Act briefing report. The Commissioners voted unanimously to approve the final draft, with one minor change, at their February meeting. Three Commissioners submitted written statements for inclusion in the report. Staff subsequently proofread, formatted, and prepared the report—including the briefing summary, panelists' written testimony, and Commissioner statements—for posting on the Internet. Staff will work with GPO and ASCD to develop a cover design and to print and release the report.

Disparity Studies as Evidence of Discrimination in Federal Contracting Briefing: Staff completed a draft briefing report which summarizes the briefing, presents the written statements of the panelists, and includes findings and recommendations suggesting standards for conducting disparity studies. Staff made changes which the staff director requested. The report is undergoing legal sufficiency review.

Monitoring Activities

None.

OFFICE OF MANAGEMENT

Administrative Services and Clearinghouse Division

Commission Meetings: Staff completed all work related to the February Commission meeting.

Financial Audit FY 2006: Staff has begun work on the procurement of audit services for FY 2006. A Statement of Work has been prepared and is being reviewed in preparation for publicizing the acquisition on Fedbizopps.

IT Vacancy Announcement: Staff is in the process of interviewing candidates for the position.

Support Services Vacancy Announcement: Staff is finalizing paperwork to issue vacancy announcement for this procurement position.

Records Administration: Staff attended a meeting at the National Archives and Records Administration discussing the progress of electronic records archiving program and what the future will look like for federal agency records management.

Publication Statistics: Staff responded to 168 written and 155 email requests for publications this period. There were 44 different publications requested and 703 publications were mailed. One congressional request was received for publications this reporting period. "Getting Uncle Sam to Enforce Your Civil Rights," "Economic Stagnation of the Black Middle Class," "Broken Promises: Evaluating the Native American Health Care System," and "Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" were our most requested publications. Currently, there are 30 requests for publications in process.

Budget and Finance Division

Administrative Payments: All travel authorizations and vouchers should be entered in the new automatic system for processing. Travel vouchers should be processed within 5 working days after travel has been completed.

Fiscal Administration: The Commission's FY06 budget is \$8,932,439. Total obligations as of January 31, 2006 - \$3,308,250. USCCR has a remaining balance of \$5,624,188.

BFD continues to process FY 2005 financial closeout documents as well as processing FY 2006 documents.

BFD anticipates having a full time Budget Analyst on board no later than 15 March 2006.

Human Resources Division

Staffing: A vacancy announcement was issued for the position of Information Technology Specialist. Applications are being reviewed. A vacancy announcement was issued for the Director of Human Resources Division. The Budget Analyst position was re-announced and list of qualified candidates was issued to the selecting official.

Employee Development: Staff members continue to enroll employees in training offered by the Small Agency Council. Staff attended Delegating Examining Unit (DEU) training mandated and sponsored by OPM in order to be able to conduct delegated examining of non-status applicants.

Performance Management: Managers were reminded to complete their mid-year progress reviews and submit a copy to the Human Resources Division. Staff members continued to follow-up with managers to ensure mid-year progress reviews and rollover plans have been issued to all employees and copies are being submitted to the Human Resources Division.

Reports/Surveys: Reports were submitted to OPM in a timely manner.

REGION I
EASTERN REGIONAL OFFICE

CONNECTICUT

Current SAC Project: Police-Community Relations and Treatment of Minority Students and Parents in Public Schools in Bridgeport

Project Proposal Approved by OSD: 4/25/00

Community Forum Held: 5/24-25/00

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

DELAWARE

Current SAC Project: Equal Treatment Under Sentencing Reforms in Delaware

Project Proposal Approved by SAC: 11/30/03

Status: The Committee is rebuilding and will have to reassess this project and all other activities.

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

DISTRICT OF COLUMBIA

Pending Report: A report summarizing presentations made before the Committee in March 2001 on improving access to financial opportunity is undergoing a review for possible update.

Current SAC Project: Civil Rights Problems Facing the District of Columbia: Solutions for the Next Century

Project Proposal Approved by SAC: 2/29/00

Project Proposal Approved by OSD: 4/12/00

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee.

MAINE

Current SAC Project: Racial and Ethnic Profiling and Harassment in Maine

Project Proposal to SAC: 9/03

Project Proposal Approved by OSD: 11/24/03

Forum Held: 4/6/04

Status: Report has been approved by SAC members and has undergone affected agency, legal sufficiency, and defame and degrade review.

Last SAC Meeting: 5/23/05 (conference call)

Projected Next SAC Meeting: A face-to-face meeting will be schedule for approximately 3/31/06.

Projected Activities in Next 12 Months: The report, *Racial and Ethnic Profiling and Harassment in Maine*, is currently under review for incorporation of comments from legal sufficiency and defame and degrade reviews. Following the release of the report, the Committee will further explore the option of working with the Massachusetts SAC to produce a multi-SAC, New England-focus fact-finding study on educational provisions by state government for the Limited-English-Proficient learner. The Massachusetts SAC held a briefing and heard testimony on the subject at its April 6, 2004 forum. Information gathered from the briefing and testimony will form the basis of the study, which will update the already collected information and extend the focus to other New England states, which have a history of sharing educational policy ideas with Massachusetts.

MARYLAND

Published Report: City Services, Public Safety, and the Justice System—Do Korean American Store Owners in Baltimore, Maryland, Get Equal Treatment?

SAC Approved Report: 1/8/03

Report Approved for Publication by Commissioners: 7/04

Report Released: 8/04

Current SAC Project 2: Civil Rights Issues in Maryland's Small Towns and Rural Areas: Forums in Southern, Western, and Eastern Shore Counties

Project Proposal Approved by SAC: 9/15/99

Project Proposal Revised by SAC: 7/11/00

Project Proposal Approved by OSD: 10/2/00

First of Three Forums Held: 3/31/01

Second of Three Forums Held: 6/23/01

Status: The Committee is rebuilding and will have to reassess this project and all other activities.

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

MASSACHUSETTS

Current SAC Project: Voluntary School Desegregation: Lessons from Lynn, Massachusetts

Project Proposal Approved by SAC: 10/9/03

Project Proposal Approved by OSD: 11/24/03
Status: Report draft on forum in progress.

Last SAC Meeting: 6/9/04 (forum)

Next SAC Meeting: Will be scheduled upon recharter of the committee
Projected Activities in Next 12 Months: A report draft is currently in progress.

NEW HAMPSHIRE

Current SAC Project: Access to Health Care by Limited-English-Proficient and Hearing-Impaired Persons

Project Proposal Approved by SAC: 8/21/03

Project Proposal Approved by OSD: 11/6/03

Forum Held: 12/4/03

Report Approved by SAC: 9/23/04

Report Sent to OSD: 1/19/05

Report Approved by Commissioners:

*Status: The report, *Language and Access to Health Care: Easing Barriers in New Hampshire*, has received Commissioner approval and has been published.*

Last SAC Meeting: 12/4/03

Next SAC Meeting: Will be scheduled upon recharter of the committee

NEW JERSEY

Current SAC Project: Representation of Asian Americans in the New Jersey State Government Work Force

Revised Statement of Concern to Commissioners: 6/20/03

Final Statement of Concern to RPCU: 9/30/03

Status: The SAC heard from the designee of Governor McGreevy at its May meeting in Trenton.

Last SAC Meeting: 6/9/04 subcommittee meeting to plan consultation to be held in Asbury Park to discuss how the massive school construction program can be used to revitalize communities throughout the state.

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

NEW YORK

Current SAC Project: The Administration of Justice for Same-Sex Couples: Civil Rights Implications of Marriage.

Project Proposal Approved by SAC:

Project Proposal Approved by OSD:

Forum Held:

Report Approved by SAC:

Report Submitted to OSD:

Report Approved by Commissioners:

Status: The SAC membership of the previous charter has approved the current project activity idea. A project proposal is in preparation.

Last SAC Meeting: 8/19/04 (conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

Projected Activities in Next 12 Months: Once the Committee is rechartered, its members will decide whether to continue with the same-sex marriage project idea or adopt a different idea altogether.

PENNSYLVANIA

Current SAC Project: State and Local Efforts to Eliminate Barriers to Economic Opportunities for Minority- and Women-Owned Businesses (M/WBEs) in Pennsylvania

Proposal Approved by SAC: 7/9/98

Proposal Approved by OSD: 7/28/98

Forum Held: 1/14/99

Report Approved by SAC: 9/6/01

Editorial and Legal Sufficiency Review Completed: 5/22/02

Report Approved for Publication by Commissioners: 6/21/02

Report Released: Press conferences were held on 8/5/02 (Philadelphia), 12/11/02 (Harrisburg), 6/26/03 (Pittsburgh)

Status: Current activity is being reassessed.

Last SAC Meeting: 10/8/04 (multi-state conference call)

Next SAC Meeting: Will be scheduled upon recharter of the committee

RHODE ISLAND

Current SAC Project: The Disparate Treatment of Minority Youth in Rhode Island (tentative title)

Status: The rechartered committee unanimously decided its next project would be an investigation into youth and education. Two subcommittees were created to consider (1) disparities in education and (2) disparities within the justice system.

Last SAC Meeting: 11/15/05

Projected Next SAC Meeting: A planning meeting is scheduled for 4/3/06.

Projected Activities in Next 12 Months: The committee met in November and began planning for a Spring 2006 briefing on its new project. Subcommittee members have been meeting monthly to discuss prospective panelists.

VERMONT

Current SAC Project: Racism in Vermont Communities

Proposal Approved by SAC: 11/01

Proposal to HQ: 12/20/01

Proposal Approved by OSD: 3/19/02

Town Hall Meetings Held: 11/20/02 (Burlington), 2/14/03 (using six VT Interactive TV sites), and 4/9/03 (Montpelier)

Report Approved for Publication by Commissioners: 10/17/03

Report Released: 10/30/03

Status: Current activity is being reassessed.

Last SAC Meeting: Conference call on 02/06/06

Projected Next SAC Meeting: Briefing on immigration issues is planned for 3/31/06.

Projected Activities in Next 12 Months: The committee will have a planning meeting and briefing on immigration issues on 3/31/06.

VIRGINIA

Current SAC Project 1: Unequal Justice: Treatment of African Americans in the Virginia Criminal Justice System—Revisited

Target Date for SAC Approved Project Proposal: 4/04

Target Date for Project Proposal Approved by HQ: 5/04

Status: The Committee is rebuilding and will have to reassess this project and all other activities

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

WEST VIRGINIA

Current SAC Project: Coping with Police Misconduct in West Virginia

Report Approved by SAC: 10/03

Report to HQ for Legal Sufficiency and Editorial Reviews: 12/03

Report Approved for Publication by Commissioners: 1/04

Last SAC Meeting: 10/8/04 (multi-state conference call)

Projected Next SAC Meeting: Will be scheduled upon recharter of the committee

REGION II **SOUTHERN REGIONAL OFFICE**

FLORIDA

Current SAC Project 1: Equal Education Resources for Migratory Children

Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Proposal Approved by OSD: 8/05

Target Date for Report Review by HQ: 06/06 (delayed pending re-charter)

Status: Two county school districts with high concentrations of migrant children, Collier (Naples) and Hillsborough (Tampa), are the focus of a study examining the equity of resources provided to schools with high populations of migrant children. The project was approved by the previously chartered advisory committee. The Regional Office is completing the a draft report and will present the study to the re-chartered advisory committee for its consideration and approval.

Current SAC Project 2: Desegregation Status of Public School Districts in Florida

Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Proposal Approved by OSD: 8/05

Target Date for Report Review by HQ: 06/06 (delayed pending re-charter)

Status: The Regional Office has completed its planned research on the desegregation status of the local school districts in the State of Florida once subject to court jurisdiction. Twenty-two of

the 37 school districts in the State once subject to court jurisdiction have obtained unitary status. The Regional Office plans to present a report to the re-chartered advisory committee for its consideration and approval.

Last SAC Meeting: 09/08/05 (teleconference)

Projected Next Meeting: 6/06 (Purpose: to approve (a) school migrant education project proposal and report and (b) school desegregation project proposal and report.)

Projected Activities in the Next 12 Months: (1) submit report to OSD on equal education resources for migratory children, and (2) submit report to OSD on desegregation status of public school districts in Florida (3) submit report to OSD on the impact of unitary status

Re-Charter Activities: The Florida Advisory Committee was last re-chartered in September 2002 and has not been re-chartered. The Southern Regional Office has essentially completed its recruitment of prospective members for a re-chartered advisory committee in a manner that comports with new rules and regulations adopted by the Commission. Contingent on new forms being approved for state advisory committee chartering, the SRO plans to submit a re-charter package to the SD by March 14, 2006.

GEORGIA

Current SAC Project: Desegregation Status of Public School Districts in Georgia

Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Target Date for Proposal Approved by OSD: 06/06 (delayed pending re-charter)

Target Date for Report Review by HQ: 08/06 (delayed pending re-charter)

Status: The Regional Office has completed its initial research on the desegregation status of the local school districts in the State of Georgia once subject to court jurisdiction. The project was approved by the previously chartered advisory committee and the Regional Office is continuing its research of the project in anticipation of project approval by the re-chartered advisory committee. The Regional Office plans to present a report of the study to the re-chartered advisory committee for its consideration and approval.

Last SAC Meeting: 09/09/05 (teleconference)

Projected Next Meeting: 6/06 (Purpose: to approve school desegregation proposal and report.)

Projected Activities in Next 12 months: (1) submit report to OSD on desegregation status of public school districts in Georgia, (2) submit report to OSD on the impact of unitary status.

Re-Charter Activities: The Georgia Advisory Committee was last re-chartered in 2002 and has not been re-chartered. The Southern Regional Office is engaged in recruiting applicants for a re-chartered advisory committee in a manner that will comport with new rules and regulations adopted by the Commission.

KENTUCKY

Current SAC Project 1: The Achievement Gap between African American Students and White Students in Large Urban Areas in Kentucky

Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Proposal Approved by OSD: 06/06 (delayed pending re-charter)

Target Date for Report Review by HQ: 06/06 (delayed pending re-charter)

Status: A study of the achievement gap between minority students and non-minority students in four urban school districts, Elizabethtown, Hopkinsville, Lexington, and Paducah, is essentially

complete. The project was approved by the previously chartered advisory committee and the Regional Office and the Regional Office plans to present a report of the study to the re-chartered advisory committee for its consideration and approval.

Current SAC Project 2: Desegregation Status of Public School Districts in Kentucky

Target Date for Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Target Date for Proposal Approved by OSD: 06/06 (delayed pending re-charter)

Target Date for Report Review by HQ: 08/06 (delayed pending re-charter)

Status: A project proposal on the desegregation status of public schools districts was approved by the previously chartered advisory committee. The Regional Office is continuing its research of the project in anticipation of project approval by the re-chartered advisory committee for its consideration and approval.

Last SAC Meeting: 9/02/05 (Louisville, Kentucky)

Projected Next Meeting: 6/06 (Purpose: to approve (a) education achievement gap project proposal and report and (b) school desegregation status project proposal and report.)

Projected Activities in Next 12 months: (1) submit report to OSD on education gap in Kentucky, and (2) submit report to OSD on desegregation status of public school districts in Kentucky

Re-Charter Activities: The Kentucky Advisory Committee was last re-chartered in 2002 and has not been re-chartered. The Southern Regional Office has essentially completed its recruitment of prospective members for a re-chartered advisory committee in a manner that comports with new rules and regulations adopted by the Commission. Contingent on new forms being approved for state advisory committee chartering, the SRO plans to submit a re-charter package to the SD by March 14, 2006.

NORTH CAROLINA

Current SAC Project: Title I Funding to Local Schools by Public School Districts

Date Project Proposal Approval by SAC: 4/01

Proposal Approved by OSD: 4/01

Target Date for Report Review by HQ: 6/06

Status: The Regional Office has completed a fact-finding study on Title I funding by public school districts to local schools. The report will be presented to the re-chartered advisory committee for its consideration and approval.

Current SAC Project 2: Desegregation Status of Public School Districts in North Carolina

Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)

Target Date for Approval by OSD: 06/06 (delayed pending re-charter)

Target Date for Report Review by HQ: 06/06 (delayed pending re-charter)

Status: A project proposal on the desegregation status of public schools districts was approved by the previously chartered advisory committee. The Regional Office is completing its research of the project and plans to present a report of the study to the re-chartered advisory committee for its consideration and approval.

Last SAC Meeting: 9/28/05 (teleconference)

Projected Next Meeting: 6/06 (Purpose: to approve (a) Title I report and (b) project proposal and report on desegregation status of school districts)

Re-Charter Activities: The North Carolina Advisory Committee was last re-chartered in February 2002 and has not been re-chartered.

SOUTH CAROLINA

Current SAC Project: Desegregation Status of Public School Districts in South Carolina
Target Date for Project Proposal Approval by SAC: 06/06 (delayed pending re-charter)
Proposal Approved by OSD: 9/05

Target Date for Report Review by HQ: 06/06 (delayed pending re-charter)

Status: The Regional Office has completed its initial research on the desegregation status of the local school districts in the State of South Carolina once subject to court jurisdiction and determined that of the 17 school districts in the State ever subject to court jurisdiction have obtained unitary status. The project was approved by the previously chartered advisory committee. The Regional Office plans to present a report of the study to the re-chartered advisory committee for its consideration and approval.

Last SAC Meeting: 9/22/05 (teleconference)

Projected Next Meeting: 6/06 (Purpose: to approve report on desegregation status of school districts and report on impact of unitary status.)

Projected Activities in Next 12 months: (1) submit report to OSD on desegregation status of public school districts in South Carolina, (2) submit report to OSD on the impact of unitary status.

Re-Charter Activities: The South Carolina Advisory Committee was last re-chartered in 2002 and has not been re-chartered. The Southern Regional Office is engaged in recruiting applicants for a re-chartered advisory committee in a manner that will comport with new rules and regulations adopted by the Commission.

TENNESSEE

Current SAC Project: Desegregation Status of Public School Districts in Tennessee
Target Date for Project Proposal Approval by SAC: 08/06 (delayed pending re-charter)
Target Date for Proposal Approved by OSD: 08/06 (delayed pending re-charter)
Target Date for Report Review by HQ: 10/06 (delayed pending re-charter)

Status: In the absence of an active Advisory Committee in Tennessee and in anticipation of project approval by the re-chartered advisory committee the Southern Regional Office has independently begun research on the desegregation status of the local school districts in the State of Tennessee once subject to court jurisdiction.

Last SAC Meeting: 03/05/03 (teleconference)

Projected Next Meeting: 6/06 (Purpose: to approve project proposal and report on desegregation status of school districts)

Projected Activities in Next 12 months: (1) submit report to Commission on desegregation status of public school districts in Tennessee.

Re-Charter Activities: The Tennessee Advisory Committee was last re-chartered in 2002 and has not been re-chartered. The Southern Regional Office is engaged in recruiting applicants for a re-

chartered advisory committee in a manner that will comport with new rules and regulations adopted by the Commission.

Other Items of Interest to the Staff Director

Student Interns

Student interns continue to work in the Southern Regional Office during the Spring 2006 Semester, and most are engaged in assisting the office with its school desegregation projects. The Regional Office has begun recruiting interns for the Summer 2006 semester and presently has received commitments from three students to work as interns. On Friday, March 3, the Regional Director is meeting with officials from the University of Georgia, Athens, GA, to recruit additional student interns.

REGION III
MIDWESTERN REGIONAL OFFICE

OHIO

Current SAC Project: Ohio's Preparedness for the 2006 Elections

Briefing Meetings: 3/16-3/17

Date for Report Approval by SAC: 07/06

Target Date for Report Review by HQ: 09/06

Last SAC Meeting: 09/16/05 (conference call)

Commission Approved re-charter 11/04.

As part of its project on Ohio's Preparedness for the 2006 Elections, the Committee will hear testimony from the General Counsel for the Secretary of State, the directors of three County Election Boards, a state representative, and other interested parties at its March briefings. The briefings will be transcribed.

Current SAC Project 2: Hate Crime in Ohio Revisited

Project Proposal Approved by SAC: 3/20/03

Project Proposal Approved by OSD: 10/7/03

Fact Finding Meetings: 11/24-25/03

Date for Report Approval by SAC: 09/16/05

Target Date for Report Review by HQ: 12/05

The Committee members met on September 16, 2005, and unanimously approved of the report, "Hate Crime in Ohio Revisited." Committee members agreed to a number of cosmetic and substantive changes prior to approval.

REGION IV
CENTRAL REGIONAL OFFICE

ALABAMA

Current SAC Project: Mobile briefing meeting follow-up activities.

Status: Planning southern regional project for 2005-06. Focus will be on environmental justice and government decision making. This will be a joint-project of the AL, AR, LA and MS SACs. The main point of review will be on future efforts/plans by local, state and national regulators to address problematic environmental issues in high risk communities in the above-referenced states.

The draft proposal for this project was forwarded to the SACs for their review/approval on 11/18/05. The SACs are considering a request from Headquarters to participate in a Commission-sponsored review of school desegregation and the unitary status of local districts in the South.

Last SAC Meeting: 10/27/05 (joint conference call of the AL, AR, LA & MS SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

ARKANSAS

Current SAC Project: Mobile briefing meeting follow-up activities.

Last SAC Meeting: 10/27/05 (joint conference call of the AL, AR, LA & MS SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

IOWA

Current SAC Project: "Midwest Civil Rights Listening Tour"(MCRLT)

Briefing Meeting: 5/27/04

Briefing Memo to SAC: Will be determined upon recharter of the Committee.

Target Date for Memo to Headquarters: Will be determined upon recharter of the Committee.

Last SAC Meeting: 9/8/05 (joint conference call of the IA, KS, MO, NE & OK SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

KANSAS

Current SAC Project: "Midwest Civil Rights Listening Tour" (MCRLT)

Briefing Meeting: 5/27/04

Briefing Memo to SAC: Will be determined upon recharter of the Committee.

Target Date for Memo to Headquarters: Will be determined upon recharter of the Committee.

Last SAC Meeting: 9/8/05 (joint conference call of the IA, KS, MO, NE and OK SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Continue recharter activities as needed.

LOUISIANA

Current SAC Project: Mobile briefing meeting follow-up activities

Last SAC Meeting: 10/27/05 (joint conference call of the AL, AR, LA & MS SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

MISSISSIPPI

Current SAC Project 1: State Human Relations Legislation

Project Proposal Approved by SAC: 4/15/02

Fact-finding Meeting: 10/9-10/02

Status: Draft report is inactive until other priority reports are completed and/or additional staff is available to process.

Current SAC Project 2: Mobile briefing meeting follow-up activities.

Status: Planning southern regional project for 2005-06. Focus will be on environmental justice and government decision making. This will be a joint-project of the AL, AR, LA & MS SACS. The main point of review will be on future efforts/plans by local state and national regulators to address problematic environmental issues in high risk communities in the above-referenced states. The draft proposal for this project was forwarded to the SACs for their review/approval on 11/18/05. The SACs are considering a request from Headquarters to participate in a Commission-sponsored review of school desegregation and the unitary status of local districts in the South.

Last SAC Meeting: 10/27/05 (joint conference call of the AL, AR, LA & MS SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be determined upon recharter of Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

MISSOURI

Current SAC Project: "Midwest Civil Rights Listening Tour" (MCRLT)

Briefing Meeting: 5/27/04

Briefing Memo to SAC: Will be determined upon recharter of Committee.

Target Date for Memo to Headquarters: Will be determined upon recharter of the Committee.

Last SAC Meeting: 9/8/05 (joint conference call of the IA, KS, MO, NE & OK SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

NEBRASKA

Current SAC Project: "Midwest Civil Rights Listening Tour" (MCRLT)

Briefing Meeting: 5/27/04

Briefing Memo to SAC: Will be determined upon recharter of the Committee.

Target Date for Memo to Headquarters: Will be determined upon recharter of the Committee.

Last SAC Meeting: 9/8/05 (joint conference call of the IA, KS, MO, NE & OK SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Continue recharter activities as needed.

OKLAHOMA

Current SAC Project: "Midwest Civil Rights Listening Tour"(MCRLT)

Briefing Meeting: 5/27/04

Briefing Memo to SAC: Will be determined upon recharter of the Committee.

Target Date for Memo to Headquarters: Will be determined upon recharter of Committee.

Last SAC Meeting: 9/8/05 (joint conference call of the IA, KS, MO, NE & OK SACs). Also a regional SAC Chair planning meeting was held on 10/20/05.

Projected Next SAC Meeting: Will be scheduled upon recharter of the Committee.

Projected Activities in Next 12 Months: Conduct SAC recruitment activities and prepare recharter package.

REGION V

ROCKY MOUNTAIN REGIONAL OFFICE

COLORADO

Current SAC Project: Confronting Discrimination in Reservation Border Town Communities

Regional Project Proposal Approved by SAC: 3/26/04

Target Date for Community Forum: to be determined

Status: Plans for implementation of the regional project will be modified for fiscal year 2006, and a public forum will be postponed until adequate resources are available.

Last SAC Meeting: 9/16/05.

Projected Next SAC Meeting: May 2006 (Denver). Staff will consult with the Committee in developing a briefing agenda for the upcoming meeting.

Projected Activities in Next 12 Months: Planning will continue for the Native American project, including consultation with American Indian organizations and leaders in the Denver metropolitan area.

Other: The Regional Director discussed plans for a civil rights symposium in Pueblo with member of the Colorado Civil Rights Commission. The training session will be sponsored by the state commission and local human relations commission.

MONTANA

Current SAC Project: Confronting Discrimination in Reservation Border Town Communities

Regional Project Proposal Approved by SAC: 5/19/04

Target Date for Community Forum: to be determined.

Status: Plans for implementation of the regional project will be modified for fiscal year 2006, and a full public forum will be postponed until adequate resources are available.

Last SAC Meeting: 5/26/05 (telephonic).

Projected Next SAC Meeting: April 5, 2006 in Missoula (face-to-face planning meeting with briefing). The SAC will focus on issues of discrimination against Native Americans reservation border towns (our regional project). Approximately 4-6 individuals will be invited to provide briefings on the regional topic. During this same time the conference "Bringing Civil Rights to Indian Country", sponsored by the Blackfeet Tribe, will focus on reservation border town discrimination and the work of agencies such as the U.S. Commission on Civil Rights, the U.S. Department of Justice and tribal governments.

Projected Activities in the Next 12 Months: to be determined.

NEW MEXICO

Current SAC Project: Confronting Discrimination in Reservation Border Town Communities

Regional Project Proposal Approved by SAC: March 18, 2003, revised

Target Date for Community Forum: 4/30/04, Farmington, NM (completed)

Report Approved by SAC: March 2005 (completed)

Target Date for Report Review by HQ: April 2005 (completed)

Status: At its February 23rd meeting in Albuquerque, the Committee considered plans for follow-up to the report, *The Farmington Report: Civil Rights for Native Americans 30 Years Later*.

The *Farmington Daily Times* and *Indian Country Today* are planning articles based on the Farmington report. The *Albuquerque Journal* has already published an article.

The city planning department in Farmington discussed the report with regional staff. The document is being used by the city in its Community Development Block Grant (CDBG) application to HUD.

The RMRO continues to distribute the report. Copies will be sent to all tribal college libraries in the region.

Last SAC Meeting: 2/23/06, Albuquerque. The Committee was briefed by Benny Shendo, Jr., director of the New Mexico Indian Affairs Department and Cabinet Secretary. The Committee also discussed current civil rights developments in the state, and planned future activities.

Projected Next SAC Meeting: April 2006 (telephonic) - tentative

Projected Activities in Next 12 Months: The Committee will conduct follow-up activities to the Farmington report, including communicating with appropriate officials and requesting consideration of the report's recommendations.

Other: Staff began the recruitment process for SAC charter which expires in 2006. Staff consulted with the legal counsel for the New Mexico Indian Affairs Department, and representatives of the Diocese of Las Cruces regarding current civil rights issues. Staff also began processing complaints that have been filed with the regional office regarding alleged discrimination in southern and northwestern New Mexico.

NORTH DAKOTA

Current SAC Project: Confronting Discrimination in Reservation Border Town Communities

Regional Project Proposal Approved by SAC: 5/25/04

Target Date for Community Forum: to be determined

Status: Plans for implementation of the regional project will be modified for fiscal year 2006, and a public forum will be postponed until adequate resources are available.

Last SAC Meeting: 5/19/05 (telephonic).

Projected Next SAC Meeting: April 20, 2006 in Fargo (face-to-face). The SAC will discuss civil rights issues in the state. Plans are to invite one or two guests to share their perspectives on current developments. Predatory lending and other issues affecting Native Americans may be addressed.

Projected Activities in Next 12 Months: to be determined.

SOUTH DAKOTA

Current SAC Project: Confronting Discrimination in Reservation Border Town Communities

Regional Project Proposal Approved by SAC: 11/05/03

Target Date for Community Forum: to be determined

Status: Plans for implementation of the regional project will be modified for fiscal year 2006, and a public forum will be postponed until adequate resources are available.

Last SAC Meeting: 5/12/05 (telephonic). The committee discussed future plans for its project and reviewed methods for enhancing communications.

Projected Next SAC Meeting: 3/22/06 (Sioux Falls) A representative of the South Dakota Equal Justice Commission, established by the State Supreme Court, will brief the Committee. Regional staff consulted with SAC chair concerning other agenda items.

*Projected Activities in Next 12 Months: Information will be gathered to determine the continuing impact of the Committee's report, *Native Americans in South Dakota: An Erosion of Confidence in the Justice System*.*

OTHER REGIONAL ACTIVITIES

Mid-year appraisals were conducted for RMRO staff.

The Regional Director served on a working group developing agency policy for Information Quality Guidelines (appointed by the Staff Director).

Staff submitted memorandum to the Staff Director regarding plans for SAC meetings and briefings in five states (scheduled for February through May 2006).

REGION VI **WESTERN REGIONAL OFFICE**

ALASKA

*Current SAC Project: Follow-up to *Racism's Frontier: The Untold Story of Discrimination and Division in Alaska*. Staff is conducting further follow-up.*

Last SAC Meeting: September 29, 2005 SAC teleconference; January 26, 2006 teleconference.

Projected Next SAC Meeting: March 9, 2006 face-to-face.

Projected Activities in Next 12 Months: Follow-up to Native Alaskan issues report. It will also review issues related to school finance parity between urban and rural districts in the State.

Other: The SAC was rechartered on 9/17/04.

Staff undertook logistical, operational and scheduling activities to implement a face-to-face meeting to be held in March 9 in Anchorage.

HAWAII

Current SAC Project: The SAC is considering as its next project a publication of civil rights issue papers from community leaders throughout the Islands.

Last SAC Meeting: September 30, SAC teleconference; February 23, 2006 teleconference.

Projected Next SAC Meeting: March 23, 2006 face-to-face meeting.

Projected Activities in Next 12 Months: The SAC is considering a review of the civil rights concerns of non-Native Hawaiian minorities in the Islands, including racial tensions in Honolulu public schools. The SAC is participating in the nine-state study on hate crime reporting in the region.

Other: The SAC was rechartered on 11/12/04.

Staff is undertaking logistical, operational and scheduling activities to implement a face-to face meeting to be held March 23 in Honolulu.

NEVADA

Current SAC Project: # 1 The SAC has proposed a project to gather information on and evaluate the status of civil rights enforcement in Nevada.

Status: The SAC subcommittees (education, employment, housing and the administration of justice) are collecting data on those issues.

Last SAC Meeting: December 16, 2005 teleconference meeting; February 24, 2006 teleconference meeting.

Projected Next Meeting: May 4, 2006 face-to-face meeting.

Projected Activities in Next 12 Months: Ongoing review of the Nevada Equal Rights Commission, its mandate and activities, as part of a broader study on the status of civil rights in the state. The SAC is participating in the nine-state study on hate crime reporting in the region.

Other: Staff has begun the logistical, operational and scheduling activities to implement a face-to-face meeting May 4, 2006 in Las Vegas.

WASHINGTON

Current SAC Project: The SAC is considering sponsoring a conference on Native American health care issues. The draft proposal was briefly discussed at the May 12 meeting, and members voted to table the measure.

Last SAC Meeting: December 15 2005 teleconference meeting; February 22, 2006 teleconference meeting.

Projected Next SAC Meeting: March 16, 2006 face-to-face meeting.

Projected Activities in Next 12 Months: The SAC is participating in the nine-state study on hate crime reporting in the region. It will review the impact on students, particularly minority, of the statewide high school exit examination.

Other: Staff has been working on the logistical, operational and scheduling activities to implement a face-to-face meeting March 16, 2006 in Seattle.

MULTI-STATE

Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas and Washington
Current Project 1: Hate Crime Reporting in the Western Region. A copy of the letter of transmittal is being circulated to all chairpersons for their individual signatures. Presently the regional office is awaiting the signed letter's return from the Oregon SAC Chairperson.

Attachment A

U.S. COMMISSION ON CIVIL RIGHTS

OFFICE OF CIVIL RIGHTS EVALUATION

COMPLAINT REPORT

REPORTING MONTH: February 2006
 BREAKDOWN OF COMPLAINTS PROCESSED

By subject		<u>By basis of complaint</u>	
Employment	19	Race and ethnic origin	8
Housing	1	Black	44
Education	1	Hispanic	10
Federal programs	15	American Indian/Alaskan Native	0
Administration of justice	27	Asian	0
Voting	0	Other national origin, race	14
Health care	0	Religion	4
Human rights	0	Sex	3
Police brutality	16	Disability	14
Public accommodations	3	Age	2
Hate crimes	1	Inmates	66
Other	80	Sexual harassment	0
No jurisdiction	65	Reprisal	1
Unknown	18	Basis not stated	8
Affirmative Action	0	Unknown	7
Police Misconduct	5	Other	105
Prisoners' Rights	14		
Prison Conditions	10		
Backlog at the beginning of reporting period			0
New complaints received in month:			
Correspondence (regular):			122
Congressional:			0
Walk-ins:			5
Telephone calls:			132
E-mail:			17
Facsimile			10
Total new complaints:			286
Total workload:			286
Total complaints processed in month:			286
Total backlog of telephone calls:			0
Total backlog of written complaints:			0
Miscellaneous complaints processed, referral not necessary			71

**U.S. COMMISSION ON CIVIL RIGHTS
OFFICE OF CIVIL RIGHTS EVALUATION**

REPORTING MONTH: February 2006

REFERRAL AGENCIES FOR CORRESPONDENCE

Department of Agriculture.....	0
Department of Defense	0
Department of Education.....	2
Department of Health and Human Services.....	0
Department of Housing and Urban Development.....	4
Department of Justice	65
Attorney General's Office	0
Federal Bureau of Investigation.....	0
Department of Labor.....	2
Department of State	0
Department of Transportation	0
Department of the Treasury	
Internal Revenue Service	0
Customs Service	0
Department of Veterans Affairs	0
Environmental Protection Agency	1
Equal Employment Opportunity Commission.....	16
Executive Office of U.S. Trustees	0
Federal Communications Commission	0
Federal Trade Commission.....	0
Merit Systems Protection Board.....	0
National Labor Relations Board.....	0
Small Business Administration	0
Postal Service.....	0
Other agencies, State and non-Federal	1

**U.S. COMMISSION ON CIVIL RIGHTS
OFFICE OF CIVIL RIGHTS EVALUATION
COMPLAINT BREAKDOWN BY STATE**

(WRITTEN & TELEPHONE COMPLAINTS)

REPORTING MONTH: February 2006

ALABAMA.....	4	MONTANA	0
ALASKA	0	NEBRASKA	0
ARIZONA	6	NEVADA	1
ARKANSAS.....	1	NEW HAMPSHIRE	1
CALIFORNIA	20	NEW JERSEY	6
COLORADO.....	4	NEW MEXICO	1
CONNECTICUT.....	1	NEW YORK	37
DELAWARE.....	0	NORTH CAROLINA	10
DISTRICT OF COLUMBIA	6	NORTH DAKOTA.....	0
FLORIDA	17	OHIO	9
GEORGIA	4	OKLAHOMA	1
HAWAII	1	OREGON	5
IDAHO.....	1	PENNSYLVANIA.....	41
ILLINOIS.....	2	RHODE ISLAND	0
INDIANA	2	SOUTH CAROLINA.....	11
IOWA.....	1	SOUTH DAKOTA	1
KANSAS	1	TENNESSEE	3
KENTUCKY	4	TEXAS	18
LOUISIANA.....	1	UTAH.....	1
MAINE	1	VERMONT	0
MARYLAND	3	VIRGINIA.....	13
MASSACHUSETTS	3	WASHINGTON.....	3
MICHIGAN.....	9	WEST VIRGINIA.....	3
MINNESOTA.....	1	WISCONSIN.....	0
MISSISSIPPI	0	WYOMING.....	0
MISSOURI	2	OUTSIDE USA.....	0
		NO STATE*	26

* Generally, e-mail complaints do not indicate a state.

Attachment B

PERSONNEL REPORT

January 30, 2006 through February 24, 2006

Permanent appointments46

Intermittent schedules..... 7

Accessions

Program Staff

None

Support Staff

None

Separations

Program Staff

None

Support Staff

None

03/10/06 Motion to Authorize a Special Assistant for Commissioner Melendez

I move to authorize staff to work with Commissioner Melendez to seek a Schedule A detailee from another federal agency to serve as his Special Assistant on either a reimbursable or non-reimbursable basis for a period not to exceed September 30, 2006.

Motion Passed During the February 17, 2006 Commission Meeting
(Part of Minutes From February 17, 2006 Commission Meeting)

I move that the Commission adopt the following policy regarding reports submitted to us by State Advisory Committees. This new policy will supersede the policy adopted on November 18, 2005 and all other previous policies.

The new policy reads:

- 1) The Commission will print all SAC reports that have satisfied the procedural and legal criteria for such reports to the satisfaction of the Staff Director or his designee. Commissioners will receive all SAC reports, but will not be asked to vote to accept or reject such SAC reports.
- 2) The cover of all SAC reports will include a disclaimer in 14-point font stating that: "This report is the work of the _____ [state] Advisory Committee to the U.S. Commission on Civil Rights. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the members of the State Advisory Committee and do not necessarily represent the views of the Commission, its individual members, or the policies of the United States Government."
- 3) The document may state that it is "published by the U.S. Commission on Civil Rights", but it will not contain the names of the Commissioners or a narrative description of the Commission and its work. It may contain a narrative description of the SAC and the names of the SAC members. The report must indicate the number and names of SAC members who voted to approve the report as well as those who voted against the report. Dissenting SAC members must be given an opportunity to submit a short statement (no more than one page) as to why they voted against the report.
- 4) All SAC reports will be posted on the Commission web site as PDF files under a heading for SAC reports. The web-page that lists the SAC reports will also include a disclaimer to the effect that "The findings and recommendations contained in these reports are the views of a majority of the members of the State Advisory Committee that produced them and do not necessarily represent the views of the Commission, its individual members, or the policies of the United States Government."
- 5) Staff may assist the SAC in distributing copies of the report.
- 6) Staff may assist the SAC in drafting and distributing press releases announcing SAC reports, provided that such press releases do not bear the seal of the U.S. Commission on Civil Rights and instead are issued solely under the name of the State Advisory Committee that produced the report.

Motion to Post Letter Requesting SAC Term Extension on Commission Website

I move that the Commission post on its website the letter submitted by the Chairman to our House and Senate authorizing subcommittees to extend the terms of State Advisory Committees (SACs) in our reauthorization legislation. This letter, submitted on February 15, 2006, recommended that Congress extend the terms of the SACs and their members to four years when it considers reauthorization legislation for the Commission.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

February 15, 2006

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

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

Dear Chairman Brownback and Senator Feingold:

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

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

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

The Honorable Sam Brownback
The Honorable Russell D. Feingold
Page 2

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

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

Very truly yours,

GERALD A. REYNOLDS
Chairman

Motion to Post Corrective Action Plan on the Commission's Website

I move that the Commission post on its website the Corrective Action Plan submitted to the Office of Management and Budget on February 15, 2006. This plan addresses reportable conditions noted in the Commission's fiscal year 2005 (FY05) financial statement audit. The plan presents each audit finding, provides context or background related to each finding, summarizes the recommendations made by the independent auditors, and discusses the corrective actions the Commission has implemented or is in the process of implementing. The plan also provides the Commission's target completion dates for corrective actions that are currently underway and indicates the actual completion dates for corrective actions already implemented.



UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

February 15, 2006

The Honorable Joshua B. Bolten
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Bolten:

This letter transmits the *Corrective Action Plan* of the United States Commission on Civil Rights (the "Commission") as requested by the Office of Management and Budget (OMB) on November 15, 2005. This plan addresses reportable conditions noted in the Commission's fiscal year 2005 (FY05) financial statement audit. The plan presents each audit finding, provides context or background related to each finding, summarizes the recommendations made by the independent auditors, and discusses the corrective actions the Commission has implemented or is in the process of implementing. The plan also provides the Commission's target completion dates for corrective actions that are currently underway – and you will see that many of the corrective actions are already well under way – as well as indicates the actual completion dates for corrective actions already implemented.

The accounting firm of Williams, Adley & Company, LLP (WA&Co) audited the Commission's balance sheet as of September 30, 2005. In connection with the audit, WA&Co considered the Commission's internal control over financial reporting and tested the Commission's compliance with certain provisions of applicable laws, regulations, and contracts that could have a direct and material effect on the balance sheet. During the audit, five reportable conditions, the first two of which were considered material weaknesses, were noted involving the internal control over financial reporting.

- Inadequate controls resulting in errors and unrecorded financial transactions (not able to document/support disbursements and obligations).
- Human capital needs (inadequate staffing levels and the need for more staff training).
- Compliance with the Accountability of Tax Dollars Act (no audit for FY04).
- Inadequate documentation of travel transactions.
- Inadequate or outdated policies and procedures.

Also, four instances of noncompliance with laws and regulations were noted: failure to comply with the Federal Financial Management Improvement Act (FFMIA), failure to file an annual Federal Information Security Management Act (FISMA) report, failure to perform an FY04 audit of financial statements and submit unaudited quarterly reports pursuant to the Accountability of Tax Dollars Act

of 2002, and failure to request or ensure that financial services providers undergo an annual Statement on Accounting Standards (SAS) 70 review as OMB has mandated.

The conditions identified by the independent auditors were consistent with previous findings by the Government Accountability Office (GAO) concerning the Commission's financial management and control.

As a result, many of the recommendations made by the independent auditors have been, or are currently being resolved, through the Commission's ongoing management reform initiative. In April of 2005, the Commission adopted GAO's recommendations and began working to implement them as practicable. The Commission's new leadership put many new policies and procedures into place during FY05 and plans to implement others during FY06. To mention just a few examples, the Commission developed and implemented new policies governing budget formulation and execution, created a process for investigating and reporting Anti-Deficiency Act violations, and issued comprehensive new travel and procurement policies. Additionally, the Commission transitioned to the General Services Administration (GSA), Heartland Finance Center, as its accounting services provider as part of the Commission's plan to automate its accounting process, increase the integrity of its financial information, and improve the timeliness of its financial reporting. Moreover, the Commission will further these efforts by filling two staff positions with responsibilities related to financial operations. The Commission is recruiting an Information Technology Specialist to aid in ensuring agency compliance with FFMIA. The Commission is also recruiting a Budget Analyst to further support the financial management reforms previously implemented by the agency.

As you may know, the Commission experienced a transitional year in 2005 with a change in leadership late in the first fiscal quarter. At the same time, the Commission has faced challenges with respect to reduced personnel. The Commission, while recognizing that it has profound management and financial challenges to overcome, is optimistic about its ongoing implementation of new financial and operational controls and is deeply committed to working to resolve these issues during the year. We expect that the results of the corrective actions noted in our plan will be improved internal control, increased efficiency of financial transaction processing and reporting, and increased integrity and reliability of financial information.

I may be contacted at 202-376-7700 should you have questions concerning the Commission's attached *Corrective Action Plan*.

Sincerely,

KENNETH L. MARCUS
Staff Director
United States Commission on Civil Rights

cc: Danny Werfel
Acting Branch Chief, Financial Standards and Grants Branch

Erica Navarro
OMB Program Manager

Finding: Inadequate Controls Resulted in Errors and Unrecorded Transactions

Background:

In FY05, the Commission's financial management system was a combination of manual and automated processes. The Commission supplemented its limited budget and finance staff by contracting for services with a private accounting services provider. The Commission's financial management processes included manual tracking of obligations and disbursements, and sending documents by facsimile and Federal Express between the Commission, its accounting services provider, and GSA for processing and disbursement. Additionally, the systems used by GSA, the National Finance Center (NFC), and the Commission's accounting services provider were not integrated and, therefore, required manual intervention to record transactions in the general ledger. Although controls were designed, they were ineffective.

Recommendations:

It was recommended that the Commission:

- Investigate and implement automated solutions to replace the manual tracking of obligations and disbursements, and to allow for direct input into the accounting system used in FY06.
- Determine ways to streamline the processes to ensure appropriate levels of controls, accuracy in reporting, reliability, and timeliness of information.

Corrective Action Plan:

Effective October 1, 2005, with the transition to GSA's Heartland Finance Center as its new accounting services provider, the Commission implemented an automated system to replace the manual tracking of obligations and disbursements. GSA inputs the financial transaction data it receives from the Commission and its vendors directly into its accounting system. The Commission is able to access and review this information online as it is processed by GSA.

Payroll related information is received from NFC by GSA via computer disk or CD ROM and requires no manual data entry. The Commission, GSA, and NFC are currently working to further improve this process by resolving technology related issues. With the resolution of these issues, the transmission of NFC data will be conducted completely over the internet.

Commission staff is required to prepare travel authorizations online using the GSA travel system, travel approvals and certifications occur online, and vouchers are submitted to GSA electronically for payment processing.

Furthermore, GSA's Heartland Finance Center provides an integrated core accounting and financial management system (Pegasys) that records, reconciles, and reports accounting transactions on behalf of the Commission. Specifically, GSA's Heartland Finance Center provides the following services to the Commission:

- accounts payable,
- accounts receivable,
- billing,
- disbursements/payment processing,
- travel,

- collection of debts,
- budget submission using OMB's MAX system,
- preparation of daily cash deposits,
- payroll file upload,
- standard general ledger reconciliation,
- systems analysis, and
- regulatory and managerial reporting.

Overall, the use of GSA's Heartland Finance Center as its sole accounting services provider simplified the Commission's access to accounting data and increased its ability to verify accounting entries. Also resulting from this transition, the Commission streamlined its accounting processes to ensure complete, accurate, and timely documentation; recordation, reconciliation and reporting of transactions.

The use of reports generated from GSA's Pegasys system, and the Commission's remote access to transactions and accounts at any time, eliminated the prior need to maintain "cuff records" and reduced errors resulting from manual manipulation of financial data. Cuff records are records, other than the official financial records maintained by GSA, previously used by the Commission to determine its existing financial position and make financial decisions.

Furthermore, in late FY05 as a part of the transition process, the Commission collaborated with GSA to establish Commission controls that ensure the integrity and timely processing of financial transactions. These controls include review and approval, authorization, verification, and reconciliation of accounts and transactions. During FY06, the Commission will review and revise these measures as required in order to meet agency goals.

As the Commission's accounting services provider, GSA also has accounting procedures and controls in place that include the following:

- Obligation and payment documents are either submitted directly to GSA from third parties or are submitted to GSA by the Commission via overnight mail. The Commission maintains a log to track obligation and payment documents and reconciles the log with transactions posted within the system to ensure completeness and accuracy.
- Posting of non-salary related transactions (travel and procurement) is controlled through the use of standard GSA forms and in accordance with the *Federal Acquisition Regulation* (FAR) and the *Federal Travel Regulation* (FTR). GSA will not record and process transactions without receipt of the proper forms and other required documentation.
- By converting to GSA's web-based travel management system, Travel and Miscellaneous Reimbursement or TMR, in early FY06 the Commission significantly reduced errors in travel claims such as overpayment, late payment, and improper payment of travel claims.
- GSA certifying officers review pertinent documents and certify vouchers for payment based on funds available to the Commission.
- GSA receives and disburses funds available to the Commission from the Treasury. GSA makes disbursements based on approved invoices or other official documentation provided by the Commission.

- GSA reconciles the Commission's general ledger quarterly and prepares and submits the following reports as required by Treasury and OMB: Monthly SF-224; Quarterly FACTS II; Quarterly SF-133; Annual FACTS I and II; Receivables Due the Public; Annual SF-2108; and Accountability of Tax Dollars Act Financial Statements.

GSA accounting system, Pegasys, is fully compliant with the Joint Financial Management Improvement Program (JFMIP). To be JFMIP compliant means that Pegasys contains the core financial system requirements for federal financial management systems. More specifically, Pegasys processes transactions in support of the major functions of a financial system (general ledger management, budgetary resource management, payment management, receivables management, cost management, fund balance with Treasury management, and system management) in accordance with documentation, internal control, and system features that are required of federal financial systems. GSA also complies with OMB Circular A-123, and the responsible systems managers and financial management officials have evaluated GSA's financial management systems in accordance with OMB Circular A-127. Pegasys' compliance with JFMIP financial system requirements, as well as GSA's adherence to OMB A-123 and A-127 requirements, lends credibility to the integrity and reliability of the Commission's accounting information.

Finding: The Commission Needs to Address Human Capital Needs

Background:

In FY05, the Commission relied on a few individuals, along with contract assistance, to perform substantial financial management, administrative, and information security duties. The range of responsibilities included, but was not limited to, the approval and tracking of obligations and disbursements; monthly, quarterly and yearly financial information review; development of financial policies and procedures; financial statement review; audit coordination; coordination with other agencies including OMB, GSA, and USDA; and information security compliance. During FY05 several key employees left the Commission resulting in knowledge gaps and inadequate transition of new employees.

Recommendations:

It was recommended that the Commission:

- Determine the viability of cross training employees after consideration of abilities, job descriptions, and federal personnel regulations.
- Determine the training needs for the current employees to ensure that they are up-to-date on financial management, financial statements, and information technology and security.

Corrective Action Plan:

A condition that contributed to accounting errors and the general unreliability of the Commission's financial information during FY05 was the lack of sufficient staffing within the Commission. Though a significant increase in staffing is not currently possible due to funding limitations, the Commission is engaged in hiring to fill two FY05 vacancies. A Budget Analyst (GS-0560-09) and an Information Technology Specialist (GS-2210-13) will be hired this fiscal year. The Budget Analyst will support the chief of the Budget and Finance Division by performing administrative functions and support duties related to budget planning, execution, fund control, and budget and program review.

The Information Technology Specialist, among other responsibilities, will utilize knowledge of IT standards, specifications, operations, integration, programming, policy, and management to ensure that the Commission's financial systems are Federal Financial Management Improvement Act (FFMIA) compliant. The specialist will also create appropriate corrective action plans and timetables, and will be responsible for Commission FFMIA reporting. The specialist will also have responsibilities related to Federal Information Security Management Act (FISMA) compliance.

The Commission temporarily eased the problems created by the lack of staffing by identifying and providing necessary training for current employees and by cross-training employees as appropriate. To support these efforts, the Commission increased its training budget for FY06 to \$36,000, a 900% increase from the FY05 budget amount.

- In January 2006, the chief of the procurement office participated in training on simplified acquisition procedures in the FAR. Additional training is scheduled in March and April 2006 that will focus on contract formation and administration.
- The director of the Office of Management received cross-training in January 2006. The director, who has management and supervisory responsibilities for the Budget and Finance

Division, attended training on the Government-wide Accounting (GWA) Account Statement application to enable her to support the chief of the Budget and Finance Division. Other similar opportunities for appropriate cross training will be explored during FY06.

- Budget planning and execution training will be provided to the chief of the Budget and Finance Division during FY06 consistent with existing budgetary resources.

The knowledge gap and the lack of transition planning identified in the audit report were addressed by the use of GSA as the Commission's accounting services provider, and the development of formal written policies and procedures to ensure complete, accurate, and timely processing of financial information. In FY05 and early FY06, the Commission issued new financial management policies, procedures, and goals, in the form of Administrative Instructions:

- Administrative Instruction 3-1, *Performance Budget Formulation*.
- Administrative Instruction 3-2, *Budget Execution*.
- Administrative Instruction 3-6, *Management of Project Accounting Codes*.
- Administrative Instruction 3-14, *Official Travel*.
- Administrative Instruction 3-16, *Updated Guidelines for Non-Salary Related Expenditure Transactions*.

AI 3-1, *Performance Budget Formulation*, ensures timely and more complete budget estimate submissions to OMB by the Commission, and AI 3-2, *Budget Execution*, creates accountability and specificity regarding financial management and clarifies agency operating goals, principles, and processes. These new policies also strengthen the ability of the agency to accurately monitor and track its financial resources, including detecting violations of the Anti-Deficiency Act. Newly revised AI 3-6 updates the Commission's project accounting code system to provide management with cost information to support decision-making related to program planning, program activity (i.e., hearings, briefings, investigations, reports, etc.) management and evaluation, and budget and fiscal accountability.

AI 3-14 establishes that an approved travel authorization is necessary prior to creating any travel obligation, establishes that vouchers must be submitted within 5 working days following completion of travel, and establishes that all Commission travelers require adequate documentation of travel expenditures. Furthermore, it establishes criteria for determining what constitutes an allowable travel expense, and creates review/approval/certification authority and procedures.

Finally, AI 3-16, related to budget AI 3-1 and AI 3-2, provides a detailed list of specific activities required to ensure that Commission non-salary related transactions are properly authorized, approved, and supported by appropriate documentation. This AI directs, for example, that accounts be periodically reviewed, that support for financial transactions be maintained, and that transactions be promptly processed.

Training is only as effective as the ability of the agency to accurately identify training needs and gaps in staff skill sets. In 2005, the Commission developed a draft *Strategic Human Capital Plan* and a *Human Capital Accountability System* in order to assess employee skills, identify training needs, and hold staff accountable for their performance. Additionally, the Commission conducted a human capital skills assessment with assistance from OPM to identify where improvements were needed in the skill sets required to fulfill the Commission's mission. Implementation is expected in late FY06, contingent upon approval of the draft strategic plan, and future assessments will be conducted consistent with applicable OPM policies.

Finding: The Commission Has Not Complied with the Accountability of Tax Dollars Act of 2002

Background:

The Commission did not comply with the Accountability of Tax Dollars Act of 2002 and OMB Bulletin 01-09 "Form and Content of Agency Financial Statements" that require the Commission to submit audited financial statements to OMB by November 15, 2004. The Commission contracted with an independent accounting firm to audit the FY04 financial statements; however, no report was issued. OMB waived the requirement for financial statements for FY03. Also, the Commission did not provide quarterly unaudited financial statements to OMB for FY04 and FY05.

Recommendation:

It was recommended that the Commission institute policies and procedures to ensure that:

- Audited financial statements are prepared and provided to the appropriate oversight agencies by November 15th annually.
- Quarterly unaudited financial statements are provided to OMB in accordance with OMB requirements.

Action Plan:

To ensure that an auditing firm is timely selected and that the audit report is completed before the November 15 submission date, the Commission will engage in early acquisition planning beginning with the FY06 audit. In February of each year, beginning in 2006, the Administrative Services and Clearinghouse Division will create and commence execution of a procurement action plan for the annual audit that will include timelines for key procurement actions leading to the completion of the following phases: consultation with the Budget and Finance Division, solicitation of bids, evaluation of bids, selection/award of the contract, and PAR production and/or delivery plans. In addition, the Commission will create a formal checklist in FY06 for the budget chief to use when preparing and gathering necessary information for the audit of its financial statements.

To facilitate the likelihood that an opinion will be issued on all of the Commission's financial statements for FY06, the Commission contracted the services of an accounting firm to provide audit preparation and consultation services. The primary goal of these consulting services is to reasonably ensure that all Commission financial statements for FY06 are auditable. In general, the consultants will:

- Conduct a wider, systemic review of Commission financial operations to identify areas in need of improvement not previously noted in reports by GAO and in the FY05 audit report.
- Recommend additional corrective measures based on a review of the Commission's financial operations.
- Assist the Commission in developing additional written policies and procedures for business functions and processes, as determined to be necessary, so that staff understand their roles and responsibilities, and agency processes.
- Test and provide feedback on the sufficiency of previously established policies and procedures.

- Ensure that the Commission has procedures in place to review monthly and quarterly financial reports prepared by GSA for propriety, and to monitor GSA adherence to its Memorandum of Understanding (MOU) with the Commission.
- Assist the Commission with implementation of corrective actions related to FY05 reportable conditions.

To ensure that quarterly unaudited financial statements are provided to OMB in accordance with OMB requirements, key Commission management officials worked closely with OMB and GSA in late FY05 on various aspects of internal control, and internal and external reporting requirements. Further, as defined by the MOU with the Commission, GSA prepares and submits the following reports on behalf of the Commission for FY06:

- Statements of Transactions (monthly, SF-224),
- FACTS II (quarterly),
- FACTS I and II (annually),
- SF-133 (quarterly),
- Accountability of Tax Dollars Act Financial Statements,
- Yearend Closing Statements (annually, SF-2108), and
- Receivables Due the Public.

Finding: Commission Travel Expenses Are Not Properly Supported

Background:

In FY05 the Commission's processing of travel vouchers was inefficient because it required the manual preparation of a voucher; manual transfer of voucher information onto GSA forms; and the transfer of disbursement information by facsimile or Federal Express to the accounting service provider and GSA. Furthermore, the Commission did not have adequate documentation to support expenses reported.

Recommendation:

It was recommended that the Commission revise policies and procedures to:

- Ensure that supervisors and the Budget and Finance Division carefully review travel vouchers for adequate supporting documentation and proper authorization.
- Ensure that all travel vouchers and supporting documentation are properly maintained.

Action Plan:

In early FY06, the Commission converted to the use of GSA's web-based travel management system referred to as TMR. All employees in the headquarters office of the Commission can access the system, and all regional offices should have full access by March 2006. Currently, employees outside of headquarters send their manual forms to headquarters for entry. This system has reduced errors in travel authorizations, requests for reimbursement, delays in reimbursement, and collection of overpayments. The TMR system identifies inconsistent and potentially erroneous travel information, ensures prompt payment, and automatically calculates interest if a payment is late under the Prompt Payment Act.

The Commission also created a new travel policy that is consistent with the requirements of GSA's *Federal Travel Regulation (FTR)*. Administrative Instruction 3-14, *Official Travel*, delegates and describes responsibilities related to submitting travel authorizations and vouchers, and approving and certifying authorizations and vouchers. It also describes the documentation required to support travel claims, creates timelines for submitting and processing travel documents, creates master travel file maintenance responsibilities, and establishes guidance in other areas related to official travel.

Finding: Commission Policies and Procedures Need Improvement

Background:

The Commission does not have formal written procedures for Fund Balance with Treasury (FBWT) reconciliations and the related reporting to the Department of the Treasury. Also, written procedures governing the procurement of goods and services and budget preparation are too general or are incomplete.

Recommendation:

It was recommended that the Commission:

- Revise and reissue written policies and procedures that provide additional specificity related to FBWT reconciliation, financial reporting, interagency reporting, and travel.

Action Plan:

The Commission revised several AIs with input and guidance from GSA and OMB during FY05 and FY06. The Commission recently revised its AI 3-2, *Budget Execution*, to include policies and procedures relating to FBWT reconciliations to ensure that the procedures clearly specify what GSA's role is in performing reconciliations and what procedures the Commission uses when reviewing the data that supports reconciliations. Fund Balance with Treasury reconciliations are performed by GSA, the Commission's accounting services provider, as part of the services provided in accordance with the MOU. The Commission's accounting services provider sends the reconciliation to the Commission 3-5 business days before it is due to Treasury.

Consistent with this MOU and Commission AI 3-2, issued in January 2006, the agency's accounting services provider is responsible for preparing and entering the reports required by Treasury and OMB for the Commission's good standing. The financial reports prepared by GSA include:

- Statement of Transactions (SF-224, monthly),
- FACTS I and FACTS II (annually),
- FACTS II (quarterly),
- SF-133 (quarterly),
- Accountability of Tax Dollars Act Financial Statements,
- Yearend Closing Statements (SF-2108), and
- Receivable Due the Public.

AIs on budget formulation and execution, travel regulations, and project coding were finalized and implemented in FY06 as discussed earlier in the Corrective Action Plan. In addition, the Commission's *Procurement and Acquisition Guide*, issued in January 2006, ensures that procurement is conducted in a manner above reproach with complete impartiality and without preferential treatment for any group or individual, provides the basics for reasonably ensuring that the Commission's procurement activities are conducted efficiently and economically, and is consistent with the FAR. Guidance is provided on Commission delegations of authority, review and approval requirements, simplified acquisition methods used by the agency, simplified acquisition procedures and requirements, Prompt Payment Act requirements, vendor/contractor performance evaluation, file documentation and maintenance, Federal Procurement Data Center reporting, and

other matters. It also includes Commission forms and checklists to ensure documentation of procurement activities, appropriate competition, determination of price reasonableness, and compliance with applicable provisions of the *Federal Acquisition Regulation (FAR)*.

When used in conjunction with AI 4-16 (*Acquisition Management*), AI 4-16A (*Micro-Purchasing*), and AI 4-21 (*Updated Guidelines for Procurement of Goods and Services*) the guide enhances staff knowledge of the Commission's overall procurement and acquisition process.

Finding: The Commission Has Not Complied with the Federal Financial Management Improvement Act (FFMIA)

Background:

The Commission did not have an integrated financial management system and consequently used several cuff records and various systems to manage its operations. The Federal Financial Management Improvement Act (FFMIA) requires an integrated financial management system.

Recommendation:

It was recommended that the Commission:

- Assess their financial management systems to ensure that the systems are compliant with the FFMIA including JFMIP standards and OMB Circular A-127.
- Assess controls in place over manual processes surrounding the systems to ensure completeness and accuracy.
- Review services provided by the new accounting services provider to ensure they meet the Commission's reporting requirements.

Action Plan:

FFMIA requires agencies to implement and maintain financial management systems that are in substantial compliance with OMB Circular A-127, JFMIP requirements, federal accounting standards, and the United States Government Ledger (SGL) at the transaction level. Effective October 1, 2005, the Commission acquired GSA's Heartland Financial Center as its accounting services provider. GSA uses the Pegasys system that is fully compliant with JFMIP. GSA also complies with OMB Circular A-123 and the responsible systems managers and financial management officials have evaluated GSA's financial management systems in accordance with OMB Circular A-127.

In an effort to ensure full compliance with FFMIA, and to address other information technology needs, the Commission is currently advertising an Information Technology Specialist vacancy with the intent to hire during FY06. The IT specialist will serve as the leading technical and IT policy authority within the Commission and will perform a wide range of services related to the management of the Commission's IT resources and technology, including those related to the Commission's financial systems. One of the responsibilities of the IT specialist will be to review and assess the SAS 70 reports of GSA's Pegasys system and NFC's payroll system. This review should determine whether the two external systems, in conjunction with any manual processing and review performed by the Commission, ensure that the Commission's overall financial management system is FFMIA compliant. If not, the IT specialist will determine the appropriate corrective action. The IT specialist is also responsible for Federal Information Security Management Act (FISMA) compliance and reporting.

FISMA, passed in 2002 as part of the Electronic Government Act, provides a framework for ensuring the security of federal information and assets. The IT specialist will write the FISMA report to summarize the results of annual IT security reviews of systems and programs, and any progress the Commission has made toward fulfilling their FISMA goals and milestones. The IT specialist will be responsible for utilizing extensive knowledge of IT standards, specifications, policy and programming to implement the necessary technical and administrative processes.

In addition ensuring the security of information, the Commission will also ensure the accuracy of its financial information. During FY06, from in or about February through in or about June 2006, the Commission and its financial management consultants, with the cooperation of GSA, will assess the clarity and consistency of its controls and their effectiveness in producing information that can be relied upon by program managers and other decision-makers. The financial consultant's report on Commission financial management will be issued in FY06.

Commission management officials, working closely with officials at OMB and Treasury, will monitor the quality, timeliness, and sufficiency of required internal and external reports prepared and submitted by GSA on behalf of the Commission. As defined by the MOU with the Commission, GSA will prepare and submit the following reports on behalf of the Commission for FY06:

- Statement of Transactions (monthly SF-224),
- FACTS I and II (annually),
- FACTS II (quarterly),
- SF-133 (quarterly),
- Accountability of Tax Dollars Act Financial Statements,
- Yearend Closing Statements (annual SF-2108), and
- Receivables Due the Public.

Finding: No SAS 70 Review of NetSuite was Performed

Background:

The Commission does not have its own accounting system and during FY05 the Commission contracted with an accounting service provider to provide accounting services that included use of the NetSuite application as its general ledger. The accounting service provider had not conducted an internal control review of the application nor had the Commission directed its third party service provider to have a review conducted in accordance with federal system requirements.

Recommendation:

It was recommended that the Commission:

- Ensure that all service providers used by the Commission perform a Statement on Accounting Standards (SAS) 70 review each fiscal year. If no review is to be performed, then the Commission should direct that an internal control review be performed.

Action Plan:

The SAS 70 provides guidance to organizations that outsource accounting tasks to service organizations. A SAS 70 review represents that a service organization has undergone an in-depth audit of their control activities, which generally include controls over information technology and related processes. SAS 70 is the authoritative guidance that allows service organizations to disclose their control activities and processes to their customers and their customer's auditors in a uniform reporting format. OMB mandated for FY06 that all federal agencies providing financial cross servicing to other federal agencies have a SAS 70 review performed on their financial systems.

Effective October 1, 2005, GSA became the Commission's accounting service provider and the NetSuite application is no longer used. GSA, though not the Commission's accounting services provider for FY05, reports having undergone a SAS 70 review as OMB has mandated. The SAS 70 review for FY06 is currently pending; however, the Commission has already requested a copy of the report and will follow-up with GSA if the report is not received by March 2006. The agency's MOU with GSA provides that the FY06 cost of the SAS 70 review is included in the base price for GSA's accounting services.

The Commission uses NFC for payroll processing and NFC's most recent SAS 70 review report is posted on their website. A copy will also be maintained on file by the Commission.

The SAS 70 reviews of GSA's Pegasys and NFC's payroll system allow the Commission to receive valuable information regarding the controls and the effectiveness of the controls within these systems. The results of these SAS 70 reviews lend credibility to the integrity and reliability of the Commission's accounting information. Further, the SAS 70 review reports will greatly assist the Commission's auditors in planning the audit of the Commission's financial statements.

**Motion to Approve the FY 2006 Statutory Enforcement Report on
Reauthorization of the Temporary Provisions of the Voting Rights Act**

I move that the Commission approve the draft report on reauthorization of the temporary provisions of the Voting Rights Act, together with any concurring or dissenting Commissioners' statements received within two weeks, as the agency's statutory enforcement report for FY 2006. This draft report was distributed to Commissioners on Friday, March 3, 2006.

Motion for 03/10/06 Commission Meeting

- **Motion to Approve Campus Anti-Semitism Findings and Recommendations**

I move that the Commission approve the revised findings and recommendations resulting from the November 18, 2005 briefing on campus Anti-Semitism. These revised findings and recommendations were circulated to Commissioners on February 9, 2006 and again on March 3, 2006.

Findings

1. Many college campuses throughout the United States continue to experience incidents of anti-Semitism. This is a serious problem which warrants further attention. While incidents of threatened bodily injury, physical intimidation or property damage are now rare, they have been alleged on some campuses. On other campuses, students have alleged patterns of threatening or intimidating behavior, derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry. When severe, persistent or pervasive, this behavior may constitute a hostile environment for students in violation of Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal funds from discriminating against beneficiaries on the basis of race or national origin, and, depending on the facts, anti-Semitism may be considered a form of racial or national origin discrimination.
2. On many campuses, anti-Israeli or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation. This has included, for example, anti-Israel literature that perpetuates the medieval anti-Semitic blood libel of Jews slaughtering children for ritual purpose, as well as anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial. It is often difficult to determine what constitutes "legitimate speech." Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.
3. There is evidence that suggests many university departments of Middle East studies provide one-sided, highly polemical academic presentations and some may repress legitimate debate concerning Israel. This would include, for example, any program in which a student is told that her voice may not be heard in a discussion of Middle East politics on the ground that she has ethnic Jewish physical characteristics.

Recommendations

1. To the extent race, color or national origin are involved, OCR should continue to protect college students from anti-Semitic and other discriminatory harassment by vigorously enforcing Title VI against recipients that deny equal educational opportunities to all students.
2. University leadership should affirm their commitment to equal educational opportunity, including ensuring that students are not subjected to a hostile environment on the basis of race, color, national origin or religion.
3. University leadership should ensure that students are protected from actions that could engender a hostile environment in violation of federal law. In addition, university leadership should set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.
4. University leadership should ensure that all academic departments, including departments of Middle East studies, maintain academic standards, respect intellectual diversity, and ensure that the rights of all students are fully protected. Federal grant-making institutions should exercise appropriate oversight to ensure that federal funds are not used in a manner that supports conduct that violates Title VI.
5. Many college students do not know what rights and protections they have against anti-Semitic behavior that is based on race or national origin. OCR should conduct a public education campaign to inform college students of the rights and protections afforded to them under federal civil rights laws, including the right of students to be free from anti-Semitic harassment that is based on race or national origin. The U.S. Commission on Civil Rights will support this campaign by producing and disseminating materials to inform students of these rights.